

MISSISSIPPI DEPARTMENT OF EDUCATION

TITLE I, PART A, CRITERIA AND GUIDELINES FOR

# COMPARABILITY OF SERVICES



MISSISSIPPI DEPARTMENT OF EDUCATION  
OFFICE OF FEDERAL PROGRAMS

**MISSISSIPPI DEPARTMENT OF EDUCATION**  
**TITLE I, PART A, CRITERIA AND GUIDELINES FOR**  
**COMPARABILITY OF SERVICES**

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# MISSISSIPPI DEPARTMENT OF EDUCATION

## Guidelines for the Title I, Part A Comparability Report

### STATUTORY REQUIREMENTS

Section 1118(c) in the Every Student Succeeds Act (ESSA), Comparability of Services requires that local education agency (LEA's) be able to document that the services provided with state and local funds in Title I-A schools are comparable to those provided in non-Title I-A schools in the LEA. State and local funds must be used in participating schools to provide services that, taken as a whole, are "at least comparable" to services in schools that do not participate in the Title I-A program.

If a LEA serves all of its schools (*or all schools within a grade span*) with Title I-A funds, the LEA must use State and local funds to provide services that are substantially comparable in each Title I-A school.

Because Title I-A allocations are made annually, comparability is an ANNUAL requirement. In order for the Mississippi Department of Education (MDE) to meet its obligations to ensure that LEA's comply with all statutory and regulatory provisions pertaining to Title I-A, each LEA must compile information that ensures it is complying with comparability requirements. The school system must have the following on file:

- District wide salary schedule,
- A policy ensuring equivalence among schools in teachers, administrators, and auxiliary personnel,
- A policy ensuring equivalence among schools in the provision of curriculum materials and instructional supplies, and
- File document (FORMS A, B1 and/or B2) showing appropriate student/staff ratio between Title I-A and non-Title I-A schools.

Records must be maintained to demonstrate that comparisons across Title I-A and non-Title schools have been made. For any Title I-A school found not comparable, staffing must be corrected within the school year.

## STATE GUIDELINES

### **1. *What are comparability assurances?***

Comparability assurances verify that a LEA has met annual comparability requirements using student/instructional staff ratios and/or salaries of non-federally funded instructional staff in the school. Local superintendents sign NCLB assurances certifying that the school system's Title I-A schools are comparable in terms of staff/student ratios and materials of instruction and/or salaries of non-federally funded instructional staff.

### **2. *What effect do the assurances have on a LEA?***

Each LEA must adopt policies in support of its comparability assurances. Compliance with the assurances may be examined as part of MDE program reviews or audits concerning compliance. Records must be maintained to demonstrate that the assurances have been implemented. Failure to comply with the assurances is a violation of the Title I-A law. The LEA's superintendent's signature on the NCLB assurances confirms that to the best of his/her knowledge and belief the information is accurate and correct and that comparability policies and procedures are in place.

### **3. *What information is contained in Comparability Policy?***

- a. Documentation procedures for the development of a district-wide salary schedule;
- b. Documentation procedures for ensuring equivalence among schools in teachers, administrators, and auxiliary personnel;
- c. Documentation procedures for ensuring equivalence among schools in the provision of curriculum materials and instructional supplies; and
- d. A set of written procedures to ensure that comparable services are provided. This document provides procedures districts may follow.

### **4. *Who must document compliance for comparability?***

This requirement applies to all school districts that accept Title I-A funds with the exception of any LEA that does not have more than one building per grade span. All districts must submit Form A.

### **5. *How is comparability (equivalence) determined?***

The Title I-A statute and legislative history does not provide guidance on the meaning of the word "equivalence" as it relates to the local school district policy on equivalence among schools in regards to teachers, administrators, and auxiliary personnel (paid with State and local funds).

In the absence of a statutory definition, MDE has developed a standard comparing student/ instructional staff ratios and/or salaries of non-federally funded instructional staff in the school. School systems must complete an annual comparability status report that

compares the average number of students per instructional staff in each Title I-A school with the average number of students per instructional staff in schools not participating in Title I-A. Comparability will be determined based on the number of students per staff person with a ten (10) percent allowable variance for non-Title I-A schools.

