

Federal Education Funding Opportunities and Requirements

Program	Authorization	FY2002 Appropriation	Set Asides, Caps, and Reserves (Content may be paraphrased. Please refer to NCLB for exact wording)	May Not Supplant		Text of Supplanting Requirements
				State or Local	Other Federal	
Title I Part A— Grants to LEAs	'02: \$13,500,000,000 '03: \$16,000,000,000 '04: \$18,500,000,000 '05: \$20,500,000,000 '06: \$22,750,000,000 '07: \$25,000,000,000	\$10.35 billion	<p>Title I is a formula grant program to schools based on poverty that passes through state and local education agencies with the following reservations:</p> <p>Title I State Reservation: SEAs may reserve 1% of Title I funds or up to \$140 million to administer the program (\$103.5 million in FY02). There is a small state minimum of \$400,000.</p> <p>Title I School Improvement Reservation: A reservation of 2% (growing to 4% for FY04-06), for technical assistance to carry out the SEA’s school improvement plan, which must be approved by the Secretary. Of those amounts, SEAs may reserve 5% for tech. assist. and admin.. SEAs must distribute the remaining 95% to the LEAs with the lowest achieving schools. However, with the permission of the LEA, the SEA may use the local grant funds to provide services directly to the LEA for school improvement, corrective action, and restructuring activities, or arrange for the provision of these services with other entities such as school support teams or education service agencies.</p>	X		<p>T. 1 Schoolwide Programs : A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency. [1114(a)(2)(B)]</p> <p>T.1, Part A (Also applies to Part C Migrant and Part D Neg and Del): A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds. [1120A(b)]</p> <p>SPECIAL RULE - Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in paragraph (2) <Children who are economically disadvantaged, children with disabilities, migrant children or limited English proficient children, children in or 2 years previously in Head Start, Even Start, Early Reading First, Migrant, neg or del, or homeless> but may be used to coordinate or supplement such services [1115(b)(3)]</p>
				X		
Title I, Sec. 1003(g) Assistance for Local School Improvement	\$500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$0	SEAs may reserve 5% for tech. assistance and administration and distribute the remaining 95% to LEAs. SEAs must award grants to LEAs ranging from \$50,000-\$500,000, giving priority to LEAs that serve the lowest achieving schools and demonstrate the strongest commitment to raising student achievement. However, with the permission of the LEA, the SEA may use the local grant funds to provide services directly to the LEA for school improvement, corrective action, and restructuring activities, or arrange for the provision of these services with other entities such as school support teams or education service agencies.			
Title I Part B-1 Reading First	\$900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$900,000,000	<p>The Secretary may make formula grants to SEAs only if it expends at least 80% of the grant for competitive subgrants to LEAs.</p> <p>An LEA may use not more than 3.5% for planning and administration. A state may use up to 20% for professional development, technical assistance, planning and administration, or reporting. Of the 20%, not more than 65% can be use for professional development, not more than 25% can be used for technical assistance, and not more than 10% for planning and administration.</p>			

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Title I Part B-2 Early Reading First	\$75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$75,000,000	Competitive grants directly to: one or more local educational agencies, one or more organizations or agencies (such as a Head Start center, child care program, or family literacy program), or a combination of LEAs and organizations. No Set Asides			
Title I Part B-4 Literacy Through School Libraries	\$250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$12,500,000	If the appropriation is less than \$100,000,000, then the Secretary shall award competitive grants directly to eligible LEAs. No Set Asides If the amount appropriated exceeds \$100,000,000, then the Secretary shall award grants to SEAs with competitive subgrants to LEAs. Set aside of 3% to provide technical assistance, disseminate information about school library media programs, and pay administrative costs.	X	X	SUPPLEMENT, NOT SUPPLANT - Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities. [1251(i)]
Title I Part C Migratory Children	\$410,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$396,000,000	Formula to States. No Set Asides.	X		<Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that may be submitted as a part of a consolidated application under section 9302, if> the comprehensive State plan is not used to supplant state efforts regarding, or administrative funding for, this part. [1306(a)(1)(B)(iii)] UNADDRESSED NEEDS-Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1). [1306(b)(2)] See also notes under Title I part A
Title I Part D Neglected and Delinquent	\$50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.	\$48,000,000	Subgrants to LEA with no required reservations.			SUPPLEMENT, NOT SUPPLANT - A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A (as applied to this part) without regard to the subject areas in which instruction is given during those hours. [1415(b)] See also notes under Title I part A

