

TITLE I AND COMPARABILITY OF SERVICES REQUIREMENT

(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

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Section 1118(c) of Title I of the Elementary and Secondary Education Act (ESEA)/Every Student Succeeds Act (ESSA), requires that school districts with multiple attendance areas maintain comparability of local/state resources between the Title I schools and the non-Title I schools; or if all the schools at a grade span are Title I schools, comparability of local resources must be maintained among the Title I schools.

Comparability of Services is a fiscal requirement for recipients of Title I, Part A funds under the Every Student Succeeds Act (ESSA). This requirement is an assessment of services provided at Title I, Part A and Non-Title I, Part A campuses. Local Educational Agencies (LEAs) that receive Title I, Part A funds must use their state and local funds to provide comparable services at their campuses receiving Title I, Part A funds and their campuses that are not receiving Title I, Part A funds. Comparability reporting is one means of annually demonstrating and documenting the supplemental nature of Title I funded services.

Each school district must submit an annual statement of assurances as part of its application for federal funds, including Title I, Part A funds. One set of these assurances is related to Title I comparability.

The comparability of services requirement is defined in the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), Section 1118(c). The main purpose of the requirement is to prevent an LEA that receives Title I, Part A funding from diverting state and local resources away from its Title I, Part A campuses.

If all campuses in an LEA receive Title I, Part A funds, then **one of the following conditions** is required:

- State and local funds used to provide services at Title I, Part A campuses are substantially comparable, taken as a whole, at each Title I campus.
- State and local funds used to provide services at Title I, Part A campuses with higher percentages of low income students are equal to or greater than the services provided at Title I, Part A campuses with lower percentages of low-income students.

Comparability is an annual requirement and demonstrating comparability is a prerequisite for receiving Title I, Part A funds. LEAs must comply with the requirement every year to be eligible to receive their Title I, Part A allocation for that year. An LEA that does not demonstrate compliance will not receive its Title I, Part A allocation until it can demonstrate compliance. LEAs are required to test for compliance using current-year budget data.

To comply with the comparability requirement, the LEA must show that in comparison to its non-Title I campuses, all of its Title I, Part A campuses receive an equitable share of state and local resources. If all campuses in the LEA receive Title I, Part A funds, the LEA must demonstrate that comparable state and local resources are provided to each Title I, Part A campus.

All LEAs receiving Title I, Part A funds must establish written procedures that include, at least, the following:

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- An LEA-wide salary schedule.
 - A written policy to ensure equivalence among campuses in teachers, administrators, and other staff.
 - A written policy to ensure equivalence among campuses in the provision of curriculum materials and instructional supplies.

All data, documents, and policies supporting the above and verifying compliance with the comparability requirement must remain on file in the district offices. If such information does not demonstrate to state or federal reviewing officials or fiscal auditors, that comparability of services provided with state and local funds exists between Title I and non-Title I schools, a number of possible actions may occur. These potential actions could include the suspension of Title I programs in schools in non-compliance until the comparability issue is corrected, the withholding of payments of Title I funds or repayment of Title I funds.

Every district comprising more than one school serving similar grade spans must complete the required comparability report. A school district with only one school for each grade span is exempt from the comparability requirement. In addition, a school district with only one school is exempt from the comparability requirement because, as a single school district, there is no basis for comparison.

Comparability is an annual requirement. Each school district must be able to demonstrate, through appropriate documentation, that it is in compliance with the Title I comparability requirements. Appropriate documentation for the three requirements covered by the comparability assurance are as follows:

1. District-wide salary schedule

Compliance with this requirement may be demonstrated through the district's most recent teacher contract with applicable salary schedule, indicating that teacher salaries are based upon a policy consistent for all teachers across all schools in the school district. Additional information verifying consistency in salaries for principals, paraprofessionals, and other staff listed below should also be kept on file.

2. Equivalence in the assignment of instructional personnel

The district must demonstrate that the ratio of students to state and locally-funded instructional staff in each Title I school within a grade span is equal to or less than the average student to state and locally-funded staff ratio for all non-Title I schools within that grade span. The school district must include the same staff members in the ratios for both Title I schools and the comparison group.

3. Equivalence in the provision of instructional materials and supplies

The district should keep on file a statement of the specific policies and procedures adopted by the school district to ensure that textbooks and other instructional materials are provided in Title I served schools on a comparable basis to that for non-Title I schools in the same grade span.

