



UNITED STATES DEPARTMENT OF EDUCATION

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

TO: State Title I Directors

FROM: Patrick Rooney
Deputy Director, Office of State Support
Office of Elementary and Secondary Education

DATE: December 6, 2017

SUBJECT: Update on Transition for ESSA Title I Supplement, Not Supplant Requirements

In order to facilitate implementation and ensure a smooth transition to the new law, this memorandum provides information that the U.S. Department of Education (Department) will provide State educational agencies (SEAs) and local educational agencies (LEAs) additional time to implement the new requirement in section 1118(b)(2) of the ESEA for demonstrating compliance with the supplement not supplant requirement under Title I, Part A (Title I) of the ESEA. In addition, I would like to highlight steps the Department is taking to support SEAs and LEAs in implementing this important new requirement.

Timeline for Implementation

Under section 1118(b)(2) of the ESEA, “[t]o demonstrate compliance with [the supplement not supplant requirement], a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving [Title I funds] ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving [Title I funds].” With respect to the timeline for implementation, section 1118(b)(5) of the ESEA requires that an LEA meet the compliance requirement not later than two years after the date of enactment of the ESSA—*i.e.*, December 10, 2017. We are aware that some SEAs and LEAs are taking steps to develop a methodology or use an existing methodology that meets the new compliance requirement by December 10, 2017, and we encourage those SEAs and LEAs to move forward with their process. We also recognize that for many LEAs it may not be reasonable to implement a new methodology in the middle of a school year and that the first implementation of the methodology cannot occur until the beginning of the 2018-2019 school year. Therefore, consistent with section 4(b) of the ESSA, which authorizes the Department to ensure an orderly transition to the new law, an SEA and its LEAs may delay meeting the compliance requirement in section 1118(b)(2) of the ESEA until the start of the 2018-2019 school year. That is, an LEA does not need to have its methodology in place on December 10, 2017, but the LEA must have a methodology in place in time for the LEA to use it when ensuring that Title I funds are supplementing, and not supplanting, other State and local funds in the 2018-2019 school year. Of course, ESEA still requires that, even if the new methodology is not yet in place, SEAs and LEAs are utilizing all Title I, Part A funds only to supplement the funds that would, in the absence of such Title I, Part A funds, be made available from State and local sources for the education of

students participating in programs assisted under Title I, Part A, and not to supplant, such State and local funds.

Additional Support

The supplement not supplant requirement under Title I remains critically important to ensuring that Title I funds provide additional resources to students and teachers in Title I schools that have high concentrations of students from low-income families to counteract the effects of poverty in order to make it more likely that all children are provided significant opportunity to receive a “fair, equitable, and high-quality education and to close educational achievement gaps,” which is identified in section 1001 of the ESEA as the purpose of Title I. Therefore, we are committed to supporting SEAs and LEAs as they move forward with implementation of this critical requirement. Part of this commitment is to meet with various stakeholders to receive input toward developing non-regulatory guidance on the new Title I supplement not supplant requirement to support SEAs and LEAs to making the transition to this new requirement.

Thank you again for the work that you continue to do to implement the ESEA. Please send suggestions of questions or topics that you would like to see the guidance address to your Office of State Support program officer at OSS.[State]@ed.gov (e.g., OSS.Nebraska@ed.gov) on or before January 17, 2018.