

New 2021-22 Comparability Guide

Requirements under the Every Student Succeeds Act



FLORIDA DEPARTMENT OF
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Background

The Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA), emphasizes the purpose of Title I, Part A which is to “provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.” Thus, the intended purpose of Title I funds is to deliver additional resources to low-performing students from high-poverty neighborhoods, beyond what state and local funds provide.

Specifically, Section 1118 of ESSA requires that local educational agencies (LEAs) provide state- and locally-funded services in Title I, Part A schools that, taken as a whole, are at least comparable to services provided in schools that are not Title I, Part A. This comparability requirement ensures that Federal Title I, Part A funds are not spent on resources that non-Title I, Part A schools obtain with state and local funds; that would violate the supplemental purpose of Title I, Part A stipulated in statute.

Demonstrating Comparability

Within-LEA pupil-teacher ratio comparability analyses are done at the grade-span level (elementary, middle, high, combination) depending on which schools an LEA determined should receive Title I, Part A funding. LEAs are required to demonstrate comparability if they:

- Accept Title I, Part A funds, and
- Have at least 1,000 students, and
- Have at least one Title I school with more than 100 students in a grade-span that includes two or more schools.

Annual Requirements

The Florida Department of Education (FDOE) presumes that LEAs are meeting ESSA comparability requirements if they have provided written assurance in their annual ESEA Title I, Part A application that they have established and implemented all of the following:

- LEA-wide salary schedule.
- Policy to ensure equivalence among schools in:
 - Teachers, administrators, and other staff.
 - Provision of curriculum materials and instructional supplies.

Statute requires that LEAs provide services that meet comparability requirements each year and maintain documentation to demonstrate compliance to the State *biennially*. However, statute also stipulates that LEAs must *annually* provide services in Title I schools that are, in fact, comparable to those in non-Title I schools.

Questions and Answers

Q: Which LEAs need to demonstrate comparability?

A: LEAs that accept Title I, Part A funds, enroll at least 1,000 students, and have a Title I school with more than 100 students in a grade-span that includes two or more schools.

Q: Which LEA Cycle reports comparability calculations in 2021-22?

A: Cycle B LEAs report comparability calculations using 2021-22 Survey 2 data.

Q: Which LEAs need to upload Comparability Written Procedures?

A: Cycle B LEAs upload written procedures to TIPA Monitoring ShareFile.

Q: Which LEAs need to upload Attestations?

A: Cycle A and B LEAs upload Attestations to TIPA Monitoring ShareFile.

Q: Which LEAs need to upload Action Plans?

A: Cycle A and B LEAs with any non-comparable school uploads an Action Plan to TIPA Monitoring ShareFile.

Q: Are charter schools included in the calculations to determine if Title I schools are comparable?

A: Yes. All public K-12 schools are included.

All non-exempt LEAs are required to demonstrate comparability by conducting local analyses prior to end of the first quarter and make any necessary adjustments as early in the school year as possible, to create the least disruption for students. FDOE TIPA will provide Excel templates upon request that allow LEAs to conduct the analyses based on their specific Title I school configurations.

If unable to determine that the LEA will meet comparability requirements through the traditional pupil-teacher ratio method, which includes an alternative high-low (enrollment) method, the LEA may work with FDOE TIPA for an alternative method. TIPA staff will provide comparability technical assistance around conducting these analyses and addressing non-comparable situations. LEAs will be required to annually maintain documentation of comparability and be prepared to submit such documentation to FDOE TIPA biennially.

Comparability Calculations

• Pupil-teacher ratios

The general requirements for determining comparability using the pupil-teacher ratios are to examine the average number of students per instructional staff member (pupil-teacher ratios) in non-Title I schools compared to the pupil-teacher ratios of each Title I school. The ratios in Title I schools should not be greater than 110 percent of the average for non-Title I schools.

The pupil-teacher ratios measure assumes an LEA is able to differentiate instructional staff paid from state and local funds from instructional staff paid with federal funds, because comparability determinations only focus on the use of state and local funds. If an LEA consolidates its Federal funds, they should contact FDOE TIPA for technical assistance.

