

# Supplement not Supplant Title I, Part A

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- New rules for Title I, Part A
  - Section 1118 (b) (1) Federal funds must be used to supplement and in no case supplant state, and local resources
  - Section 1118 (b) (2) To demonstrate compliance, the LEA shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part (Title I, Part A) ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.

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- No LEA shall be required to:
  - Identify individual costs or services as supplemental; or
  - Provide services through a particular instructional method or in a particular instructional setting to demonstrate compliance
  - We may not prescribe the specific methodology a LEA uses to allocate State and local funds to each Title I school.

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- Timeline
  - A LEA shall meet the compliance requirement not later than 2 years after the date of enactment of ESSA (December 10, 2017)
    - Beginning with the 2018-19 school year documentation will be submitted with the consolidated grant application in GPS

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- Costs should include
  - Only expenditures that directly affect instructional practices in a school should be included
  - Federal funds should not be included in the calculation
    - Only state and local funds

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- Include
  - Teachers & Paraprofessionals
    - Salary, Benefits, Supplements
  - Instructional Materials
    - Supplies, Technology, Textbooks
  - School Administration
    - Principals and Other School Administration
  - School Counselors
  - Librarians
  - Professional Development

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- Exclude
  - Debt Service
  - Capital Expenditures
  - Insurance
  - Food Service
  - Maintenance
  - Utilities
  - Transportation
  - Athletic/Extracurricular
  - Districtwide Activities (ex. district administration, curriculum development)
  - Summer School Programs (that serve students across the district)

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- Methodology Samples
  - Weighted Per Pupil Formula
    - Based on characteristics of students (ex. Poverty, ELLs, SWDs)
  - Distribution Based on Personnel and Non-Personnel Resources
    - Average districtwide salary for each category of school personnel
      - Multiplied by the number of school personnel
    - The average districtwide per-pupil expenditures for non-personnel
      - Multiplied by the number of students in the school

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- **Option 1: Distribution of non-Federal resources based on characteristics of students (“weighted per pupil” funding formula)**
  - Assumptions:
    - Allocation/student = \$7,000
    - Additional allocation/student from a low-income family = \$250
    - Additional allocation/English Learner = \$500
    - Additional allocation/student with a disability = \$1,500
    - Additional allocation/preschool student = \$8,500

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- In a school of 450 students, including 200 students from low-income families, 100 English Learners, 50 students with disabilities, and 20 preschool students, the school would be expected to receive \$3,495,000 in non-Federal resources

Category	Calculation	Amount
Allocation/student	450 x \$7,000	\$3,150,000
Allocation/student from low-income family	200 x \$250	\$50,000
Allocation/English Learner	100 x \$500	\$50,000
Allocation/student with disability	50 x \$1,500	\$75,000
		\$3,495,000

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**• Option 2: Distribution of non-Federal resources based on staffing and supplies**

- Assumptions:
  - Using the average district wide salary for each category of school personnel (district salary schedules)
    - 1 teacher per 22 students (\$65,000)
    - 1 principal/school (\$120,000)
    - 1 librarian/school (\$65,000)
    - 2 guidance counselors/school (\$65,000/counselor)
  - Using the average district wide per-pupil expenditure for non-personnel resources
    - \$825/student for instructional materials and supplies (including technology)

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- In a school of 450 students, the school would be expected to receive \$2,051,250 in non-Federal resources

Category	Calculation	Amount
1 principal	1 x \$120,000	\$120,000
1 librarian	1 x \$65,000	\$65,000
2 guidance counselors	2 x \$65,000	\$130,000
21 teachers	21 x \$65,000	\$1,365,000
Materials, supplies	450 x \$825	\$371,250
		\$2,051,250

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• **Option 3: Any locally developed methodology approved by WVDE**



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• **Exclusion of Non-Federal funds from Supplanting Determinations**

- An LEA may exclude from supplanting determinations supplemental non-Federal funds expended in any schools for programs that meet the intent and purposes of Title I



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• A program meets the intent and purposes of Title I if it either

- Is implemented in a school with at least 40% poverty;
- Is designed to promote schoolwide reform and upgrade the entire education operation of the school;
- Is designed to meet the educational needs of all students in the school, particularly those who are not meeting State standards; and
- Uses the State's assessment system to review the effectiveness of the program;



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**OR**

- Serves only students who are failing, or most at risk of failing, to meet State standards;
- Provides supplementary services to participating students designed to improve their achievement; and
- Uses the State's assessment system to review the effectiveness of the program

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- Two situations in which an LEA's use of Title I funds would likely not be supplemental even if the LEA distributes funds based on the previous examples
  - LEA does not have sufficient non-Federal funds to provide even the most basic education program in all its schools
  - An LEA is required by State or local law to provide funding for a specific purpose for all students