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Title I Part F Comprehensive School Reform	Such sums as necessary	\$235,000,000	Title I formula based grant to SEAs. An SEA may reserve not more than 5 % for administration, evaluation, and technical assistance. The remainder shall be distributed through competitive grants to LEAs or consortia that are of sufficient size and scope to support the initial costs of comprehensive school reforms. The grants shall be in an amount not less than \$50,000 for each participating school or for each participating consortium of small schools (which for purposes of this subparagraph means a consortium of small schools serving a total of not more than 500 students).	X	X	SUPPLEMENT - Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part. [1604(f)]
Title I Part G Advanced Placement	Such sums as necessary	\$22,000,000	Formula grants to SEAs to reimburse low-income students for the cost of taking advance placement tests. Funds may only be used to cover test registration costs. Any remaining funds, the Secretary shall award grants, on a competitive basis, to SEAs, LEAs, or national nonprofit educational entities with expertise in advanced placement services. No Required Set Asides.	X		Grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income individuals pay for the cost of advanced placement test fees or to expand access to advanced placement and preadvanced placement courses. [1706]
Title I Part H-2 Dropout Prevention	\$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$10,000,000	Up to 10 % shall be available to carry out national activities. The remainder shall be available for grants to SEAs and LEAs. <\$75,000,000: the Secretary shall award grants, on a competitive basis, to SEAs. \$75,000,000-\$250,000,000: competitive grants to SEAs to enable the them to award subgrants. >\$250,000,000: grants to each SEA by Title I formula and subgrants to LEAs In any case with appropriations > \$75,000,000--A State educational agency may reserve not more than 5 % for administrative costs and State activities related to school dropout prevention and reentry activities, of which not more than 2 % may be used for administrative costs.	X		<Each SEA and LEA application shall> provide an assurance that funds, provided under this subpart will supplement, and not supplant, other state and local funds available for school dropout prevention and reentry programs. [1823(b)(1)(F)]
Title II A Teacher Quality State Grants	\$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$2,850,000,000	Formula grant to SEAs with 95% of funds awarded as subgrants to LEAs. Reserve 2.5 % (not to exceed \$125 million) to make subgrants to local partnerships Reserve 2.5% for State activities for professional development. An SEA or State agency for higher education receiving a grant under this part may use not more than 1 % for planning and administration.	X		For both grants to states and subgrants to LEAs: SUPPLEMENT, NOT SUPPLANT - Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart. [2113(f), 2123(b)]