When determining pupil-teacher ratios, instructional staff includes classroom teachers and other personnel assigned to schools who provide direct instructional services, such as resource teachers; instructional paraprofessionals, aides, and tutors; teaching assistants; and special area and wheel (e.g., music, art, and physical education) teachers. Other personnel who provide services that support instruction, such as librarians, media specialists, computer instructors, reading and math coaches, speech pathologists, guidance counselors, psychologists, occupational and placement specialists, may also be included.

An LEA has flexibility for the inclusion of instructional paraprofessionals in the comparability calculation. However, if included, instructional paraprofessionals supported with state and local funds should be counted as one-half of one FTE (0.5 FTE) in comparability determinations. Paraprofessionals who do not provide any instructional support services should not be included in comparability calculations. Individuals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar positions are not considered instructional under Title I and should not 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.

Itinerant staff, if included in staff counts, should be counted according to the proportion of time spent at each location and should reflect the FTE on the staffing allocation plan for each location. Part-time staff, if included in staff counts at any location, should be counted on the basis of the total amount of hours worked from the beginning of the fiscal year to the date certain in proportion to the total hours a full-time employee would have worked during the same time span.

In calculating comparability, an LEA must only include instructional staff paid with state and local funds [Section 1118(c)(2)(B)]. This would exclude instructional staff paid with private or federal funds, such as Individuals with Disabilities Education Act (IDEA), Title II, or Title I [USED, *Non-Regulatory Guidance: Title I Fiscal Issues*].

When applying the pupil-teacher ratio method, an LEA must use the same date certain for all data in the comparability calculations. For example, the date an LEA retrieves the total student and staff FTE should be on a single date certain, such as the Friday during Survey 2 week in October. An LEA's written procedures should reflect the LEA's date certain decision. 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 [Section 1118(c)(2)(B)-(C)].

- **Grade spans**

The Title I statute provides that comparability may be determined on an LEA-wide or grade span basis. The number of grade spans should match the basic organization of schools in the LEA. For example, if the LEA's organization includes elementary, junior high, and senior high schools, the LEA would have three grade spans [USED, *Non-Regulatory Guidance: Title I Fiscal Issues*].

In Florida, school type is an indication of the level of instruction offered at the school. The school type is derived directly from the grade code reported for the school. The following school types are identified in the FDOE Master School ID (MSID) file:

- **Elementary Schools:** Schools providing instruction at one or more grade levels from Pre-K through grade five; may include schools serving grade six if also serving one or more grades from Pre-K through five (e.g., a K-6 school)
- **Middle/Junior High Schools:** Schools providing instruction in middle school configurations (grades 6-8) and junior high school configurations (grades 7-9); may also include schools serving a single grade in the 6-8 range (e.g., a sixth grade center)
- **Senior High Schools:** Schools providing instruction at one or more grade levels from 9 to 12; includes regular high schools and ninth grade centers
- **Combination Elementary and Secondary Schools:** Schools providing instruction in grade groupings that include more than one of the categories described above (e.g., Pre-K-8, 6-12, K-12)

The MSID File and the Master School ID Application Guidance are found at:
<http://doeweb-prd.doe.state.fl.us/EDS/MasterSchoolID/>.

- **Some schools in the grade span accept Title I, Part A funds and others do not.**

When some schools in a grade span receive Title I, Part A funding and others do not, each Title I school's pupil-teacher ratio is compared to the overall ratio for non-Title I schools. Title I schools should not exceed the non-Title I ratio by more than 10%. Schools with higher pupil-teacher ratios are considered to be under-served with state/local funds. In the following elementary grade span example, the **non-Title I** elementary schools (**A-D**) set a 14.1 ratio threshold for the Title I schools. Title I schools are comparable if their pupil-teacher ratios do not exceed the overall non-Title I ratio by more than 10%. **Title I schools (E-H)** are comparable with pupil-teacher ratios below the 14.1 ratio threshold. The last Title I school (**I**) is **non-comparable** because the pupil-teacher ratio (14.4) exceeds the 14.1 ratio threshold. Approximately two additional instructional FTEs would be needed to become comparable.

