

Title II Part A: Supplement Not Supplant



Provision 2 CFR §200.403(d); ESEA/ESSA, Sec. 2301, 8521©; FP Handbook Chapter 4; Audit Compliance Supplement

Federal law states that, “Funds made available under this title shall be used to supplement, and not supplant, non-federal funds that would otherwise be used for activities authorized under this title.”

To clarify, Title II, Part A funds may be used only to supplement educational program activities provided with state and local funds. The LEA may not use Title II, Part A funds to pay for activities that, in the absence of these funds, would be provided with state and local funds. Title II, Part A funds may be used to fund only the professional development activities that supplement those mandated locally or by the state and can supplement those discretionary professional development activities that the LEA would fund in the absence of other local and/or state funding sources.

In the following instances, it is presumed that supplanting has occurred if:

- The LEA used Federal funds (except Bilingual) to provide services that were required under other Federal, state or local laws.
Note: The rule is that all available local, state, or non-federal funds must be spent to provide a service required under other Federal, state, or local laws before funds may be used to provide that service. For example, suppose that a state law requires and funds professional development to improve teacher knowledge of core academic subjects, which is an allowed local use of Title II, Part A funds under ESEA/ESSA Sec. 2103(b). LEAs would be expected to expend all state funds first, after which they could use funds for additional professional development of this sort – which is supplementing. Otherwise, if Title II, Part A funds were used while state funds were still available, the USDE would presume that the Title II, Part A funds were being used to free up the state funds for other uses – which is supplanting.
- The LEA used Federal funds to provide services that were provided with non-federal funds in the prior year.

These presumptions are rebuttable if the LEA can demonstrate that it would not have provided the services in question with non-federal funds had the Federal funds not been available.

Precipitous Decline: Documenting the LEA is Supplementing and Not Supplanting Funds

The LEA’s finance department should consult with the GaDOE if it is faced with precipitous decline. On a program level, if it appears that there is a question as to whether or not the LEA is supplanting in a case of precipitous decline, the Title II, Part A Program Office recommends that LEAs write a narrative explaining how funds will be used to supplement the current fiscal year budget that has been reduced since the previous year. These items, along with supporting documentation, should be placed in a file that would be available in the event of an audit. Coordinators should discuss the local circumstances with their Title II, Part A specialist to determine if supplementing with Title II, Part A funds is viable in the event of fund reductions from other sources.

Requirements are further explained in the Federal Programs Handbook – Overarching Requirements for All Federal Programs.