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Title II B Math and Science Partnerships	\$450,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.	\$12,500,000	<p>< \$100,000,000: the Secretary shall award grants, on a competitive basis to eligible partnerships (see below)</p> <p>> \$100,000,000: formula grant to SEAs and subgrants to eligible partnerships on a competitive basis.</p> <p>Partnership must include an SEA, an engineering, mathematics, or science department of an institution of higher education; and a high-need LEA.</p> <p>Partnership may also include another engineering, mathematics, science, or teacher training department of an institution of higher education; additional local educational agencies, public charter schools, public or private elementary schools or secondary schools, or a consortium of such schools; a business; or a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of mathematics and science teachers.</p>	X	X	SUPPLEMENT, NOT SUPPLANT - Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part. [2202(a)(4)]
Title II Part C-1 Transition to Teaching	\$150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.	\$88,000,000	<p>From the funds appropriated to carry out this subpart for fiscal year 2002, the Secretary shall reserve not more than \$30,000,000 to carry out Troops to Teachers. The Secretary shall make grants on a competitive basis to SEAs, high-need LEAs, and partnerships.</p> <p>No entity that receives a grant under this section shall use more than 5 % for the administration of a program.</p>	X		SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification. [2313(h)(2)]
Title II Part D-1 Enhanced Education through Technology	<p>There are authorized to be appropriated \$1,000,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.</p> <p>98% of which is made available to carry out state and local technology grants.</p>	\$700,500,000	<p>Title I formula grant to SEAs. SEAs may reserve 5% for tech. assistance, of which 60% can be used for administration.</p> <p>The SEA shall allocate 50% of funds to LEAs by Title I formula, and 50% to LEAs on a competitive basis.</p> <p>A local recipient of funds shall use not less than 25 % of funds to provide professional development.</p>	X		<Each State application submitted under subsection (a) shall include> An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds. [2413(b)(6)]

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Title III Part A Subpart 1— Grants and subgrants for English Language Acquisition and Language Enhancement	\$750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years	\$665,000,000	<p>Formula grant to SEAs with small state minimum of \$500,000.</p> <p>SEAs may reserve up to 5 % to carry out professional development, technical assistance, or providing recognition (including financial awards to subgrantees that have exceeded annual achievement goals). Out of the state set-aside, SEAs may reserve 60% or \$175,000, whichever is greater, for planning and administrative costs .</p> <p>SEAs must award the remaining 95 % of funds to LEAs in formula subgrants to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student achievement standards.</p> <p>Each LEA may use not more than 2 % of such funds for the cost of administering this subpart.</p> <p>An SEA shall reserve not more than 15 % of the agency's allotment under section 3111(c)(3) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities.</p>	X	X	SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds. [3115(g)]
T. III, Part B, Subpart 2 Research, Evaluation, and Dissemination			Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts, and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies. No Set Asides required.	X		SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.[3224(f)]
T.IV, Part A, Safe and Drug-Free Schools and Communities	<p>Subpart 1, State grants - \$650,000,000 for FY02, and such sums for each of the 5 succeeding fiscal years</p> <p>Subpart 2, national program - such sums for FY02, and for each of the 5</p>	\$472,017,000	<p>Formula grant to states under the authority of the chief executive officer of the state (Governor).</p> <p>Chief Executive Officer</p> <p>From the state grant, the chief executive officer of a State may reserve not more than 20 % to award competitive grants and contracts to LEAs, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof.</p> <p>The chief executive officer of a State may reserve the following: 3 % for administration; 1% for the implementation of a uniform management</p>	X		<p><A State shall submit to the Secretary...an application that...></p> <p>Provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under 316 this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds. [4113(a)(8)]</p> <p><An application submitted by a local educational agency under this section shall contain...> an assurance that funds under this</p>