Non-Title I Schools

School	Grade Span	Student Enrollment	State/local Funded FTE Instructional Staff	Pupil-Teacher Ratio
School A	Elementary	1,764	114.5	15.4
School B	Elementary	757	70.0	10.8
School C	Elementary	1,005	88.0	11.4
School D	Elementary	484	42.0	11.5
Non-Title I Elementary School Total		4,010	314.5	12.8
110% x 12.8 = Pupil Teacher ratio threshold for non-Title I schools				14.1

Title I Schools

School	Grade Span	Student Enrollment	State/local Funded FTE Instructional Staff	Pupil-Teacher Ratio	Comparable
School E	Elementary	528	70.2	7.5	Yes
School F	Elementary	510	49.4	10.3	Yes
School G	Elementary	417	38.7	10.8	Yes
School H	Elementary	189	16.0	11.8	Yes
School I	Elementary	808	56.0	14.4	No

○ **High-low enrollment size grouping method**

When calculations do not demonstrate that all Title I schools are comparable based on the FTE grade span methods above, and school data lend themselves to high-low group/band analyses, for example when a grade span includes very high and low enrollment schools, the U.S. Department of Education (USED) allows comparability FTE analyses to be conducted by separate size enrollment groups. Consequently, an LEA with a wide range of elementary school enrollments and a high enrollment Title I school that is not comparable to the average non-Title I school, an LEA may compare that high enrollment Title I school to the LEA’s high enrollment non-Title I schools; however, an LEA may only use this option if the smallest school in a large enrollment size group has an enrollment size that is at least twice the enrollment of the smallest school in the small enrollment size group. Additionally, if an LEA is excluding schools with less than 100 student enrollments, the enrollment size range must start with the actual school enrollment size in that grade span group that will be included in the calculation.

For example, if an LEA has 11 Title I elementary schools, one school has an enrollment size of 64, five have enrollment size ranges of 100-500, and five of which have enrollment size ranges of 501-750, an LEA may choose to group those schools within the grade span by large and small enrollment sizes. An LEA using this option must ensure the ranges are such that the enrollments for each school are included. In this example, the small range cannot start at 64 if the LEA is excluding schools with less than 100 enrollments. Additionally, the small enrollment range may not start at 150 in this scenario because the school with less than 150 students would not be included in the enrollment size range. To use this option, an LEA must have at least two schools within a grouping size range.

● **All schools in the grade-span receive Title I, Part A funds.**

When all schools in a grade span receive Title I, Part A funding, each school’s student/teacher ratio is compared to the overall grade span ratio. Each school needs to be within 10% of the overall student/teacher ratio to be comparable. Schools with lower student/teacher ratios are considered to be over-served based on state/local funds, and those with higher student/teacher ratios are considered to be under-served with state/local funds. In the following example, Title I schools with student/teacher ratios within 10% (13.7 to 16.7 students per teacher) of the grade span overall would be comparable. In this elementary grade span scenario, the LEA has opted to exclude schools with less than 100 student enrollments. School C is not comparable because the school ratio exceeds the 16.7 top threshold. School C might need additional State and local FTEs to be comparable. School E; however, is not comparable because the school falls below the 13.7 lower threshold.