The comparability status report includes information on Title I-A and non-Title I-A schools. Such information must include student enrollments, number of assigned staff paid with State and local funds, and calculations of the ratio of students per instructional staff in all reported schools. The LEA shall select and use the same date (no later than September 30th) for collecting and measuring comparability information.

#### **6. What Forms are used?**

\* ***Detailed School Data Form A***

This form reports grade spans, enrollment range, size-split option, and number of Title I/non-Title I schools. (ALL districts must complete this form)

\* ***Detailed School Data Form B1***

This form compares Full-time Equivalent staff (FTEs) to student enrollment.

**and**

***Detailed School Data Form B2***

This form compares staff salaries to student enrollment.

#### **7. When should a school system begin the process of determining comparability?**

The LEA needs to begin the process at the time school budgets are discussed. Decisions are made to allocate local and State resources well before the date LEAs tests for compliance for comparability. Title I-A dollars supplement the instructional program with a purpose to meet the educational needs of low-achieving children in the highest poverty schools. Title I-A funds cannot be “perceived” or “treated” as general funds.

#### **8. What Data Collection Dates Are Used?**

Student enrollment and staff assignments should be counted on the same day. An LEA may wish to use the same date on which the official enrollment count for the district is performed – September 1<sup>st</sup>. In any case, two criteria must apply:

- 1) the date used by the LEA may be no later than September 30th of the comparability year; and
- 2) all data that a LEA uses in the comparability report must reflect conditions as they currently exist on the date from which the LEA bases comparability.

**9. Which schools must be included in the Comparability Report?**

All participating Title I-A schools must be included in the Report on FORM B1. The comparison is made between like grade spans, i.e. elementary-to-elementary, middle-to-middle, high-to-high school. Student/teacher ratios are calculated between Title I-A schools and non-Title I-A schools. If all schools in a grade span are served through Title I, use the school(s) with the lowest percentage of low income children as the base for computing these averages in Part C of Form B1.

**10. Can any schools be excluded from the Comparability Report?**

An LEA may exclude schools that have fewer than 100 students.

**11. How does an LEA calculate comparability when all schools in the grade span receive Title I-A funds?**

If all schools in a grade span are served through Title I, use the schools with the lowest percentage of low income students as the base for computing these averages (i.e., those Title I schools with the lowest percentage of low income children [Demographic Page located in the Title I Consolidated Federal Programs Application] act as the non-program or non-Title I or comparison schools.) This group of schools may not include more than one-half of all Title I schools in this grade span (e.g., If the district has only 6 elementary schools – all served by Title I – it uses the 3 (or fewer) schools with the lowest percentage of low income children as the base to compute the AVERAGE (Box 5A) per pupil expenditure. This average is compared to the 3 remaining schools.)

- Title I-A schools with the lowest concentration of low-income children will serve as comparison schools. When there is no more than five (5) percent difference between the highest and lowest concentrated schools, any of the schools may serve as comparison schools. However, no more than 50 percent of the schools in the grade span or size group may serve as comparison schools.

**12. Which students are included in the Comparability Report?**

All students enrolled in Title I-A and the non-Title I-A schools must be included in the Report. Kindergarten students are included and their count is determined by whether or not they attend full or half-day sessions.

**13. What staff information needs to be collected and reflected on the report?**

When comparing student/instructional staff ratios, the LEA must;

- Consistently include the same staff members in the ratios for both Title I-A schools and the comparison non-Title I-A schools.

- Calculate the FTE numbers of certified and non-certified instructional staff who are paid with State and local funds that are regularly assigned to each school listed.
- Staff members whose full salaries are paid with Federal dollars are not to be included in this report.
- For those staff members who are proportionally paid with Federal, State and/or local dollars, count only the portion of that person's salary that is local and State funded.
- Enter data to the nearest tenth. "Instructional staff" is defined as anyone who provides direct instruction to children or who assists or supervises those staff members who provide instruction. For example, the following individuals would be considered "instructional staff". This is not an all-inclusive list.

