



## FAST FACTS

### Supplement, Not Supplant – A Fiscal Analysis

#### Overview

The supplement, not supplant requirement is a key regulation in the *No Child Left Behind* (NCLB) Act. Many school districts struggle in understanding the concepts behind the supplement, not supplant requirement and how it relates to fiscal requirements.

When school districts are monitored, Title III related expenditures are reviewed. The supplement, not supplant regulation is taken into consideration during this review. If the monitor determines there has been a supplanting violation, the school district may have to repay Title III funds relating to this issue. In addition, violations of the supplement, not supplant requirement could affect a school district's future Title III allocations.

#### Definition

In general, to supplement, not supplant means Title III funds are used to implement programs and services that are above and beyond the core English language instruction education program the school has in place.

#### Supplement, Not Supplant Tests

When determining whether a fiscal expenditure supplements and not supplants, school districts can check using these tests:

- ✓ **Test I: Required** – Is the program or activity the district wants to fund required under state, local, or another federal law? If it is, then it is supplanting.
- ✓ **Test II: Equivalency** – Were state or local funds used in the past to pay for this program or activity? If they were, it could be supplanting.

If an expenditure does not pass any of the above tests, then it is presumed Title III funds are supplanting state and or local funds.

#### Document, Document, Document

It is possible for a school district to have a particular expense that *may look like* supplanting, but in actuality it is not. Districts in this scenario must be sure to provide adequate documentation. This documentation would need to prove how the three tests outlined above have been passed; including:

- Documentation indicating Title III funds are supplementing a core ELL program funded by local funds.

If you have questions regarding this issue, please contact the Office of Indian/Multicultural Education at (701) 328-1876.