

FLORIDA DEPARTMENT OF EDUCATION



Dr. Eric J. Smith
Commissioner of Education

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Technical Assistance Paper

Comparability of Services for Title I Schools

Summary:

Public Law (P.L.) 107-110 requires that, as a condition of receiving Title I, Part A funds, each local educational agency must ensure that all schools, both Title I and non-Title I, receive comparable state and local resources before adding federal funds. This guidance describes the process for making these determinations.

Contact:

Jessie Simmons
jessie.simmons@fldoe.org
850.245.0414

Roger Henry
roger.henry@fldoe.org
850.245.0414

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DR. FRANCES HAITHCOCK
CHANCELLOR OF PUBLIC SCHOOLS

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A. GENERAL INFORMATION

Public Law (P.L.) 107-110, Section 1120A(c) requires Local Educational Agencies (LEAs) to ensure that Title I schools receive state and local funds for services that, taken as a whole, are at least comparable to those provided to non-Title I schools. In order to receive Title I funds, the LEA must ensure that it is meeting the comparability requirements and must submit comparability calculations to the Department on an annual basis.

A-1. Must a Local Educational Agency (LEA) determine comparability every year?

Yes. Demonstrating comparability is a prerequisite for receiving Title I funds. The Department allocates Title I funds on an annual basis; therefore, determining and reporting comparability is an annual requirement. [USDE Non-Regulatory Guidance, Title I Fiscal Issues; P.L. 107-110, Section 1120A(c)(1)(A)]

In Florida, comparability determinations take place following Survey 2 during which time student and staff membership are reported to the Department. LEAs are required to conduct comparability calculations by the close of the state processing period for these data and report these results to the Department via the online Comparability Report. For LEAs that identify non-comparable Title I schools, the LEA must take corrective actions upon such determination and report such actions to the Department.

A-2. When should comparability be determined?

Comparability calculations should be determined early in the school year so that an LEA can identify and correct any non-comparable Title I schools. An early determination of comparability would allow an LEA to make adjustments during the school year in which it has non-comparable Title I schools with the least amount of disruption. [USDE Non-Regulatory Guidance, Title I Fiscal Issues]

A-3. Are there any circumstances in which the comparability requirement might not apply?

Yes. The comparability requirement does not apply to an LEA that has only one building for each grade span [Section 1120A(c)(4)]. An LEA may also exclude schools with fewer than 100 students from its comparability determinations. If the exclusion of schools with less than 100 students results in only one building per grade span, the LEA would be exempt.

A-4. Is an LEA required to have procedures in place for complying with the comparability requirements in P.L. 107-110, Section 1120A(c)(3)?

Yes. An LEA must have written procedures for complying with the comparability requirements in No Child Left Behind (NCLB). [P.L. 107-110, Section 1120A(c)(3)(A)-(B)]. These procedures should include the following:

- Timeline for demonstrating comparability
- Identification of the office responsible for making comparability calculations
- Measure and process used to determine whether the schools are comparable
- Manner and timelines for making adjustments in schools that are not comparable

A-5. If an LEA uses student/instructional staff ratios or student/instructional staff salary ratios to measure comparability, how can the LEA determine which staff are paid with state and local funds in a schoolwide program in which there is no requirement to track federal funds to particular activities?

According to United States Education Department (USED) guidance, there are a number of ways for an LEA to demonstrate that its Title I schools are comparable. Two of the most common measures are student/instructional staff ratios and student/instructional staff salary ratios. These measures assume that an LEA is able to differentiate those instructional staff who are paid from state and local funds from those paid with federal funds, because comparability determinations only focus on the use of state and local funds. However, in a schoolwide program school, the school is not required to track the expenditure of federal funds to particular activities. Rather, the school may consolidate its federal funds with its state and local funds and spend the consolidated funds for any activities included in its schoolwide program plan. As a result, an LEA might not be able to determine which instructional staff to include in its comparability determinations.

There are several ways an LEA may demonstrate comparability in a schoolwide program school:

- If the LEA does not consolidate its federal funds or continue to track expenditures of those funds to particular activities, the LEA would calculate comparability for its schoolwide program schools the same as it would for its targeted assistance schools.
- The LEA may determine the percentage that federal funds constitute of the total funds available in a schoolwide program school. The LEA would assume that the same percentage of instructional staff in the school was

paid with federal funds and delete those staff from its comparability determinations.

- The LEA may use a different measure for determining comparability in instructional staff paid with state and local funds. In each case, the non-Title I schools compared would be the same, but the method used for comparison purposes would be different.

DETERMINING COMPARABILITY

B-1. How does an LEA determine comparability?

LEAs have three options for determining comparability: assurances, pupil-teacher ratio, or average instructional expenditures. Whichever method is used, the LEAs must have written procedures for determining comparability and ensuring that non-comparable Title I schools are provided the resources to make them comparable. [P. L. 107-110, Section 1120A(c)(3)(A)]

B-2. When determining comparability, must an LEA maintain documentation of compliance?