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	succeeding fiscal years, for national programs		<p>information and reporting system (a requirement of the law); 5% for state activities including professional development and technical assistance</p> <p>SEA Funds The remainder of funds not reserved by the Chief Executive officer will be administered by the SEA. At least 93% must be passed on to LEAs. The SEA may use not more than 3% for administrative costs, including the implementation of the uniform management information and reporting system. (However, an additional 1% is allowed for 2002) An SEA may use not more than 5% to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other entities.</p> <p>LEAs may reserve not more than 2% for administrative costs.</p>			<p>subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds [4114(d)(4)]</p> <p>EXCEPTION.—A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies [4115(c)(2)]</p>
T.IV Part A, Subpart 2 National Programs -Hate Crimes			<p>Direct grants to LEAs and community-based organizations to provide to localities most directly affected by hate crimes</p> <p>No set asides required</p>	X		<p><In order to be eligible to receive a grant under this section for any fiscal year, an LEA, or an LEA in conjunction with a Community Based Organization (CBO), shall submit an application to the Secretary...Each application...shall include> assurances that Federal funds received under this section shall be used to supplement, and not supplant, non-Federal funds [4122(b)(3)(C)]</p>
Title IV- Part B 21 st Century Community Learning Centers	\$1,250,000,000 for fiscal year 2002; \$1,500,000,000 for fiscal year 2003; \$1,750,000,000 for fiscal year 2004; \$2,000,000,000 for fiscal year 2005; \$2,250,000,000 for fiscal year 2006; and \$2,500,000,000 for fiscal year 2007.	\$1,000,000,000	<p>Title I formula grants to SEAs with competitive subgrants to eligible entities for community learning centers. An SEA may reserve 2 % for the cost of administration and establishing and implementing a peer review process for grant applications. In awarding subgrants, the SEA must consult with the governor and other relevant state agencies including those administering adult education. An SEA may reserve 3% for technical assistance and evaluation activities.</p>	X	X	<p><A State shall submit to the Secretary...an application that.... Provides an assurance that funds under this subpart will be used to increase the level of State, local and other non-Federal funds that would, in the absence of funds under 316 of this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds. [4203(a)(9)]</p>
			<p>A subgrant must be at least \$50,000. SEAs must give priority to entities serving low performing schools or that are partnerships between LEAs and local community-based organizations.</p>	X	X	<p><...an eligible entity shall submit an application to the SEA...that shall include...> an assurance that funds under this part will be used to increase the level of State, local, and other non- Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds [4204(b)(2)(G)]</p>
Title V Part A Innovative Programs	2002: \$450,000,000 2003: \$475,000,000 2004: \$500,000,000 2005: \$525,000,000 2006: \$550,000,000 2007: \$600,000,000	\$385,000,000	<p>Formula grant to SEAs, where SEAs may reserve 15% and must distribute 85% to LEAs by formula for school improvement activities. SEAs may only reserve up to 15% of FY02 authorization levels (\$67.5 million). Any additional funds must be passed directly to LEAs.</p>	X	X	<p>Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds. [5144]</p>

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T.V, Part B Public Charter Schools Subpart 1,	There are authorized to be appropriated to carry out this subpart \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.	\$200,000,000	The Secretary awards SEAs and eligible entities grants. SEAs may reserve 5% for administration, 10% for dissemination activities, and 10% to establish a revolving loan fund for charter schools. To receive a grant, an SEA must demonstrated progress in increasing the number of independent, high quality charter schools in the state. The SEA shall award subgrants to eligible applicants to develop, plan, or advertise a charter school. A local educational agency may not deduct funds for administrative fees or expenses from a subgrant awarded to an eligible applicant, unless the eligible applicant enters voluntarily into a mutually agreed upon arrangement for administrative services with the relevant local educational agency. Absent such approval, the local educational agency shall distribute all such subgrant funds to the eligible applicant without delay.	X		SUPPLEMENT, NOT SUPPLANT - Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools [5205(b)(3)(C)]
Title V B-3 Voluntary School Choice	There are authorized to be appropriated to carry out this subpart \$100,000,000 for fiscal year 2002 and each of the 5 succeeding fiscal years.	\$25,000,000	Competitive grants to SEAs, LEAs, or SEA and LEA partnerships with other SEAs, LEAs, and other entities to enable the expansion of public school choice options. The grantee may reserve 5% for administration.			
Title V Fund for the Improvement of Education	\$550,000,000 for fiscal year 2002. \$575,000,000 for fiscal year 2003. \$600,000,000 for fiscal year 2004. \$625,000,000 for fiscal year 2005. \$650,000,000 for fiscal year 2006. \$675,000,000 for fiscal year 2007.	\$832,889,999	The Secretary may carry out program directly, or through grants or contracts to SEAs, LEAs, institutions of higher ed, or public and private entities.			N/A
T.V, Part D, School Counseling Programs	FIE (see above)	\$32,500,000	Direct grants to eligible LEAs, which may reserve 4% for administration. LEAs award grants to elementary schools to expand counseling services. If appropriation exceeds \$400 million, LEAs may also award grants to secondary schools for the same purpose.	X	X	SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students [5421(a)(6)]