Policy Implications

The "Comparability of Services" for Title I, Part A of ESSA basically remain the same as they were under NCLB. Policy #6161.3, "Comparability of Services," pertains to this issue.

April 2018

A mandated policy.

Instruction

Comparability of Services

The Superintendent or his/her designee shall pursue funding under Title I of the Academic Achievement of the Disadvantaged, as amended by the Every Student Succeeds Act (ESSA) to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged or deprived children.

Alternate language: To improve the academic achievement of educationally and economically disadvantaged children, the Board of Education (Board) will participate in the federal Title I program.

All District schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

Comparability, is defined, for purposes of this policy, that the District uses state and local funds to provide services to Title I schools that are comparable to those offered in non-Title I schools in order to get federal funding under ESSA.

The Board of Education believes that at all times its schools should be equally as well equipped and maintained as may be possible within existing financial limitations.

It shall be the policy of the Board of Education to insure comparability of services funded by state and local sources in both Title I project schools and non-project schools. The Board of Education will therefore:

1. Establish and maintain a district-wide salary schedule that is applicable to all staff whether assigned to Title I or non-Title I schools.
2. Provide services with federal, state and local funds in schools serving Title I project areas that are at least comparable to services in non-project areas.
3. Use federal, state and local funds to provide for an equivalence among all schools in all schools with the same grade levels in teachers, administrators, auxiliary personnel.
4. Use federal, state and local funds to provide for an equivalence among all schools with the same grade levels in the provision of curriculum and instructional materials, books and supplies.

The District shall maintain records that are updated biannually documenting its compliance with this ESSA requirement.

Instruction

Comparability of Services (continued)

Note: The district will be considered to have met the comparability requirements of Title I, Part A if it has filed with the State Board of Education a written assurance that it has established and implemented (1) a district-wide salary schedule and (2) policies to ensure equivalence in resources. (U.S.C. 6321(c)(2))

For the purposes of determining comparability in compliance with 20 U.S.C. 6321(c), the District, may exclude

1. State and local funds expended for English Learners language instruction education programs.
2. Excess costs associated with providing services to students with disabilities.
3. Unexpected changes in enrollment or personnel assignments occurring after the beginning of the school year.
4. Staff salary differentials for years of employment.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I (serving only children who are failing, or most at risk of failing, to meet the State's standards)

The Superintendent or his/her designee shall provide in a timely manner all assurances, documentation, or other information required by the State Department of Education to demonstrate the District's compliance with Title I fiscal requirements.

The Superintendent or his/her designee shall maintain reports and other documentation demonstrating compliance with the requirements of this policy.

Nothing in this policy will prohibit the administration from addressing identified problems at individual schools.

Note: The comparability requirements of 20 U.S.C. Section 6321(c) shall not apply to a district that does not have more than one building from each grade span. (20 U.S.C. Section 6321(c)(4))

Legal Reference: Title I Improving Basic Programs Operated by State and Local Educational Agencies, Improving Every Student Succeeds Act, P.L. 114-95, Section 1118c of Title I, ESEA/ESSA
20 U.S.C. Section 6321(c)
Agostini v. Felton 521 U.S. 103 (1997)

Policy adopted:
rev 5/17
rev 4/18

Another version of this policy.

Instruction

Comparability of Services for Title I Schools

The equivalent distribution of District resources is one means the District shall use to ensure all students receive a quality education. This policy demonstrates the District's commitment to ensure that no discrimination occurs in the distribution of resources funded by state and local sources, regardless of the receipt of federal funds.

Therefore, it is the policy of the _____ Board of Education to ensure comparability of services funded by state and local sources in both Title I schools and non-Title I schools.

State and local funds will be used in schools receiving Title I funds to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds, or if all schools receive Title I funds, to provide services that are substantially comparable in each school.

The Board acknowledges that comparability may be measured on a grade-span by grade-span basis or on a school-by-school basis.

Districts, per the ESSA comparability requirement, must demonstrate that schools that receive Title I funds get at least as much state and local funding as schools that do not receive Title I dollars.

The _____ Board of Education has established and implemented:

- a. a district-wide salary schedule
- b. a policy to ensure equivalence among schools in teachers, administrators and other staff; and
- c. a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

Legal Reference: Title I Improving the Academic Achievement of the Disadvantaged, as implemented by Every Student Succeeds Act, P.L. 114-95, Section 1118c of Title I, ESEA/ESSA
20 U.S.C. Section 6321(c)
Agostini v. Felton 521 U.S. 103 (1997)

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