All Title I Schools

School	Grade Span	Student Enrollment	State/local Funded FTE Instructional Staff	Pupil-Teacher Ratio	Comparable
School A	Elementary	371	25.6	14.5	Yes
School B	Elementary	483	33.2	14.5	Yes
School C	Elementary	484	28.0	17.3	No
School D	Elementary	682	42.4	16.1	Yes
School E	Elementary	423	32.0	13.2	No
School F	Elementary	482	29.8	16.2	Yes
Total		2,925	192.0	15.2	

Percentage of Pupil-Teacher Ratio	Pupil-Teacher Ratio
90% of pupil-teacher ratio*	13.7
110% of pupil-teacher ratio*	16.7

- **Special circumstances**

Section 1113(b)(1)(D)(i) 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 not served, or “skipped,” as if it were a Title I school. When calculating comparability, the LEA would exclude the supplemental state and local funds expended in the school. An LEA must include skipped schools in the comparability report and identify those schools as being Title I [Section 1113(b)(1)(D)(i)].

With the exception of charter schools that are geographically located within an LEA but are legally their own LEAs, all schools within an LEA must be included. An LEA must also include charter schools if the charter schools encompass a grade span served by Title I, Part A. The LEA should include all public traditional, charter, and special schools and centers when making comparability determinations [USED, Non-Regulatory Guidance: Title I Fiscal Issues].

The LEA will be required to use the pupil-teacher ratio method for determining comparability for both charter and traditional public schools. The LEA must ensure that all Title I schools (public K-12 charter and traditional) are compared to the average of all non-Title I schools (public K-12 charter and traditional). Should one or more charters not be comparable, the LEA may work with FDOE TIPA for a second type of calculation to determine comparability. LEAs not serving charter schools should include a statement in their written procedures.

- **Alternative, exceptional student education (ESE), virtual schools, and centers**

Schools such as ESE centers, dropout prevention centers, and other alternative schools must be included in the comparability calculations and should be placed in their appropriate grade span category. Should an LEA exclude schools with less than 100 student enrollments from the calculations, the exclusion should also be applied to the alternative, exceptional student education (ESE), virtual schools, and centers.

Students in district virtual instruction programs (VIPs) and virtual courses, virtual charter schools, district franchises of the Florida Virtual School (FLVS), and FLVS full-time (FT) are reported for funding in Surveys 2, 3, and 4. In Surveys 2 and 3, students are reported with zero (0) FTE; however, the FTE is estimated based on this reporting. Virtual students and courses are reported in Survey 4 with the appropriate FTE assigned for successful completions. Students in FLVS part-time (PT) are reported in the survey (1, 2, 3, or 4) during which the student successfully completed the course. Virtual students who do not successfully complete virtual courses or prescribed level of content do not earn FTE funding for the virtual program or course(s).

Corrective Actions

If an LEA determines a Title I school is not comparable, it should immediately make the necessary adjustments to instructional staff to ensure the school is comparable. For example, 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 0.5 FTE. The position must be filled, not vacant or advertised, to bring the school into compliance [Section 1118(c)(3)].

During an LEA’s FDOE reporting year, the LEA must submit written procedures and comparability calculations indicating Title I school are comparable during the open ShareFile uploading window (see the comparability timeline that follows). **Any LEA, Cycle A and Cycle B**, that continues to have a **non-comparable school** beyond the reporting window, must submit a signed and completed Comparability Action Plan through the TIPA Monitoring ShareFile.

Attestation

All LEAs, Cycle A and Cycle B use the comparability attestation form to notify the FDOE of the LEA’s intent to either claim a comparability inapplicability status or to conduct the pupil-teacher ratio option to demonstrate requirements regarding Title I, Part A (TIPA) Comparability under the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act of 2015 (ESSA). This form allows the LEA to provide an attestation that the certifying official responsible for comparability calculations is not paid wholly, or in part, by Title I funds. For LEAs that are not claiming a comparability inapplicability option, the attestation form is used to identify the LEA’s date certain.