Aides	Clerical personnel
Consultants	Guidance and psychological personnel
Librarians	Media specialists
Music and art teachers	Paraprofessionals
Mentor teachers	Parent/family involvement liaisons
Physical education teachers	Principals
Reading and math specialists	Resource teachers
School based administrators	School social workers
Speech therapists	Teachers

- Long-term substitute teachers are included in the count for the Comparability Report.
- Short-term substitutes temporarily replacing a teacher on leave for maternity or surgery are not counted but the official teacher would be counted.
- Full-time substitutes under contract with the LEA and assigned to a specific school are included in the count.

Unpredictable changes in enrollment or personnel assignments that occur after the beginning of the school year need not be included as a factor in determining comparability of services.

#### **14. Can any staff be excluded?**

When determining compliance with comparability, an LEA, in accordance with Section 1118(c), may exclude State and local funds expended for bilingual education for limited English proficiency students and excess costs of providing services to children with disabilities as determined by the LEA.

**15. What calculation assures that the Title I-A school meets the comparability requirements?**

A Title I-A school is comparable if the school's average student/teacher ratio does not exceed 110 percent of the average student/teacher ratio of schools not participating in Title I-A. For example, if the average ratio of students to instructional staff is 20 to 1 for an LEA's non-Title I-A schools, the ratio at each Title I-A school can be no higher than 22 to 1.

**16. What calculation assures that Title I-A schools meet the comparability requirement when all schools in a district are Title I-A funded?**

To demonstrate comparability, the LEA computes the average student\staff ratio for all its schools and determines whether the student\instructional staff ratio for each school falls within the range that is between 90 and 110 percent of the average for all schools.

**17. When does a Title I-A school need to meet the comparability requirement? What happens if the school does not meet comparability?**

All Title I-A funded schools in an LEA should meet the Title I-A "equivalence" staffing requirement by December 1 of each school year. Any Title I-A school not in compliance with this comparability requirement is subject to withholding or repayment of funds in the amount or percentage by which the LEA has failed to comply. In order to meet the annual target date of December 1, an LEA should collect the comparability report information no later than September 30th of each school year. This will allow the LEA sufficient time for allocation, placement, and/or realignment of staffing in Title I-A schools prior to December 1.

**18. What documentation needs to be maintained?**

Each LEA shall maintain records that document compliance with the comparability requirement for three years after the grant period ends or three years after resolution of audit findings related to the grant. Maintain all supporting data including but not limited to student counts, staffing FTE, and a list of staff by name and position. In cases where initial information indicates a LEA is out of compliance with comparability requirements, the school system should retain documentation to demonstrate what specific actions were taken to achieve Title I-A comparability of service in all Title I-A schools.

**19. What should the district do if not comparable?**

Any school not comparable on September 30<sup>th</sup> must be brought into compliance no later than November 1<sup>st</sup>. A revised comparability report must be completed and submitted to the MDE along with evidence of how comparability has been met (i.e., contract) as documentation. Failure to achieve comparability by December 1<sup>st</sup> is in violation of Title I comparability requirements and shall be subject to withholding or repayment of funds in the amount or percentage by which the LEA has failed to comply.



## Forms and Instructions

### Purpose of *Detailed School Data* – **Form B1** and **Form B2**

The purpose of **Form B1** (FTE) and **Form B2** (salaries) is:

- **Form B1** (FTE) computes staff/student ratios for comparison purposes. The staff/student ratios in Title I schools are comparable to ratios in non-Title I schools. In the case where *all* buildings within a grade span are Title I schools, the staff/student ratios in schools with the highest concentrations of low-income children are comparable to ratios in schools with the lowest concentrations of low-income children. The LEA gathers enrollment data and staff FTEs (full-time equivalencies) to complete the required calculations. Most LEAs use this option since it is less time consuming and the data needed to complete the report are more readily available.
- **Form B2** (salaries) computes the per pupil expenditures for comparison purposes. The per pupil expenditures in Title I schools are comparable to expenditures in non-Title I schools, the per pupil expenditures in schools with the highest concentrations of low-income children are comparable to expenditures in schools with the lowest concentration of low-income children. The LEA gathers enrollment data and staff salary information to complete the required calculations.

