

## **Preventing Supplanting with School Resource Officers: Guidance on HB 63 (2022)**

Kentucky recently passed House Bill (HB) 63 to amend [KRS 158.4414](#), impacting school resource officers and the potential to use Title IV, Part A funds to support these positions. Title IV, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), provides that “funds made available 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.”

Therefore, a school district must comply with this supplement not supplant requirement under ESSA if it uses Title IV, Part A funds to support school resource officer positions, and also must meet all other Title IV, Part A requirements as they relate to this activity.

If a district has identified, through a data-driven needs assessment, the need for a school resource officer, included that activity in its Title IV, Part A application to the Kentucky Department of Education, and has been using Title IV, Part A funds previously to support this activity, the district can continue to use Title IV, Part A funds to support a school resource officer. However, if the district utilizes state or local funds to support a school resource officer, the district cannot simply substitute Title IV, Part A funds to support a school resource officer as it would be considered supplanting since another funding source was applied. Districts that also did not previously utilize Title IV, Part A funds to support a school resource officer cannot now utilize funds to meet the legislative requirement. Only districts that have previously supported a position with Title IV, Part A funds can continue only to fund those positions that were previously funded.

### *Example 1:*

In 2021, District A completed a data-driven needs assessment and determined for the Safe and Healthy Students component that a school resource officer was needed in the district. This activity was supported with Title IV, Part A funds. In 2022, District A updated its needs and switched the funding source for the school resource officer to general district funds or state funds. In 2023, District A updated its application to resume supporting the school resource officer with Title IV, Part A funds. In this case, this activity would not be an allowable expenditure due to supplanting since the school resource officer was paid the previous year using general funds.

### *Example 2:*

District B has been supporting a school resource officer with Title IV, Part A funds for three years. This activity has continued to be a need based on the data-driven needs assessment and

activity evaluations. District B can continue to apply its Title IV, Part A funds to support the school resource officer only to the level of funding approved previously since it still is an identified need and the funding source has not changed.

*Example 3:*

District C has been supporting a school resource officer with state or local funds for two years as part of an identified need. The district now wants to use its Title IV, Part A funds to cover the cost of this position since Title IV, Part A funds are available. The district cannot now utilize federal funds for this purpose as it has previously been paid from a state or local funding source. In no event may a district decrease the amount of state or local funds used to pay the cost of an activity simply because of the availability of Title IV, Part A funds.

*Example 4:*

If a district has never used Title IV, Part A funds in the past to fund a school resource officer, for this purpose since it is unfunded and on a per campus basis, this would not be an allowable activity and districts would not be allowed to utilize federal funds to meet the intent of the unfunded mandate.