



## SUPPLEMENT, NOT SUPPLANT

### Compliance Under the Every Student Succeeds Act

#### BACKGROUND

Under the No Child Left Behind Act of 2001 (NCLB), the supplement, not supplant (SNS) requirement was met if individual Title I costs passed the presumptions of supplanting test for the use of the Title I funds. A Title I supplanting violation was presumed if Title I, Part A paid for:

1. An activity required by federal, state, or local law; or
2. An activity funded by state or local funds in the prior year; or
3. Services for Title I students that state and local funds provide for non-Title I students.

#### CHANGES

The passage of the Every Student Succeeds Act (ESSA) in December of 2015 changed the way that compliance with the SNS requirement is determined. Compliance at the school level is no longer tested by applying the presumptions test to individual Title I-A costs (or, therefore, to Schoolwide or Targeted Assistance Programs). Nevertheless, ESSA still requires that Title I-A funds supplement, rather than supplant, state and local dollars.

The new Title I-A supplanting test focuses on establishing a compliant *methodology* for the distribution of state and local funds to schools. Local Educational Agencies (LEAs) must demonstrate that the methodology used to allocate state and local funds to Title I schools ensures that each school receives all of the state and local funds it would otherwise receive if it were not receiving Title I funds. LEAs are not required to identify individual costs or services at the school level as supplemental or provide services using a particular instructional method or setting to demonstrate SNS compliance. The methodology is not required for single school LEAs or LEAs that have only one school per grade span, regardless of whether the schools are Title or non-Title.

Despite this change at the school level, ED will still apply a specific cost test for expenditures at the district level. All districtwide expenditures must be allocated in a way that is neutral to whether a school receives Title I funds. When a LEA uses state and local funds for districtwide expenditures, the district must be able to demonstrate that it allocates its district level state and local resources between Title I and non-Title I schools in a way that does not take into account whether those schools receive federal Title I dollars.

#### METHODOLOGY: DEFINITION & GUIDANCE

The term “methodology” refers to the manner in which state and local (non-federal) funds are allocated to schools. The U.S. Department of Education is not authorized or permitted to prescribe the specific methodology a LEA uses to allocate state and local funds to each school receiving assistance under Title I, Part A. ED has yet to provide non-regulatory guidance concerning SNS requirements or a timeline for doing so.

The Mississippi Department of Education (MDE) acknowledges that there are multiple ways a LEA may allocate state and local funds to schools, and that methodologies may vary from district to district depending upon local decisions and board policies. MDE does not require LEAs to implement a specific methodology to allocate state and local funds to its schools, as long as the methodology is neutral regarding the Title I statuses of its schools and is implemented consistently among them. MDE only requires LEAs to demonstrate that the methodology used to allocate state and local funds to schools receiving assistance under Title I, Part A ensures that those schools receive all of the state and local funds they would otherwise receive if they were not receiving Title I, Part A assistance.

MDE recognizes four methodologies:

1. Distribution of non-federal (state and local) resources based on grade span
2. Distribution of non-federal (state and local) resources based on weighted per pupil allocations
3. Distribution of non-federal (state and local) resources based on staffing and supplies
4. LEA adopted methodology

#### NOTE

---

*ESSA allows an exemption for supplemental state and local (non-federal) funds expended in any school for programs that meet the intent and purpose of Title I, Part A. For example, if an LEA utilizes supplemental state and local (non-federal) funds to provide a schoolwide program in a non-Title I school, these funds may be excluded from the supplanting determination. Since Mississippi provides no such supplemental funds to LEAs, they may not claim the exemption.*

## Demonstration of Compliance

Since MDE is responsible for verifying compliance with ESSA's SNS requirements, every LEA is required to provide:

- (a) An assurance stating that it is in compliance with the provisions of section 1118(b) of ESSA;
- (b) An indication of the type of methodology adopted and implemented for the allocation of state and local (non-federal) funds to all its schools; and
- (c) A narrative description of the methodology indicated in (b).