If the district can demonstrate comparability using **Form B1**, then your work is completed and the following documents are submitted to the MDE:

- 1) **Assurances**
- 2) **School Eligibility page in the MCAPs application**
- 3) **Form A**
- 4) **Form B1**

If comparability is not achieved using **Form B1**, the district has another option for attempting to demonstrate comparability. That method compares staff *salaries*, rather than FTEs as used on B1 to demonstrate comparability among schools. The following pages contain instructions for completing **Form B2**, if needed. NOTE: *Districts submit either B1 OR B2, not both.*

The original should be maintained by the district and an electronic copy of the documents should be uploaded to MCAPs LEA document in the 2018 folder marked Comparability.

\_\_\_\_\_*Original*

#\_\_\_\_\_*Revised*

## Form A

### School Information and Signature Document

**Submit the district's Title I Comparability Report to the Mississippi Department of Education Office of Federal Programs by October 20th.**

*NOTE: Those districts with only one school building in each grade span, or a district who, Title I program is utilized as a district-wide extended day kindergarten program, is exempt from calculating comparability.*

**However, districts exempt from calculating comparability must submit a completed comparability Form A.**

District Name \_\_\_\_\_ District Code \_\_\_\_\_

Person Completing Report \_\_\_\_\_ Position \_\_\_\_\_

E-mail address \_\_\_\_\_

Telephone \_\_\_\_\_ FAX \_\_\_\_\_ Data Collection Date \_\_\_\_\_

1. Enter below the appropriate grade spans, enrollment size range, and number of Title I and non-Title I schools.

Grade Spans	Enrollment Size Range	Number of Schools With More Than 100 Pupils		Number of Schools With 100 or Fewer Pupils	
		Title I	Non-Title I	Title I	Non-Title I
	From -----To				
	From -----To				
	From -----To				
TOTALS					

2. Original signature of the person responsible for completing this report. An electronic copy of the original signature is acceptable.

I hereby certify that information submitted in this comparability report, to the best of my knowledge, is true and correct. Working papers to support figures will be maintained at the LEA for auditing purposes.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

3. The original should be maintained by the district and an electronic copy of the documents should be uploaded to MCAPs LEA document in the 2018 folder marked Comparability.

## FORM A DIRECTIONS

Instructions on this page are general in nature. For more specific details and examples, refer to the *Comparability Handbook* (06/12).

Districts must provide the following information: (1) District name, District Code; (2) name, position, and phone number of individual responsible for completing the comparability report; and (3) the date (month/year) comparability data was collected.

1. **GRADE SPANS:** There is no limitation on the number of grade spans an LEA may use, although the number must match the basic organization of schools in the district as reported on the demographic page of the CFPA. For example, if the LEA's organization includes elementary, middle, and senior high schools, the district would have three grade spans. Typical grade span groupings may include: K-6, 7-8, 9-12; an optional fourth group might include K-8 buildings or magnet schools.

**ENROLLMENT SIZE RANGE:** Identify the enrollment size range of all buildings included in each grade span (e.g., for a district with 5 elementary schools and K-6 grade span the enrollment is: 207, 150, 360, 250, and 185. Therefore, the enrollment size range is 150-360).

**NUMBER OF SCHOOLS WITH MORE THAN 100 PUPILS:** For each grade span (and by size-split option if applicable), identify the number of Title I and non-Title I schools with more than 100 pupils enrolled.

**NUMBER OF SCHOOLS WITH 100 OR FEWER PUPILS:** For each grade span, identify the number of Title I and non-Title I schools with 100 or fewer pupils enrolled.

2. A signature and date is from the individual responsible for completing the comparability report. (electronic signatures are acceptable) Original documents should be maintained by the LEA.
3. The LEA is to maintain a copy of the comparability report, as well as working papers (documentation) that support figures submitted in the report. This documentation is retained for a period of 3 years or (if applicable) until pending audits are resolved.

Example

Grade Spans	Enrollment Size Range	Number of Schools With More Than 100 Pupils		Number of Schools With 100 or Fewer Pupils	
		Title I	Non-Title I	Title I	Non-Title I
K-8	424 - 956	9			
	From -----To				
9-12	856 - 1,056	1	2		
	From -----To				
	Totals	10	2		

\_\_\_\_\_ Original

**ESEA TITLE I COMPARABILITY REPORT**

## Detailed School Data

**FORM B1****PART A:** Complete the following district information.

District Name \_\_\_\_\_ District Code \_\_\_\_\_

**PART B: TITLE I SCHOOL DATA** – If more than one sheet is required for providing information on this grade span and size grouping, use another copy of this form and repeat the non-Title I school data. Indicate the grade span the data represent on this sheet. When applicable, indicate the enrollment group the data represent.

