
Supplement, Not Supplant – Funding Equity for Schools

The Every Student Succeeds Act (ESSA) serves as the latest reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA). Since its inception, the intent of ESEA has been to raise achievement for low-income and otherwise disadvantaged children by providing additional, targeted federal funding to meet their educational needs. The civil rights community has long recognized equal educational opportunity as central to our struggle to achieve equality for all Americans. Without a robust and thoughtful implementation of ESSA over the next decade, we will have missed a crucial opportunity and the students we represent will continue to be denied the full protections they need and are entitled to under federal law.

Inequities in School Funding

Among the debates currently being waged regarding the implementation of this new law is whether any school districts will be required to address inequities in state and local funding for schools serving children from low-income families. In spite of copious evidence that children in poverty need greater resources than their wealthier peers, school districts often spend less to educate children in their higher-poverty schools than in their lower-poverty schools. This disparity is often, although not solely, driven by disparities in access to experienced teachers.

Personnel salaries constitute the overwhelming majority of school-level expenditures. Given the frequent practice of concentrating novice (and therefore lower-paid) teachers in higher-poverty schools, the expenditures per-pupil at these schools tends to be far less than at wealthier schools where more veteran (and therefore higher-paid) teachers are concentrated. Far too often we allow high-poverty schools to be difficult places to learn and to teach and therefore teachers leave once they have acquired the necessary seniority. This results in both inequitable access to experienced teachers and inequitable access to the funds used to pay teacher salaries.

Changes Under ESSA

When the U.S. Department of Education (ED) puts forth rules for how districts comply with the requirements of ESSA, it has the option of ignoring these disparities or addressing them. The area of the law that addresses whether or not high-poverty schools have the state and local funds they deserve is called the “supplement, not supplant” provision (SNS).

Although the language of the requirement, and the conversation surrounding it, sound complicated, the principle is a simple one: federal education dollars are meant to supplement local and state funding to ensure lower-income students have the additional resources they need to succeed. It is not meant to provide states and districts an “out” from providing their share of funding to low-income students. Districts must not be allowed to shirk their own responsibility to support low-income students and to make up for it with federal dollars.

In ESSA, Congress amended the SNS provision to prohibit ED from requiring districts to demonstrate that each individual expenditure made with Title I funding was supplemental. This newly-prohibited compliance test has been used for many years, although it was never required in the law. Congress did not include a different test of compliance in the new law, nor did it eliminate the requirement that funds be supplemental or allow the provision to be waived.

Supplement, Not Supplant – Funding Equity for Schools

Congress preserved the law’s SNS requirement and did not direct ED on how its compliance should be measured.

In addition to the amending of SNS, Congress also included a new requirement that schools report the actual expenditures from federal, state and local sources at the school level. This new requirement will provide incredibly valuable new information about where and for whom education dollars are, and are not, being spent. This newly reported information provides the opportunity to put in place an actual dollar demonstration for SNS compliance, an idea previously considered but not previously implemented.

Regulating Fairness

In the spirit of the law’s longstanding drive towards educational equity, encouraged by a new statutory reporting requirement, and in the interest of leveling the playing field for rich and poor, ED has proposed to change the way compliance with SNS is demonstrated. ED’s proposal requires that districts demonstrate—through information they will already need to report—that they spend at least as much per-pupil in Title I schools as they do in the average of all non-Title I schools.

This proposal ensures both that federal Title I dollars are supplemental in Title I schools – that they are being added onto a fair base of funding rather than making up for shortfalls in state and local funding – and also that Title I schools (usually the highest-poverty schools in any district) are receiving their fair share of funding. The proposal preserves and advances the intent of the law and ensures needed resources are available for children in high-poverty schools.

Pushback

There are those who have argued that it is unreasonable to ask districts to raise the level of funding in high-poverty schools, that ED’s proposal would lead to the forced transferring of teachers or that this proposal is outside the narrow confines of the SNS statutory requirement.

First, there absolutely should be additional state and local funds brought into the system to raise the level of funding in Title I schools. Too many districts have operated for too long without the resources they need to educate all of their students. In the event that there are insufficient funds to go around, it is not acceptable to ask children in poverty to sacrifice for the education of their more affluent peers.

Second, given the significant role that teacher salary plays in district budgeting and the concentrating of novice teachers in higher-poverty schools, it is reasonable to worry that districts would attempt to meet a fairer SNS standard through the forced transferring of teachers. Forcing teachers to teach in schools where they do not want to teach is bad for students, teachers, and the system as a whole. In the event that teachers were simply shuffled and “re-dealt” as though they were playing cards and not educated professionals, they would surely leave the schools and districts where they were sent leaving the district out of compliance again in the next year.

Supplement, Not Supplant – Funding Equity for Schools

Higher-poverty schools need to be better places to learn and teach if we are going to attract and retain the skilled and experienced teachers we need in front of the students who need them most.

Improving the attractiveness of Title I schools for veteran educators would help to address imbalances in school-level expenditures, as well as provide an additional instructional benefit to students who are too often taught by rookie teachers. Directing existing funds from districts' central offices to Title I schools or increasing enrollment in small, low-poverty schools would both increase expenditures at Title I schools in the absence of new funding without requiring teachers to leave one school for another.

Finally, Title I's fiscal requirements have always played a vital role in ensuring that limited federal funds were able to reach the children they were meant to reach. Over the years the department has adjusted the mechanisms for compliance and oversight of these requirements as Title I and technology have changed. Congress has not historically set about prescribing the ways in which districts would demonstrate compliance. While the most recent reauthorization of the law did address compliance in the negative—prohibiting the “individual services test”—it did not (as has historically been the case) put forward an alternative method.

Given Congress' very clear direction that SNS continue to be a requirement, both by amending it (rather than eliminating it) and by preserving the prohibition on a secretarial waiver, ED must have a consistent and reliable way to know if a district is using federal dollars to supplement. While Congress might not have intended ED to regulate the SNS requirement in this way, it did not preclude this method even as it clearly precluded the “individual services” method.

Conclusion

The test of ESSA will be how well it serves historically marginalized students – those who are low-income, students of color, English learners or people with disabilities. To, once again, allow low-income children to forgo the funds to which they are entitled would undermine the stated purpose and historic intent of the law. Given the opportunity to create greater fairness and to level the educational playing field, it would be irresponsible and inexcusable not to. The “supplement, not supplant” provision should be enforced and schools with greater need should get greater resources.