LEAs must submit these items annually to MDE for the duration of the Title I, Part A program under ESSA, unless a LEA adopts or implements a revised methodology for allocating state and local (non-federal) resources during the year. Upon adoption or implementation of a revised methodology, LEAs are required to provide an updated demonstration of compliance form to the Office of Federal Programs.

LEAs that have only one school or LEAs that have only one school per grade span, with no grades overlapping in two or more schools, are required to submit an assurance but need not provide additional methodology requirements. These LEAs should select the appropriate box on the methodology form and return it to MDE.

The SNS Methodology Form must be submitted no later than **July 31, 2019**. LEAs will not receive final approval of the 2019-20 Consolidated Federal Programs Application until MDE has verified that the LEA is in compliance with this requirement. MDE will verify compliance with demonstration requirements during FY20 monitoring.

**SNS Methodology Form**

LEA NAME		DISTRICT CODE	
-------------	--	------------------	--

**PURPOSE**

The purpose of this form is to collect information required to verify that each Local Education Agency (LEA) is in compliance with the demonstration requirements regarding SNS under the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act of 2015 (ESSA). To ensure all LEAs in Mississippi meet these requirements, each LEA must submit the following:

1. An assurance stating the LEA is in compliance with the provisions of section 1118(b) of the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act of 2015 (ESSA);
2. An indication of the type of methodology the LEA has adopted and is implementing in regard to the allocation of state and local (non-Federal) funds to all schools; and,
3. A narrative description of the methodology.

**INSTRUCTIONS**

The executed SNS Methodology Form must be submitted no later than **July 31, 2019**. The LEA will not receive final approval of the 2019-20 Consolidated Federal Programs Application until MDE has verified that the LEA is in compliance with this requirement. MDE will verify compliance with demonstration requirements during FY19 monitoring.

**NOTE**

---

*The LEA is required to provide the SNS methodology requirements to MDE annually for the duration of the Title I, Part A program under ESSA, unless the LEA adopts or implements a revised methodology for allocating state and local (non-federal) resources during the year. Upon adoption or implementation of a revised methodology, the LEA is required to provide an updated demonstration of compliance form to the Office of Federal Programs.*

## SNS Methodology Form

In consideration of participating in a Title I, Part A program(s) for which federal funds are made available and of receiving federal funds to carry out any such program(s), the

\_\_\_\_\_ (LEA NAME) provides the following to the Mississippi Department of Education:

*(The LEAs only complete section a or b, as applicable.)*

a. For LEAs with a single school or only one school per grade span:

**(1)** An assurance that it is in compliance with the supplement, not supplant provisions of section 1118(b) of, and referenced throughout, the Every Student Succeeds Act.

***No further action is required beyond the assurance.***

b. For LEAs with more than one school per grade span:

**(1)** An assurance that it is in compliance with the supplement, not supplant provisions within section 1118(b) of, and referenced throughout, the Every Student Succeeds Act;

**(2)** An indication that it has adopted and implemented the following methodology to allocate state and local (non-federal) funds to all schools in the LEA, regardless of Title I status (*select only one*);

- ☐ Distribution of non-federal (state and local) resources based on grade span
- ☐ Distribution of non-federal (state and local) resources based on weighted per pupil allocations
- ☐ Distribution of non-federal (state and local) resources based on staffing and supplies
- ☐ LEA adopted methodology

**(3)** A narrative description of the methodology indicated above in (2).

### NOTE

*The LEA must provide the narrative description indicated above in the text box below or attach an addendum hereto.*

Upon adoption or implementation of a revised methodology, the LEA is required to provide an updated SNS Methodology Form to the Office of Federal Programs.

Compliance with the provisions of these assurances and descriptions, including any addenda or external documents referenced herein, constitutes a condition of continued receipt of federal financial assistance and is binding upon the LEA, its successors, transferees and assignees for the duration of the program.

In the event of failure to comply with these conditions, it is understood that funds can be terminated and the right to receive further assistance may be denied.

---

Signature of Federal Programs Director

---

Date

---

Signature of Business Manager

---

Date

---

Signature of Superintendent

---

Date