An LEA must maintain source documentation for five years to support the assurances, pupil-teacher ratio, or average instructional materials calculations and documentation to demonstrate that any necessary adjustments to staff assignments or allocations were made. This should be done annually to ensure compliance with comparability requirements. [P.L. 107-110, Section 1120A(c)(3)(B); Florida Department of State General Records Schedule for State and Local Government Agencies GS1-SL; Section 443 of General Education Provisions Act (GEPA); and 34 Code of Federal Regulations (CFR) 75.730 and 80.42]

B-3. What are the general requirements for determining comparability under each option?

If the LEA chooses the assurances option, it must submit evidence of comparability among schools through the LEA staffing allocation plan, instructional materials allocation plan, and LEA-wide salary schedules. [P.L. 107-110, Section 1120A(c)(2)(A)(i)-(iii); USED Non-Regulatory Guidance, Title I Fiscal Issues]

If the LEA files a written assurance with the State Educational Agency (SEA) that it has established and implemented a district-wide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies, it must keep records to document that the salary schedule and policies were implemented and that calculations demonstrate equivalence was achieved among schools in staffing, materials, and supplies. [P.L. 107-110,

Section 1120A(c)(2)(A)(i)-(iii); USED Non-Regulatory Guidance, Title I Fiscal Issues]

LEAs that choose to compare Title I and non-Title I schools using pupil-teacher ratio should examine the average number of students per instructional staff member (pupil-teacher ratio) in non-Title I schools compared to the pupil-teacher ratio of each Title I school. These ratios in Title I schools should not be greater than 110% of the average for non-Title I schools. [USED Non-Regulatory Guidance, Title I Fiscal Issues]

LEAs that determine comparability using average instructional materials expenditures examine the average state and local per-pupil expenditures for non-Title I schools and ensure that each Title I school receives not less than 90% of the average for non-Title I schools.

It is important to note that only those grade spans served by the LEA with Title I funds are to be included in the comparability calculations, regardless of the method utilized. Therefore, if an LEA serves only elementary schools with Title I funds, only schools within the elementary grade span would be included when determining comparability.

B-4. If an LEA elects to skip an eligible school when allocating Title I funds because that school is receiving supplemental funds from other state or local resources that are spent according to the requirements of Section 1114 or 1115 of Title I, must that school be comparable?

A school that is otherwise eligible for Title I but is not served, or skipped, must be considered Title I for comparability purposes. Section 1113(b)(1)(D)(i) of the Elementary and Secondary Education Act (ESEA) requires that a school be comparable in order to be skipped. When calculating whether Title I schools are comparable, an LEA must treat an otherwise eligible Title I school that is skipped as if it were a Title I school when determining comparability. When calculating comparability, the LEA would exclude the supplemental state and local funds expended in the school in its comparability calculations. [P.L. 107-110, Section 1113(b)(1)(D)(i); Section 1120A(d); USDE Non-Regulatory Guidance, Title I Fiscal Issues]

B-5. Must an LEA include charter schools that are schools within the LEA when determining whether its Title I and non-Title I schools are comparable?

Yes. An LEA should include charter schools, if the charter schools encompass a grade span served by Title I. The LEA should include all such schools, charter and non-charter, within an LEA when making comparability determinations. [USED Non-Regulatory Guidance, Title I Fiscal Issues]

B-6. May an LEA use a different method for determining comparability to account for differences between its charter schools and non-charter public schools?

Yes. An LEA could determine and compare the student/instructional staff ratio in each non-charter school operating a Title I program to the student/instructional staff ratio for all of its non-Title I schools. For charter schools operating a Title I program, an LEA could use a different measure to determine comparability—e.g., determine the per-student amount of state and local funds used to purchase instructional staff and materials in each of those schools and compare that calculation to the average per-student amount of state and local funds used to purchase instructional staff and materials in its non-Title I charter schools.

B-7. Are special education centers or alternative schools to be identified in the comparability calculations?

Yes. Center schools such as exceptional education, dropout prevention, and other alternative schools must be included in the comparability calculations and are to be placed in their grade span category if the LEA is using the instructional staff-student ratio methodology.

B-8. Is it sufficient to demonstrate comparability if an LEA files a written assurance that it has established and implemented an LEA-wide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies?

No. An LEA should keep records to document that the salary schedule and policies were actually implemented annually and that they resulted in equivalence among schools in staffing, materials, and supplies. Such documentation is necessary to ensure that the LEA has maintained comparability among its Title I and non-Title I schools. [P.L. 107-110, Section 1120A(c)(2); USED Non-Regulatory Guidance, Title I Fiscal Issues; Section 443 of GEPA; and 34 CFR 75.730 and 80.42]

B-9. Which staff members should be included as "instructional staff" if an LEA chooses to measure compliance with the comparability requirement by comparing pupil-teacher ratios?