Florida Comparability Reporting Cycles

Cycle A (Every Odd Year) 2018-2019, 2020-2021, etc.		Cycle B (Every Even Year) 2019-2020, 2021-2022, etc.	
<ul style="list-style-type: none"> • Charlotte • Clay • Duval • Escambia • FAU Lab School • Flagler • Franklin • Gilchrist • Hendry • Hillsborough • IDEA Charter • Indian River • Lake Wales • Levy • Liberty • Madison • FLVS 	<ul style="list-style-type: none"> • Marion • Martin • Nassau • Okeechobee • Osceola • Palm Beach • Pinellas • Santa Rosa • Seminole • St. Lucie • South Tech • Suwannee • UCP • Volusia • Wakulla • Washington 	<ul style="list-style-type: none"> • Alachua • Baker • Bay • Bradford • Brevard • Broward • Calhoun • Citrus • Collier • Columbia • DeSoto • Dixie • FAMU Lab School • FSDB • FSU Lab School • Gadsden • Glades • Gulf • Hamilton • Hardee • Hernando • Highlands • Holmes 	<ul style="list-style-type: none"> • Jackson • Jefferson-Somerset • KIPP-Miami • Lafayette • Lake • Lee • Leon • Manatee • Miami- Dade • Monroe • Okaloosa • Orange • Pasco • Polk • Putnam • Sarasota • St. Johns • Sumter • Taylor • UF Lab School • Union • Walton

Comparability Timeline for Reporting Year LEAs

Month	Title I, Part A (TIPA) Activity
October 31, 2021	<p>ShareFile upload reporting period begins for</p> <ul style="list-style-type: none"> • All LEAs, Cycle A and Cycle B, to provide the FDOE TIPA with <ul style="list-style-type: none"> ○ Signed and dated comparability attestation form ○ A comparability action plan form if non-comparable schools remain beyond the comparability reporting window. • Cycle B reporting year LEAs must provide the FDOE TIPA with <ul style="list-style-type: none"> ○ An updated comparability written procedures file ○ Comparability calculation spreadsheets from the 2021-22 school year
November - December	LEAs with non-comparable schools continue to actively participate in comparability corrections.
January 31, 2022	<ul style="list-style-type: none"> • ShareFile upload window closes for reporting year Cycle B LEAs for submitting option attestation form, comparability calculations, written procedures, and if applicable, Comparability Action Plan Forms. • ShareFile upload window closes for Cycle A LEAs for submitting option attestation form, and if applicable, Comparability Action Plan Forms.
February - April	The FDOE conducts internal comparability reviews and concludes the 2021-22 reporting year by sending out the comparability status notifications to Cycle B LEAs .

Florida Comparability Summary

All LEAs conduct an annual local analyses, make any necessary adjustments as early in the school year as possible, and maintain records of comparability. **All LEAs** upload a comparability attestation form. **Cycle reporting year LEAs** upload written procedures and comparability calculations by reporting window deadline. **All LEAs** which have not demonstrated comparability through FDOE approved methods will need to create a corrective action plan to ameliorate the circumstances creating non-comparable schools over the course of the school year. Corrective Action Plans are due to the FDOE TIPA by the close of the cycle reporting period (see the previous timeline table).

Comparability and Supplement, Not Supplant (SNS)

Comparability's focus is educational materials and resources specifically. Comparability should not be confused with SNS, which ensures that Title I schools receive the funds they would have received if they had not participated in the Title I, Part A program. While comparability and SNS requirements both examine how the LEA distributes state and local funds/resources to schools, they are separate tests that measure different aspects of the supplemental nature of Title I, Part A funds. As such, demonstration of comparability may not meet SNS demonstration requirements and vice versa. The following scenarios illustrate how LEAs may satisfy one requirement while violating the other.

Example 1: SNS is met, but Comparability is violated

The LEA is compliant with SNS because it can demonstrate it did not consider school Title I status when distributing state and local funds. However, the LEA does not satisfy comparability requirements because some Title I schools' student/teacher ratios exceed the non-Title I school ratios by more than 10%.

Example 2: Comparability compliance is met, but SNS is violated

The LEA demonstrates comparability through student/teacher ratios. However, the LEA does not satisfy SNS requirements because additional state/local funds are provided to non-Title I schools for technology purchases but not to Title I schools; the LEA expects the latter to finance technology purchases with Title I, Part A funds.

For more information, please visit the [Title I, Part A Comparability webpage](#).

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