<b>Grade Span:</b>					
<b>Title I Schools</b> (1)	<b>Grade Span</b> (2)	<b>Students Enrolled</b> (3)	<b>FTE Staff</b> (4)	<b>Col. 3 divided By Col 4</b> (5)	<b>Not Comparable</b> (6)

**PART C: NON-TITLE I SCHOOL OR TITLE I COMPARISON SCHOOL DATA** – List the schools included in these data. Calculate the averages for the schools listed.

<b>Non-Title I Schools</b> (schools included in the averages)	<b>AVERAGES (for non-Title I schools in this Grade span and size grouping)</b>		
	<b>Total Enrolled</b>	<b>Total FTE Staff</b>	<b>Average (5A)</b>
		_____	_____
	<b>Enter Here 110% of Box 5A !</b>		<b>(5B)</b>

## FORM B1 DIRECTIONS

**PART A:** *Provide district name, and district code.*

**PART B:** *TITLE I SCHOOL DATA*

- Step 1: *Specify the grade span compared on this sheet. NOTE: For each grade span used, a separate Form B1 must be completed.*
- Step 2: *Separately list each Title I served school (column 1); the actual grade span served in the school (column 2); the total enrollment for the school (column 3); and calculate FTEs (full-time equivalent) of non-federally funded instructional staff in the school (column 4). NOTE: Instructional staff means staff members who provide instruction to students or who assist or supervise those staff members who provide instruction. This includes teachers, principals, consultants, supervisors of instruction, librarians, guidance, and psychological personnel. In addition, it includes aides, and other paraprofessional staff, who assist instructional staff members in providing instructional services, being counted as .5.*
- Step 3: *Divide enrollment (column 3) by FTE staff (column 4); and enter staff/student ratio in column 5 for each Title I served school.*

**PART C:** *NON-TITLE I/COMPARISON SCHOOL DATA\**

*\*NOTE: If all schools in a grade span are served through Title I, use the schools with the **lowest percentage** of low income students as the base for computing these averages (i.e., those Title I schools with the lowest percentage of low income children [Demographic Page; Title I Consolidated Federal Programs Application] act as the non-program or non-Title I or comparison schools.) This group of schools may not include more than one-half of all Title I schools in this grade span (e.g., If the district has only 6 elementary schools – all served by Title I – it uses the 3 (or fewer) schools with the lowest percentage of low income children as the base to compute the AVERAGE (Box 5A) per pupil expenditure. This average is compared to the 3 remaining schools.)*

- Step 1: *Determine the total enrollment for non-program schools. Add all the building enrollments to determine the total enrollment for non-Title I schools; enter sum in Total Enrolled.*
- Step 2: *Determine the total staff FTEs for non-program schools. Add all the building FTEs to determine the total FTE for non-Title I schools, and enter the sum in Total FTE Staff.*
- Step 3: *Divide the non-program schools' total enrollment by the total staff FTE to determine the non-program schools' AVERAGE (Box 5A) staff/student ratio.*
- Step 4: *Multiply 110% times the average staff/student ratio (Box 5A) for non-program schools, and enter this figure in Box 5B.*
- Step 5: *If the staff/student ratio for each Title I served school (Part B; column 5) does not exceed the figure in Box 5B (Part C), then the school is comparable. If the ratio exceeds the figure in Box 5B, put an X in column 6 of Part B to indicate the building is not comparable.\*\**

**\*\* NOTE:** Any school not comparable on September 30th must be brought into compliance no later than November 1st. A revised comparability report must be completed and submitted to the MDE along with evidence of how comparability has been met (i.e., contract) as documentation. Failure to achieve comparability by December 1 is in violation of the Title I comparability requirements and shall be subject to withholding or repayment of funds in the amount or percentage by which the LEA has failed to comply. Source documents for basing information in this report must be filed and retained at the LEA. Such documentation must be retained for 3 years OR (if applicable) until pending audits are resolved.