Instructional staff may include teachers and other personnel assigned to schools who provide direct instructional services, such as music, art, and physical education teachers, guidance counselors, speech therapists, and librarians. Other personnel who provide services that support instruction, such as school social workers and psychologists may also be included. Instructional paraprofessionals supported with state and local funds should be counted as half of a full-time equivalency (.5 FTE) in comparability determinations.

Paraprofessionals that do not provide any instructional support services cannot be included in comparability calculations.

The LEA should consistently include the same categories of staff members in the ratios for both Title I and non-Title I schools. [USED Non-Regulatory Guidance, Title I Fiscal Issues]

B-10. Which staff members should be excluded as “instructional staff” if an LEA chooses to measure compliance with the comparability requirement by comparing pupil-teacher ratios?

In calculating comparability, an LEA must only include staff paid with state and local funds [P.L. 107-110, Section 1120A(c)(1)]. This would exclude staff paid with private or federal funds [such as Individual with Disabilities Education Act (IDEA) or Title I]. [USED Non-Regulatory Guidance, Title I Fiscal Issues]

B-11. When using average instructional materials to determine comparability, can the LEA exclude certain expenditures from the calculations?

Yes. Staff salary differentials for years of employment need not be included in comparability determinations. State and local funds expended for language instruction educational programs, excess state and local costs of providing services to children with disabilities as determined by the LEA, and state or local supplemental programs in any school attendance area or school that meet the intent and purposes of Title I, Part A, can also be excluded from the calculations [Section 1120A(c)(2)(B) and (c)(5) and (d) and 34 CFR 200.79]

B-12. Should all figures used (enrollment and instructional staff FTE) reflect data from the same day in the school year if an LEA is using the student/instructional staff ratio method to demonstrate comparability?

Yes. An LEA must use the same date certain for all data in the comparability calculations. For example, if an LEA uses pupil-teacher ratio, it should retrieve the total student and staff FTE on a single date certain, such as on Friday during Survey 2 week in October. An LEA need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services. [USED Non-Regulatory Guidance, Title I Fiscal Issues; 1120A(c)(B) and (C)]

B-13. If all schools in an LEA or in a grade span grouping receive Title I funds, must the LEA demonstrate that these schools are providing comparable services?

Yes. If an LEA serves all its schools with Title I funds, the LEA must use state and local funds to provide services that are substantially comparable in each school, and must demonstrate this by comparing each Title I school to the allowable variance from the average for all Title I schools. [P.L. 107-110, Section 1120A(c)(1)(B); USED Non-Regulatory Guidance, Title I Fiscal Issues]

B-14. When determining comparability on a grade span basis, are there limitations on the number of grade spans an LEA may use?

Yes. When grouping schools by grade span, five categories are allowed (elementary schools, middle schools, high schools, combination schools, and “other” schools). The LEA should group schools according to their “best fit” within these grade span grouping. For example, if most elementary schools in the LEA are K-5 but two are K-6, the two K-6 schools should be included in the elementary grade span. In addition, combination schools should be placed either in the grade span that provides the “best fit,” or within the combination school grade span. For example, a school that serves students in grades 7-12 may fit better in the high school grade span since the majority of grades served are high school.

B-15. In addition to grade span groupings, does the LEA have other options to group schools?

Yes. An LEA may group schools by enrollment size. However, an LEA may only use this option if the smallest school in a large enrollment size grouping has an enrollment of the smallest school in the small enrollment size grouping.

For example, if an LEA has ten Title I elementary schools, five of which have enrollment size ranges of 25-500 and five of which have enrollment size ranges of 500-750, an LEA may choose to group those schools within the grade span by large and small enrollment sizes.

B-16. What steps should be taken if an LEA determines that a Title I school is not comparable?

If an LEA determines that a Title I school is not comparable, it should immediately make the necessary adjustments to instructional staff or expenditures to make that school comparable. In addition, the LEA must submit reports showing both the original and revised calculations to the Department indicating the resources provided to make the school comparable. For example, in the case of pupil-teacher ratio, an LEA may need to add an instructional position at a school. If the LEA provides a paraprofessional, it may only count

that instructional position as .5 FTE. The position must be filled and not vacant or advertised to bring the school in compliance. [P.L. 107-110, Section 1120A(c)(3)(B)]

B-17. How does the Florida Department of Education monitor compliance with comparability?

The Department monitors compliance with comparability through online comparability reports that are reviewed annually and the annual No Child Left Behind (NCLB) monitoring process. The Department ensures that LEAs have written policies and procedures in place and that source documentation is maintained for comparability calculations. In addition, the Department monitors the corrective action the LEAs took to make non-comparable schools comparable, if applicable. The LEA must maintain documentation of the additional resources provided to non-comparable schools.

The Department also reviews single audits, but does not use such audits as the only way to monitor comparability.