

RTI Model Using the Exclusion from Supplement not Supplant Provision In a Title I Targeted Assistance Program

The supplement, not supplant, requirement is a key regulation in the *No Child Left Behind* (NCLB) Act. Supplement, not supplant, means that Title I funds are used to implement programs and services that would not be available if it were not for these federal funds. In other words, if Title I funds were not available to do this activity, the district would not do it.

Typically, if programs or activities are being implemented in schools that do not receive Title I funds AND are being paid for with state or local funds AND these programs or activities are being paid with Title I funds in Title I buildings, then a supplanting violation had occurred. However, Section 200.79 of the federal regulations makes a special exception for supplemental state and local funds from the supplement, not supplant, requirement.

An LEA may exclude from its compliance with the supplement, not supplant, requirement, any supplemental state or local funds expended in any school for programs that meet the intents and purposes of Title I Part A. A targeted assistance-like program meets the intent and purpose of Title I if it:

- Uses the state's assessment system under Section 200.2 to review the effectiveness of the program,
- Serves only students who are failing, or most at risk of failing, to meet the state's challenging student academic achievement standards, and
- Provides supplementary services designed to meet the special educational needs of the students who are participating in the program to support their achievement toward meeting the state's student academic achievement standards.

Considerations

Although the federal regulations allow for this exclusion from the supplement, not supplant requirement, districts must keep in mind the following key point:

- Districts must be able to provide documentation that the program or activity is funded by supplemental local funds, specifically set aside for this purpose. Documentation would most likely be in the form of board minutes outlining the amount of supplemental local funds set aside and defining their purpose. In addition, the documentation should indicate the amount they set aside, lists the building to receive the funds, and specify the purpose of the funds.

The following sample depicts the type of language that should be used in board minutes: "Discussion was held regarding the needs of at-risk students at Anytown Elementary School. It was moved, seconded, and approved to use supplemental local funds, in the amount of \$ _____ for the 2008-2009 school year to provide an intervention specialist at the following elementary school(s). The purpose of these funds is to provide supplemental services for at-risk students to support their achievement toward meeting the state's student academic achievement standards."

