

Carl Perkins law states the following regarding Supplement not Supplant - *Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech prep program activities.*

Supplanting is:

1. Federal funds were used to provide services that the LEA was required to make available under other federal, state, or local laws.
2. Services are being provided with federal funds that the LEA provided with non-federal funds in the prior year.
3. The LEA used federal funds to provide services for participating children that the LEA provides with non-federal funds for nonparticipating children.

Of those three examples, the one most applicable to Perkins is #2. An example would be: An LEA paid for an instructor for courses in the Restaurants and Food/Beverage Services POS in the previous year from State and local resources but decides to use Carl Perkins funds to pay for that teaching position in the current year. This would be supplanting because the LEA is replacing State and local resources with Carl Perkins resources to pay for the same teaching position.

However, these are rebuttable if the LEA can demonstrate that it would not have provided the services in question with non-Federal funds had the Federal Carl Perkins funds not been available. For example, in the second situation discussed above, an LEA could provide programmatic and fiscal documents showing that the teaching position paid for in the previous year with State and local funds was eliminated in the current year because of State and local budget cuts. The LEA would need to ensure that it had contemporaneous records to confirm:

- There was in fact a reduced amount or lack of State and local funds available to pay for this position.
- The LEA made the decision to eliminate the position without taking into consideration the availability of Federal funding, along with the reasons for that decision - e.g., school board minutes.