



## NCLB, Title III, Section 3115(g) Supplement, Not Supplant

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### Supplement, Not Supplant Provision

The supplement, not supplant provision means that federal funds must be used only to provide additional services, staff, programs, or materials that could not be provided by the State or local educational agency absent of the federal funds. In other words, federal funds cannot be used to pay for things that would otherwise be paid for with State and/or local funds.

**Title III is a supplemental program to provide services “in addition to and not replace” core English language instruction education programs (LIEP), or English language development (ELD) programs.**

Examples of services, required by OCR and Lau v. Nichols, that should not be funded by Title III include, but not limited to:

- Home language survey implementation
- Administration of the initial WIDA-ACCESS Placement Test
- In general, any cost associated with administering the annual ACCESS for ELLs Assessment
- Salaries of ELD teachers to provide basic ELD services

Examples of allowable Title III expenditures include, but not limited to:

- Professional Development for classroom teachers, LIEP/ELD staff and administrators on effective instruction for English learner (EL) students
- Peer coaching to develop teacher expertise in providing instruction for EL students
- Parent notification letters, including translation- Initial Identification and AMAOs
- Implementation of Colorado English Language Proficiency (CELP) standards
- Additional enhancements to LIEP/ELD services beyond the core program, including supplemental staff and materials to support additional LIEP/ELD services

Questions to consider?

- How are language instruction education program services provided/funded for all EL students?
- What services/programs does the district offer to meet Lau v. Nichols (US Supreme Court Case, 1974) requirements?
- Is the LEA required to provide the service/activity based on Federal (OCR), State, or local law aside from Title III?
- Was the program/service previously funded with state, local and/or federal funds?