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T.V, Part D (FIE), Subpart 7 Star Schools Program	FIE (see above)	\$27,520,000	The Secretary awards grants to eligible entities. Of the total allocation to the Secretary, 25% of the funds must be used to support instructional activities, and 50% must be used to assist Title I eligible LEAs with the cost of facilities, equipment, teacher training, technical assistance, or programming involved with technological improvements. The federal share of the cost of projects funded in part through this program shall not exceed, 75% for the first two years, 60% for the third and fourth year, and 50% the fifth year. In order to receive a grant, an entity must work with at least one LEA.			SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, services provided by the grant recipient under this subpart in the previous fiscal year. [5473(c)(3)]
T.V, Part D (FIE), Subpart 10, Physical Education	FIE (see above)	\$50,000,000	Competitive grants to LEAs and community-based organizations to pay for initiating, expanding, and improving physical education programs. A grantee may reserve 5% for administrative expenses.	X	X	SUPPLEMENT, NOT SUPPLANT. Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities [5507]
T.V, Part D (FIE), Subpart 13, Excellence in Economic Education	FIE (see above)	None	Competitive grant to a national nonprofit educational organization. 75% of funds will be used as subgrants to SEAs or LEAs, and State or local economic, personal finance, or entrepreneurial education organizations. Grantees may use not more than 5% of the funds made available through the grant or subgrant for administrative costs.	X	X	SUPPLEMENT, NOT SUPPLANT. ‘‘Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds expended for the purpose described in section [5537]
T.V, Part D (FIE), Subpart 14, Grants to Improve the Mental Health of Children	FIE (see above)	None	Grants to, or contracts or cooperative agreements with, SEAs, LEAs, or Indian tribes, to increase student access to quality mental health. Grantees may reserve 3% for administration.	X	X	Any services provided through programs carried out under this section must supplement, and not supplant, existing mental health services, including any services required to be provided under the Individuals with Disabilities Education Act [5541(i)]
T.V, Part D (FIE) Promotion of School Readiness			See above	X	X	SERVICES NOT OTHERWISE FUNDED - A LEA, local council, Community Based Organization (CBO), or other public or nonprofit private entity may use funds under this section only to pay for services that cannot be paid for using other Federal, State, or local public resources or through private insurance. [5542(d)(1)]
T.V, Part D (FIE), Subpart 15, Arts in Education	FIE (see above)	\$30,000,000	Secretary may award grants to SEAs, LEAs, Institutions of higher education, Museums or other cultural institutions, or other entities. No Set Asides or limitations on administration.	X		<As conditions of receiving assistance...the Secretary shall require each entity receiving such assistance...> to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart [5551(f)(2)]