## ESEA TITLE I COMPARABILITY REPORT

### Detailed School Data

### FORM B2

**PART A:** Complete the following district information.

Corporation Name \_\_\_\_\_ Number \_\_\_\_\_ County \_\_\_\_\_

**PART B: TITLE I SCHOOL DATA** – If more than one sheet is required for providing information on this grade span and size grouping, use another copy of this form and repeat the non-Title I school data. Indicate the grade span the data represent on this sheet. When applicable, indicate the enrollment group the data represent.

Grade Span: _____					
Title I Schools (1)	Grade Span (2)	Students Enrolled (3)	Salaries (exclude Longevity) (4)	Col. 4 divided By Col. 3 (5)	Not Comparable (6)

**PART C: NON-TITLE I SCHOOL OR TITLE I COMPARISON SCHOOL DATA** – List the schools included in these data. Calculate the averages for the schools listed.

Non-Title I Schools (schools included in the averages)	AVERAGES (for non-Title schools in this grade span and size grouping)		
	Total Enrolled	Total Salaries	Average (5A)
	_____	_____	_____
	Enter Here 90% of Box 5A !		(5B)

## FORM B2 DIRECTIONS

**PART A:** *Provide corporation name, number, and county.*

**PART B:** *TITLE I SCHOOL DATA*

*Step 1: Specify the grade span compared on this sheet. NOTE: For each grade span used, a separate Form B2 must be completed*

*Step 2: Separately list each Title I served school (column 1); the actual grade span served in the school (column 2); the total enrollment for the school (column 3); and calculate salaries of non-federally funded instructional staff in the school (column 4). NOTE: please see list of Instructional staff page 7.*

*Step 3: Divide staff salaries (column 4) by student enrollment (column 3); and enter the per pupil expenditure for each Title I served school in column 5.*

**PART C:** *NON-TITLE I SCHOOL OR TITLE I COMPARISON SCHOOL DATA\**

*\*NOTE: If all schools in a grade span are served through Title I, use the schools with the **lowest percentage** of low income students as the base for computing these averages (i.e., those Title I schools with the lowest percentage of low income children [Demographic Page; Title I Consolidated Federal Programs Application] act as the non-program or non-Title I or comparison schools.) This group of schools may not include more than one-half of all Title I schools in this grade span (e.g., If the district has only 6 elementary schools – all served by Title I – it uses the 3 (or fewer) schools with the lowest percentage of low income children as the base to compute the AVERAGE (Box 5A) per pupil expenditure. This average is compared to the 3 remaining schools.)*

*Step 1: Determine the total enrollment for non-program or non-Title I schools. Add all the building enrollments to determine the total enrollment for non-Title I schools, and enter the sum in Total Salaries.*

*Step 2: Determine the total staff salaries (excluding longevity) for non-Title I schools. Add all the building salaries to determine the total salaries for non-Title I schools, and enter the sum in Total Salaries.*

*Step 3: Divide the non-Title I schools' total staff salaries by the total enrollment to determine the non-program schools' AVERAGE (Box 5A) per pupil expenditure.*

*Step 4: Multiply 90% times the average per pupil expenditure (Box 5A) for non-Title I schools, and enter this figure in Box 5B.*

*Step 5: If the per pupil expenditure for each Title I served school (Part B; column 5) exceeds the figure in Box 5B (Part C), then the school is comparable. If the per pupil expenditure for each Title served school (Part B; column 5) is less than the salary figure in Box 5B, put an X in column 6 of Part B to indicate the building is not comparable.\*\**

**\*\* NOTE:** Any school not comparable on September 30th must be brought into compliance no later than November 1st. A revised comparability report must be completed and submitted to the MDE along with evidence of how comparability has been met (i.e., contract) as documentation. Failure to achieve comparability by December 1 is in violation of the Title I comparability requirements and shall be subject to withholding or repayment of funds in the amount or percentage by which the LEA has failed to comply. Source documents for basing information in this report must be filed and retained at the LEA. Such documentation must be retained for 3 years OR (if applicable) until pending audits are resolved.

