

GUIDANCE

COMPARABILITY OF SERVICES



New York State Education Department

Office of ESSA-Funded Programs

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Comparability of Services

INTRODUCTION

This guidance defines Comparability of Services as required in Title I, Part A, 1118(c) of the Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA). Specifically, the document outlines the required elements of Comparability and explains how the New York State Education Departments (NYSED or “the Department”) requires local educational agencies (LEAs) to demonstrate compliance with the requirement.

Background Information

Section 1118(c)(2)(A) of the Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA) states that 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

A local educational agency is considered to have met the requirements of Comparability if the LEA has filed with the State educational agency a written assurance that such agency 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.

Monitoring Comparability

As part of the annual Consolidated Application, all LEAs are required to provide these assurances, therefore meeting the Comparability requirements. In turn, NYSED uses an annual 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.

The report allows NYSED and the LEA to determine if services provided with state and local funds in Title I, Part A schools are comparable to the services in schools that do not participate

in the Title I, Part A program. Alternatively; if an LEA serves all schools with Title I, Part A funds, services provided with state and local funds must be “substantially comparable” in each Title I, Part A school.

Additional Ways to Demonstrate Comparability

If an LEA established and implemented other measures for demonstrating Comparability, the LEA may seek a variance to the standard statewide method by submitting an 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 or 30 days after submission of the Comparability Report, whichever is sooner. Technical assistance will be provided by the ESSA-Funded Programs Office staff members as needed.

QUESTIONS & ANSWERS

Q1. What is Comparability of Services?

A1. Any local educational agency (LEA) that receives Title I, Part A funds must ensure that all schools that receive Title I, Part A funds receive adequate State and local funds to ensure that the schools can deliver services that are comparable to non-Title I schools. If Title I, Part A funds went away LEAs are still obligated to provide Title I schools with adequate State and Local funding that would ensure that the services these schools provide are at the same level as non- Title I schools.

Q2. Does my LEA have to demonstrate Comparability of services?

A2. Any LEA that accepts Title I, Part A funding is required to demonstrate Comparability of Services.

Q3. What are the Title I, Part A Comparability of services requirements for LEA's?

A3. Each LEA must sign written assurances with the New York State Education Department (NYSED) that the LEA 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.

Q4. Are there any circumstances where my LEA may qualify for an exemption from demonstrating Comparability of services?

A4. Yes, there are a limited number of circumstances in which an LEA may be exempted from demonstrating Comparability. An LEA is eligible for an exemption if:

- The LEA does not receive/accept Title I Part A funds;
- The LEA has fewer than 1000 students LEA-wide;
- The LEA has a single building serving grades K-12;
- The LEA has one building per grade span (non-overlapping);
- The LEA is a Charter School; or
- The LEA is a Special Act District.

Q5. Should an LEA include state and locally funded staff that provide services to English Language Learners and Students with Disabilities in their determination of Comparability?

A5. An LEA may exclude ELL and Special Education programs approved by the NYSED and State/locally funded compensatory education programs that meet the intent and purposes of Title I, Part A. Please note that an LEA may exclude approved programs only if it does so in all Title I and non-Title I schools in which the program operates.

Q6. What does the term Grade Span Grouping mean and how do I use this information to report my LEA's Comparability of services?

A6. An LEA's organization of its schools defines its grade span groupings. For example, if an LEA has elementary schools serving all elementary grades, middle schools, and high schools, the grade span groupings would be grades K-5, 6-8, and 9-12. To the extent an LEA has schools that overlap grade spans (e.g., K-5, K-8, 6-8), the LEA should include a school in the grade span in which it is most appropriate.

An LEA will generally report four typical grade span groups when completing the Comparability of services report. The grade span groups are primary, elementary, junior high/middle school, and high school. If an LEA has two or more elementary buildings, but only one middle school and high school, only the elementary schools would be reported for Comparability of services purposes. Likewise, if there are two or more middle/junior high or high schools, these groups must also be reported.

Q7. Can an LEA use other methods to report Comparability of services to NYSED?

A7. Yes, an LEA can seek what's called a variance to the current statewide method for demonstrating Comparability of services. If an LEA would like a variance they must annually submit the **ESSA Title I Comparability Variance Request Form** located in the online Comparability report Document Library.

Q8. What will happen if a Comparability of services report is not submitted or fails the Comparability of services test?

A8. LEAs that do not submit Comparability reports or revised reports by the appropriate due dates, will receive technical assistance from the ESSA-Funded Programs Office. If the LEA does not respond to the request for submission after technical assistance has been provided, the ESSA-Funded Programs Office may withhold ESSA program funds until such reports are submitted or the LEA may become subject to a monitoring review.

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. LEAs may be required to hire or re-deploy staff, adjust student enrollment, provide additional funding, and/or correct the submission by providing current data to resolve non-Comparability issues. If an LEA does not meet Comparability, the ESSA-Funded Programs Office will provide technical assistance to the LEAs to ensure that the Comparability requirements are met.