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T.VI, Part A, Subpart 3 State and Local Flexibility, Chapter A State Flexibility Authority			The Secretary shall, on a competitive basis, grant flexibility authority to not more than seven eligible State educational agencies.	X		<A SEA shall submit an application to the Secretaryincluding> an assurance that the State educational agency will, for the duration of the grant of authority, use funds consolidated under section 6142 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds [6141(c)(1)(L)]
T.VI, Part A, Subpart 3 State and Local Flexibility, Chapter A State Flexibility Authority				X		<Each proposed performance agreement with an LEA shall> contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds [6141(c)(2)(B)(iii)]
T.VI, Part A, Subpart 3 State and Local Flexibility, Chapter b Local Flexibility Authority			The Secretary shall, on a competitive basis, enter into local flexibility demonstration agreements with not more than 80 LEAs (up to three per state) that submit approvable proposed agreements and that are in states without existing flexibility agreements. Each LEA may use 4 % for administration.	X		SUPLANTING.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds. [6151(c)(9)]
T.VI, Part B, Subpart 1 Small, Rural School Achievement Program and Subpart 2 (Rural and Low-Income School Program)	There are authorized to be appropriated to carry out this part \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, to be distributed equally between subparts 1 and 2.	\$162,500,000 evenly divided between subpart 1 and 2	LEAs are given flexibility in how they use federal grant money, and may apply for a formula grant from the Secretary. Eligible LEAs include: 1. LEAs with an ADA of 600 or fewer, or a population density of fewer than 10 persons per square mile. LEAs must also be designated with a rural locale code of 7 or 8 by the US Department of Ed (or receive a waiver). 2. LEAs with 20% or more of the children ages 5 through 17 years are from families with incomes below the poverty line; and all of the schools served by the agency are designated with a school locale code of 6, 7, or 8, as determined by the Secretary.	X	X	SUPPLEMENT, NOT SUPPLANT. ‘‘Funds made available under subpart 1 or subpart 2 shall be used to supplement, and not supplant, any other Federal, State, or local education funds [6232]
T.VII, Part A Indian Education, (Formula Grants to LEAs)	\$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.	\$97,133,000	Secretary awards grants to eligible LEA s by formula. An LEA is eligible for a grant if the number of Indian children eligible during the preceding fiscal was at least 10, or not less than 25% of the student population. Not more than 5% of funds may be used for administrative purposes.	X	X	<Each application submitted shall include assurances that-> the LEA will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds. [7114(c)(1)]

Federal Education Funding Opportunities and Requirements

Program	Authorization	FY2002 Appropriation	Set Asides, Caps, and Reserves (Content may be paraphrased. Please refer to NCLB for exact wording)	May Not Supplant		Text of Supplanting Requirements
				State or Local	Other Federal	
T. VIII, Sec. 803 (Construction), School Facility Emergency and Modernization Grants			60% of the amount appropriated for each fiscal year shall be awarded as emergency grants to eligible LEAs to enable the agencies to carry out emergency repairs of school facilities; and as modernization grants to enable the LEA to carry out the modernization of school facilities.	X		SUPPLEMENT, NOT SUPPLANT.—A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency repairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds. [802(b)(5)(A)(iii)]
T. IX, Part D (Waivers)	N/A	N/A				RESTRICTIONS-The Secretary shall not waive under this section any statutory or regulatory requirements relating to use of Federal funds to supplement, not supplant, non-Federal funds. [9401(c)(4)]
McKinney-Vento Title X (Education of Homeless children and Youths)				X	X	<IN GENERAL –Services under paragraph (1)→ (iii) shall be designed to expand or improve services provided as part of a school’s regular academic program, but not to replace such services provided under such program. [Mckinney-Vento Title X Section 723(2)(A)(iii)]
				X	X	REQUIREMENT—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school’s regular academic program. [Mckinney-Vento Title X Section 723(3)]

Comparability Requirements

<p>Title I Part A—Grants to LEAs</p>					<p>COMPARABILITY OF SERVICES - (1) IN GENERAL -</p> <p>(A) COMPARABLE SERVICES - State and local funds in schools served under this part <must be used> to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.</p> <p>(B) SUBSTANTIALLY COMPARABLE SERVICES - If the LEAS is serving all of it schools under this part, such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.</p> <p>(C) BASIS - A LEA may meet these requirements on a grade-span by grade-span basis or a school-by-school basis. <For purposes of determining compliance with this paragraph, a LEA may exclude State and local funds expended for language instruction educational programs; and the excess costs of providing services to children with disabilities as determined by the LEA>.</p> <p>(2) WRITTEN ASSURANCE - (A) EQUIVALENCE - A LEA shall be considered to have met the requirements of this paragraph if it has filed with the SEA a written assurance that the LEA has established and implemented (i) a local educational agency-wide salary schedule; (ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. [1120A(c)]</p>
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