

Overview of 2018-2019 Comparability Requirements

Background Information

As outlined in Section 1118(c) of the Every Student Succeeds Act (ESSA), local education agencies (LEAs) must use State and local funds to provide services in Title I schools that are comparable to the services provided in non-Title I schools. If all schools within an LEA receive Title I funds, the LEA must use State and local funds to provide services that are substantially comparable in each Title I school.

Criteria for Meeting Comparability

An LEA can meet the Comparability requirement by filing written assurances that it has established and implemented:

- A local educational 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 instructional supplies.

All LEAs that submitted a 2018-2019 LEA Application for ESSA-Funded Programs were required to provide these assurances, therefore meeting the Comparability requirements.

Monitoring Comparability

NYSED will use the 2018-2019 Comparability Report to monitor each LEA's implementation of those assurances. NYSED requires that LEAs use a standardized method to demonstrate implementation of Comparability assurances by comparing the ratio of:

- The number of students enrolled in each Title I and non-Title I school; with
- The number of instructional staff in each building who are funded by State/local resources.

For all LEAs, actual 2018-2019 student and staff numbers must be used in the calculations. When determining student and staff counts, an LEA may exclude those English Language Learners (ELL) and Special Education programs approved by NYSED and State/locally funded compensatory education programs that meet the intent and purposes of Title I, Part A.

Additional Ways to Demonstrate Implementation

If an LEA established and implemented other measures for demonstrating Comparability, the LEA may seek a variance to the standard statewide method by submitting a ESSA Title I Comparability Variance

Request Form. The LEA must maintain source documentation to support the calculations and demonstrate that any needed adjustments to staff assignments were made. NYSED will consider variances for LEAs that can:

1. Provide a detailed rationale for why the current statewide methodology is not appropriate for demonstrating Comparability in their LEA and
2. Provide an alternate methodology that sufficiently demonstrates compliance with the Comparability requirements outlined in Section 1118(c) of the ESSA.

Consistent with guidance issued by the United States Department of Education, LEAs may utilize a variety of rationales for why the standardized statewide methodology is not appropriate for their LEA such as:

- Signification enrollment size differences within a grade span grouping;
- School function/specialty issues;
- High Poverty/Low Poverty buildings; or
- Extraordinary circumstances resulting in short-term/one-time anomalies to the Comparability calculations.

Similarly, LEAs may propose a variety of alternate methodologies for demonstrating Comparability, including, but not limited to:

- Student/instructional staff salary ratios;
- Expenditures per pupil; or
- A resource allocation plan based on student characteristics such as poverty, limited English proficiency, or disability, etc.

Corrective Actions When Comparability Is Not Demonstrated

Any LEA that fails to demonstrate Comparability must address the issues that led to such failure early enough in the school year so that students do not spend an unreasonable portion of the school year in non-comparable schools. Therefore, any LEA which does not demonstrate Comparability must address deficiencies identified by NYSED staff by January 31, 2019 or 30 days after submission of the Comparability Report, whichever is sooner. Technical assistance will be provided by ESSA-Funded Programs office staff members as needed.

Questions concerning Comparability requirements should be directed to the ESSA-Funded Programs Office at (518) 473-0295 or via email at CONAPPTA@NYSED.GOV.