## APPENDIX A

### SAMPLE COMPARABILITY PROCEDURES TEMPLATE

#### Title I Comparability Compliance Procedures NCLB, Section 1120A(c) (insert \_\_\_\_\_ LEA name)

Demonstrating comparability is a prerequisite for receiving Title I, Part A funds. Because Part A allocations are made annually, comparability is an **annual** requirement. The local educational agency (LEA) must **develop written procedures** for complying with the comparability of services requirement and implement those procedures annually. The comparability report is submitted annually to the Mississippi Department of Education (MDE), Office of Federal Programs. The comparability requirement does not apply if the LEA has only one building in each grade span. The LEA may also exclude schools with one hundred or fewer students from its comparability determinations. The certifying official must be a district administrator whose salary is not paid by Title I.

1. **Comparability Compliance:** It is the responsibility of \_\_\_\_\_ (insert job title or office name of designated staff) to ensure that \_\_\_\_\_ LEA remains in compliance with the comparability requirement set forth in ESEA Section 1120A(c). To be eligible to receive Title I funds, the LEA must use state and local funds to provide services in Title I schools that are **at least** comparable to services provided in non-Title I schools. If the LEA serves all of its schools with Title I funds within a particular grade span, the LEA must use state and local funds to provide services that are **substantially** comparable in each school.
2. **Deadlines:** The LEA shall perform the comparability calculations annually. It is essential that the calculations be made as close to the beginning of the school year as possible, but in no event later than (insert date) to allow for any necessary reallocation of resources with minimum disruption to students should any school be found not to be receiving comparable services. When submitting the comparability report to MDE annually, the LEA will follow the MDE deadline for reporting.
3. **Determining schools to be included:** The \_\_\_\_\_ office will determine which public schools that are a part of the LEA, are to be included in making comparability calculations. Refer to the MDE Comparability Handbook for Title I Schools for additional details regarding schools to be included and the USDE Non Regulatory Guidance, Title I Fiscal Issues.
4. **Actual data:** The LEA must use actual and reliable data from schools to make the calculation. Student enrollment and instructional staff full- time equivalent (FTE) data used to compute comparability are collected the last Friday of Survey 2 week in October. The LEA determines if students will be counted as either "weighted" or "unweighted" FTE. The documents needed, such as staff directories, staff schedules, instructional staff FTE documentation/spreadsheets, building resource schedules, enrollment data, payroll records, free and reduced lunch data, etc., will be collected. The LEA should include in their written comparability procedures how the LEA will determine which instructional staff and/or the instructional supplies and materials to be used in comparability calculations.



- For example the LEA that uses the pupil-teacher ratio option procedures should specify or define instructional staff (excluding federally-funded staff) to be used in comparability calculations. The LEA should consistently include the categories of staff members in the ratios for both Title I and the comparison schools. 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, as well as other personnel who provide services that support instruction such as school social workers and psychologists. Whether paraprofessionals are included in comparability determination depends on procedures the LEA has developed. Consistent with the requirement in Title I that a paraprofessional supported with Title I funds may only provide instructional support under the direct supervision of a teacher, an LEA should consider carefully whether a paraprofessional supported with state and local funds should be considered as an instructional staff member in comparability determinations. If the LEA determines to include paraprofessionals, paraprofessionals who assist in the instruction of students should only be counted as half of a full-time equivalency (.5FTE). In addition, an LEA should take care not to include paraprofessionals not involved in providing instructional support in its comparability determinations.
- The LEA should also specify in their written procedures those staff paid with state and local funds that are to be excluded from the comparability calculations. Excluded staff should include staff paid from private funds and those that does not provide direct instructional services such as cafeteria workers, custodians, nurses, playground aids, student teachers, and volunteers, etc.

**5. Method:** Comparability will be established using the MDE Forms(s) online template (Form A, Form B1 and/or Form B2) and one of the methods identified below. The LEA has flexibility in selecting which method will be used and it must be uniformly applied district-wide.

- If the **Assurance** ensures the internal process that (a) ensures salaries are comparable in all schools, (b) confirms schools are equivalent in teachers, administrators, and other staff, and (c) verifies curriculum/instructional materials and supplies are equivalent.
- If the **pupil-teacher ratio option** is selected, then ensure the procedures include a definition of non-federal instructional staff.
- If the **instructional materials option** is chosen, then ensure the procedures include a definition of instructional materials.

