

## Supplement not Supplant

### **Title II, Part A: Teacher and Principal Training and Recruiting Fund, Sections 2113(f) and 2123(b)**

Under the Federal “supplement not supplant” requirement, LEAs may use Federal funds only to supplement and, to the extent practical, increase the level of funds that would, in the absence of the Federal funds, be made available from non-Federal sources for the education of participating students. In no case may a school district use Federal program funds to supplant—take the place of—funds from non-Federal sources.

Funds from NCLB Title programs are to be supplemental in nature.

- If these funds are **used to provide something that is required by local, state law or polity or other federal law** then supplanting occurs and a district may have to pay the funds back to the program if discovered in an audit.
- Another way that supplant happens is if a school system **uses federal funds to pay for something that has previously been paid from local funds.**

These presumptions are refutable if the LEA can demonstrate that it would not have been able to provide the services in question with non-Federal funds had the Federal funds not been available.

For example, suppose that an LEA in past years had used State or local funds to pay the salaries of certain personnel. The LEA that experienced a significant loss of revenue from one year to another might be able to demonstrate that the use this year of Federal program funds to pay for these (which are otherwise allowable under the Federal program statute), would not be supplanting because, without the Federal funds, it would not have the resources needed to maintain these positions. This exception can also be used where the services are mandated by State law.

Because of the importance of the supplement/supplant requirement, it is very important that LEAs maintain good fiscal records and other documentation that will permit an auditor or program monitor to conclude that they have overcome a presumption that supplanting has occurred.

#### *Supplant Examples:*

1. Using federal funds to pay for a position that was previously supported by local and state funds;
2. Using federal funds to pay for materials or activities that are the district’s responsibility;
3. Using federal funds to pay for the activities or materials in one school that are paid for with state and local funds in other district schools.