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- To meet the supplemental funds test, an LEA would need to distribute non-Federal resources according to the assumptions to all of its schools, regardless of whether a school receives Title I funds and operates a schoolwide program.
- **Once the supplemental funds test has been met Title I funds may be used to support any allowable activity identified by the comprehensive needs assessment and articulated in the comprehensive schoolwide plan**

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- The LEA's selected written methodology is subject to review by WVDE and the LEA's independent auditors.
- LEA must also comply with MOE and comparability requirements



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- Methodology Evaluation
  - Examine how the LEA distributes state and local funds and/or resources to its schools (which might vary from school-to-school based on school size, variations in programs offered in a school, special education services, etc.).
  - Verify the distribution method does not take away state and local funds and/or resources from Title I schools because they participate in the Title I program, and
  - Verify the LEA followed its distribution process so that Title I schools received all of the state and local funds and/or resources they would have received if they did not participate in Title I.



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- Schools do not necessarily have to use state/local funds for the specific positions listed in the methodology if using an FTE-based model. An FTE-based model could be used as a proxy to generate state/local funds.
- The ESSA law does not require LEAs to use the same methodology for each school; instead it only requires that the LEA demonstrate its methodology does not deprive a Title I school of state/local funds because of its Title I status. In short, the methodology should be Title I-neutral.
- An SNS compliant state/local distribution methodology could vary based on:
  - Grade-span (high school vs. elementary)
  - School size
  - Student needs (ELL, newly arrived, special ed, etc.)
  - School model (CTE, magnet, IB, etc.)
  - Other factors, providing those factors are not based on Title I status



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- Comparability vs. SNS
  - Must meet both tests independently
    - Example 1 –Comparability compliance but not SNS compliance
      - An LEA demonstrates comparability through student/instructional staff ratios, but does not meet SNS because it provides extra state/local money to non-Title I schools for technology purchases but not to Title I schools because it expects Title I to pay for those technology purchases in those schools.
    - Example 2 –SNS compliance but not comparability compliance
      - An LEA meets SNS because it can demonstrate it did not take Title I status into account when distributing its state/local funds to schools, but does not demonstrate comparability because the LEA's non-Title I schools have lower student/instructional staff ratios than its Title I schools.

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- **Title I costs must still be allowable under the Title I program.**
  - Costs still must only benefit eligible students (eligible students = all students in a school-wide program and identified students in a targeted assistance program).
  - Costs must be permissible under Title I and ESSA generally
  - Costs must still be necessary and reasonable.

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**Supplement not Supplant  
Other ESEA Programs**

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- Three presumptions still apply to all programs with the exception of Title I, Part A (Title II, Title III Title IV, Title V)
  - Federal funds are used to provide services required under other federal, state or local laws
  - Federal funds are used to provide services provided with nonfederal funds in the prior year
  - Federal funds are used to provide services to eligible students while those same services are provided to non-eligible students with nonfederal funds

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- Title III funding cannot supplant other **Federal**, State, and local funds

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## Comparability Requirements Title I, Part A

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### Comparability

- An LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Title I schools that, taken as a whole, are at least comparable to the services provided in non-Title I schools.
- If all schools in a grade span within the LEA are Title I schools, all schools must be "substantially comparable."

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### Comparability

- Comparability is completed in December because LEAs need to review current-year resources and make adjustments for the current year as necessary or risk losing Title I Funding.

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### Methods of Comparability

- Method 1
  - Compare the average number of students per instructional staff in each Title I school with the average number of students per instructional staff in schools not receiving Title I funds. A Title I school is comparable if its average does not exceed 110 percent of the average of schools not receiving Title I funds.

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• Method 2

- Compare the average instructional staff salary expenditure, per student, in each program school with the average instructional staff salary expenditure, per student, in schools not participating under Title I. A Title I school is comparable if its average is at least 90 percent of the average of schools not receiving Title I funds.

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### Exceptions

- LEAs are automatically comparable if there is only one school per grade span
- Schools can be excluded from the calculation if the a school has fewer than 100 students.

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### Maintenance of Effort - ESEA

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### Maintenance of Effort

- LEAs must continue to spend at least 90% of the state and local funds that they spent in the prior year
- New flexibility for not meeting MOE for 1yr
  - Grants only reduce if the LEA failed MOE more than once in the past five years

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### Failure to Maintain Effort

- The state must reduce amount of allocation in the exact proportion by which LEA fails to maintain effort by falling below 90 percent in the previous year and at least once in the prior five years.

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### Programs covered under MOE

- Title I, Part A
- Title I, Part D
- Title II, Part A
- Title III, Part A
- Title IV, Parts A & B
- Title V

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