**6. Reallocation:** If the calculation indicates that a school is not receiving comparable services, notify the Superintendent immediately. The LEA will then take immediate steps to reallocate resources as early in the school year as possible and with minimum disruption to the learning environment. If any Title I school is not comparable, then the LEA must adjust school resources to achieve comparability in the **same school year**. Appropriate steps may include, but are not limited to, reallocation of materials or supplies, or reassignment of personnel. (Describe how and when the district would make adjustments if it discovered that a school is not comparable.)

**7. Records:** The \_\_\_\_\_ office must ensure that all comparability reports, records and source documentation demonstrating the methods and results of the LEA's comparability analysis are retained for five years for audit purposes. The LEA will maintain up-to-date records of having established and implemented an agency-wide salary schedule, a policy to ensure

equivalence among schools in teachers, administrators, and other staff, and a policy to ensure equivalence among schools in the provision of curriculum materials and supplies.

8. **Designate an office to take complaints:** The Federal Programs Director (Coordinator) in the Office of Federal Programs will be responsible for handling complaints that a school is not receiving comparable services.

## **APPENDIX B**

### **Recommended Timeline for the Completion of the Title I-A Comparability Report**

#### **January – April**

- ☐ Proactively engage in district level budget (state and local funds) discussions concerning staff assignments, equipment and material for the purpose of ensuring compliance with Title I-A comparability requirements.

#### **May - July**

- ☐ Conduct introductory meeting with Human Resources and LEA Finance Representatives to discuss the requirements for the completion of the Comparability Report.
- ☐ Establish participant roles and responsibilities.
- ☐ Establish district specific timelines for completion of the Report.

#### **August:**

- ☐ Obtain copy of preliminary district-wide school staffing report from Human Resources.
- ☐ Identifying Title I-A and non-Title I-A schools.

#### **September:**

- ☐ Identify date and collection methodologies for gathering student and staff assignment data.
- ☐ Obtain student and staff assignment data.
- ☐ Obtain official LEA approval of report and superintendent's signature of File Forms A, B1 and B2.

#### **October:**

- ☐ Meet with Human Resources and Finance representatives to draft the Title I-A Comparability Report.
- ☐ Make comparability corrections immediately for all schools that are shown to be non-comparable.

#### **November:**

- ☐ Reconvene Human Resources and Finance representatives to address any outstanding issues.
- ☐ Maintain all required documentation supporting the development of the Comparability Report.

**SEC. 1118. [20 U.S.C. 6321] FISCAL REQUIREMENTS.**

(1) In General.

(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency involved finds that the local educational agency has maintained the agency's fiscal effort in accordance with section 8521.

(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NONFEDERAL FUNDS.—

(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

(3) SPECIAL RULE.—No local educational agency shall be required to—

(A) identify that an individual cost or service supported under this part is supplemental; or

(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to prescribe the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.

(5) TIMELINE.—A local educational agency—

(A) shall meet the compliance requirement under paragraph (2) not later than 2 years after the date of enactment of the Every Student Succeeds Act; and

(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the day before the date of enactment of the Every Student Succeeds Act.

(c) COMPARABILITY OF SERVICES.—

(1) IN GENERAL.—

(A) COMPARABLE SERVICES.—Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

(B) SUBSTANTIALLY COMPARABLE SERVICES.—If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

(C) BASIS.—A local educational agency may meet the requirements of subparagraphs (A) and (B) on a gradespan by grade-span basis or a school-by-school basis.

(2) WRITTEN ASSURANCE.—

(A) EQUIVALENCE.—A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

(i) a local educational agency-wide salary schedule;

(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

(B) DETERMINATIONS.—For the purpose of this subsection, in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

(C) EXCLUSIONS.—A local educational agency 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 under this subsection.

(3) PROCEDURES AND RECORDS.—Each local educational agency assisted under this part shall—

(A) develop procedures for compliance with this subsection; and

(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

(A) language instruction educational programs; and

(B) the excess costs of providing services to children with disabilities as determined by the local educational agency.

(d) EXCLUSION OF FUNDS.—For the purpose of complying with subsections (b) and (c), a State educational agency or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.

