



MEMO ON NEW SUPPLEMENT NOT SUPPLANT INFORMATION FROM U.S. DEPARTMENT OF EDUCATION:

New Supplement Not Supplant Information from U.S. Department of Education Does Not Change Uses of Title I, Part A Funds for Students Experiencing Homelessness

On June 16, 2019, the U.S. Department of Education (ED) issued a Non-Regulatory Information Document entitled, “Supplement Not Supplant Under Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act.”

Under the Every Student Succeeds Act (ESSA), federal Title I, Part A funds must add to the state and local funds schools already receive, without taking the place of any of those dollars. This provision is known as “Supplement Not Supplant.”

The new Informational Document outlines how ED will determine whether local educational agencies (LEAs) have supplanted state or local funds with Title I, Part A funds. Under ESSA, an LEA’s allocation of state and local funds to schools is examined *as a whole* to ensure that Title I, Part A funds supplement, and do not supplant, state and local funds. In other words, ED cannot require an LEA to identify whether any individual cost or service supported with Title I, Part A funds is supplemental. This provision applies to *all* Title I schools, including schoolwide program and targeted assistance schools. It also applies with respect to Title I resources not allocated to schools.

To demonstrate compliance with the supplement not supplant requirement in any Title I school and the LEA as a whole, an LEA no longer can be required to use the three presumptions that ED previously had used to determine whether a specific use of Title I, Part A funds constitutes supplanting.¹ Rather, supplanting will be determined by the allocation of state and local resources to schools and whether such resources are allocated without regard to a school’s Title I status. An LEA must show only that the methodology used to allocate state and local funds to schools receiving Title I, Part A funds results in each Title I school receiving all of the state and local funds it would otherwise receive if it were not receiving Title I, Part A funds.

In other words, an LEA’s methodology must be “Title I neutral,” in that it allocates state and local funds to schools without regard for Title I status. Funds other than public state and local funds, such as private contributions, fundraising, and parent fees, are not part of determining compliance with the supplement not supplant requirement, unless the state or LEA requires that they be included.

¹ The three presumptions previously applied by the Department of Education to determine whether Title I, Part A funds had been used to supplant State or local funds were:

- (1) Was the activity supported with Title I, Part A funds required by State or local law?
- (2) Was the activity supported with Title I, Part A funds supported in a prior year with State or local funds?
- (3) Was the activity supported with Title I, Part A funds in a Title I school supported with State or local funds in a non-Title I school?

ED's Information Document does not impact ESSA's provisions regarding the use of Title I, Part A funds to support students experiencing homelessness. Specifically, the following provisions remain unchanged:

- Children and youth experiencing homelessness are automatically eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic standards required of other children for eligibility. 20 U.S.C. §6315(c)(2)(E).
- Local Title I plans must describe how the plan is coordinated with the McKinney-Vento Act, as well as the services the LEA will provide to support the enrollment, attendance, and success of children and youth experiencing homelessness, including services provided with the Title I homeless reservation. 20 U.S.C. §6312(b)(6).
- All LEAs that receive Title I Part A funds must reserve funds to support students experiencing homelessness. 20 U.S.C. §6313(c)(3)(A).
- The amount of Title I funds reserved for children and youth experiencing homelessness may be determined based on a needs assessment, and must be based on the total allocation received by the LEA and reserved prior to any allowable expenditure of transfers by the LEA. 20 U.S.C. §§6313(c)(3)(B) and (C)(i).
- Title I funds reserved for children and youth experiencing homelessness may be used for services not ordinarily provided by Title I, including local liaisons and transportation to the school of origin. 20 U.S.C. §6313(c)(3)(C)(ii).
- Title I funds reserved for children and youth experiencing homelessness may serve both students who attend non-Title I schools and those in Title I schools in need of services not ordinarily provided to other Title I students. ED (August 8, 2018). *Education for Homeless Children and Youths Program Non-Regulatory Guidance*, M-5.

A two-page summary of the homelessness-related provisions in Title I, Part A of the Elementary and Secondary Education Act, as amended by ESSA, may be downloaded [here](#).