

**Guidance for Carl D. Perkins Career and Technical Education Funds (Perkins IV)**  
**Supplement, Not Supplant**

***The supplement, not supplant requirement prohibits the use of funds provided under Carl D. Perkins Career and Technical Education Act, Part A, Section 311 (a) to pay for services that, in the absence of these funds, would be paid from State or local funds.***

The prior use of State or local funds in this regard creates a presumption that the use of Perkins funds this year impermissibly supplants those funds. However the presumption may be overcome by documentation to confirm that, in the absence of the Perkins funds, the LEA would not have maintained the projects, services or activities. Given the state's fiscal situation, local officials appear to be facing difficult choices, but whether a particular LEA is able to document compliance with the supplement, not supplant requirement will depend upon its own unique factual circumstances.

A determination of supplanting necessitates determining what projects, services or activities an LEA would conduct with non-Federal funds if it had no Perkins IV funds. Generally, an LEA may not use these funds for projects/services/activities that it would have conducted in the absence of Perkins IV funds. Several situations give rise to a presumption of supplanting (*i.e.*, a presumption that the LEA would conduct the activity with non-Federal funds if it had no Perkins IV funds available): (1) the activity is required by local, State, or other Federal law; (2) the LEA conducted the activity in the prior year with non-Federal funds.

The LEA needs to ask the following questions:

- 1) Was the project/service/activity required by state/local law or policy?
- 2) Was the project/service/activity paid for in the prior year with non-federal funds?

The presumption of unlawful supplanting can be rebutted by asking, "What would the district have done in the absence of federal funds?" The district must prove in the absence of federal funds, it would have eliminated the activity, assuming the activity is allowable under Perkins.

**It is important that districts have current and appropriate documentation to support the decision.** It is important to understand the kinds of records that LEAs must maintain to confirm that these expenditures are truly permissible ones that supplement, rather than supplant State or locally-paid services. Generally, where they would spend Perkins funds this year on projects/services/activities paid with non-Federal sources, LEAs will need to maintain fiscal and programmatic records to confirm that, in the absence of Perkins funds, they would have eliminated these projects/services/activities. For example, an LEA has sent teachers to a professional development event such as the K-ACTE summer conference and paid for their travel from non-federal sources. Finding that this year there are no State or local funds available to pay the travel to the K-ACTE summer conference, the LEA proposes to use Perkins funds to pay for this event. The LEA would want to ensure that its records for the 2009-2010 school year confirms:

- The LEA can demonstrate that there was a reduction in the amount of non-Federal funds available to the LEA to pay for the travel previously supported by non-Federal funds or the LEA can demonstrate that its educational priorities with respect to its use of non-Federal funds have changed.

- The LEA makes the decision to eliminate the projects/services/activities **without taking into consideration the availability of Perkins IV funds**, as documented by fiscal and programmatic records confirming that, in the absence of Perkins IV funds, the LEA would have eliminated the activity. These records, for example, might document the reduction in non-Federal funds or explain what priorities changed to warrant a shift of non-Federal funds away from those priorities and the LEA's reasons for choosing to eliminate non-Federal support for the priorities. Please note that such documentation must be *contemporaneous* with the LEA's decision-making process; **it is very difficult to rebut a presumption of supplanting after the fact.**
  - The travel for professional development now paid with Perkins IV funds is allowable under Perkins IV and consistent with all Perkins IV fiscal and programmatic requirements. This means, for instance, that a teacher formerly paid from non-Federal funds to attend the K-ACTE Summer Conference must be (1) engaged in activities that are allowable under Perkins IV; and (2) that the activity is consistent with the LEA's local application approved by the KSDE, Career & Technical Education staff.

These kinds of records, for example, might explain what component(s) of its educational priorities the LEA would have retained with State and local resources, as well as the LEA's reasons for choosing to eliminate support for the travel for professional development with State and local funds (and to show that it would not have paid for the travel for professional development with State or local funds in the absence of Perkins funds.)

Given the nature and importance of the supplement, not supplant requirement, LEAs who receive authorization to pay for professional development or any other projects/services/activities with Perkins funds need to understand that this applies only to one school year at a time.

**LEAs unable to provide documentation may not use the money for projects/services/activities under Perkins IV to which a supplement, not supplant provision applies.**

Using Perkins IV funds for the projects/services/activities must meet the general standards established in Office of Management and Budget (OMB) Circular A-87 *Cost Principles for State, Local, and Indian Tribal Governments* (OMB Circular A-87). OMB Circular A-87 requires that the use of funds for a specific purpose be necessary and reasonable for the proper and efficient performance and administration of the program and be authorized and not prohibited under State and local laws or regulations.

The example given is for professional development travel, however this guidance applies to all projects, services or activities within the approved Perkins IV grant.

A copy of this guidance should be kept on file along with the LEA's records confirming the lack of state/local funds necessitating the use of Perkins funds and KSDE staff approval.