

Comparability Guidance

The following Field Guidance is provided to address state compliance findings that were identified by the United States Department of Education (USDE) during its last two State Monitoring Reviews. Specifically, the findings indicate that we as the State Education Agency (SEA) must insure that LEAs in our State are in compliance with regard to implementation of the Comparability requirements as described under Section 1120A(c) of the ESEA (also see www2.ed.gov/programs/titleiparta/fiscalguid.doc for the latest federal Non-Regulatory Guidance on Comparability).

Section 1120A(c) of the ESEA provides that an LEA may receive Title I, Part A funds only if it uses State and local funds to provide services in Title I, Part A schools that, taken as a whole, are at least comparable to the services provided in schools that are not receiving Title I, Part A funds. If the LEA serves all of its schools with Title I funds, the LEA must use State and local funds to provide services that, taken as a whole, are substantially comparable in each Title I school. *[Section 1120A(c)]*

Demonstrating comparability is a prerequisite for receiving Title I, Part A funds. Because Part A allocations are made annually, Comparability is an ANNUAL requirement.

As many of you are aware, through the 2011-12 school year, New York has not had a Comparability policy or guidance of its own. In part, we have not developed state-specific policy guidance because the USDE published Non-Regulatory Guidance, which is quite comprehensive and lends itself well to most situations that might be present in LEAs with all Title I schools and those with Title I and non-Title I schools.

Given the availability of ARRA funds in 2009 and the challenging economic times of the past few years, some LEAs have presented funding methodologies and circumstances that have caused us to re-visit how New York's LEAs are interpreting and using the USDE guidance on comparability (part of ED's Title I fiscal guidance, available at: www2.ed.gov/programs/titleiparta/fiscalguid.doc). As currently outlined in the fiscal guidance, LEAs may employ a number of different methods to meet the Comparability requirements.

In order to demonstrate that the required Comparability standards are being met, NYSED requires New York's LEAs to annually submit a Comparability Report that contains the following information:

- Enrollment for each building in a group of buildings of the same grade span in which at least one building receives Title I funding;

- FTE Professional staff in each building, funded from State/local resources and adjusted for special programs/groups

The Form for submission of the data needed to verify Comparability is located at:

<http://www.p12.nysed.gov/accountability/consolidatedappupdate/1213/compinstruct.html>

This Form is used to collect all the relevant Comparability data according to the accompanying instructions. In a situation in which all of an LEA's buildings are Title I-funded or, if the LEA determines comparability by grade span and all buildings in the grade span are Title I-funded, special note should be made of the 90-to-110 percent range inside which the adjusted pupil/staff ratio of all the Title I-funded buildings must fall. See Examples 3 and 4 in Section B of the USDE publication:

www2.ed.gov/programs/titleiparta/fiscalguid.doc for specific examples.

Additionally, LEAs may consider a number of factors to demonstrate comparability. These include:

- If there are significant enrollment size differences within a grade-span grouping, an LEA may further divide grade spans into large and small school groups (subgroups based on individual LEA data) (see ED's Title I fiscal guidance, Question B-12);
- To account for differences between unique-purpose schools (e.g., charter schools) and "regular" schools, an LEA may use a different comparability method for each type of school (see ED's Title I fiscal guidance, Question B-8);
- If an LEA has all Title I schools in a particular grade span, the LEA may divide schools by High Poverty/Low Poverty buildings (although use of this option would need to be monitored closely) (see ED's Title I fiscal guidance, Examples 5 and 6);

Additional considerations:

- All LEAs need to conform to the Statewide Policy (no special arrangements)
- Policy should follow the comparability ranges provided in the USDE's Title I fiscal guidance (e.g., +/- 10 percent, State-and-local resources only, etc.)
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- The test will be based primarily on the adjusted pupil/teacher ratio.
- LEAs may provide additional/other evidence of Comparability in support of compliance, for example see USDE's Title I fiscal guidance (Per NYSED's policy, other tests besides pupil/teacher ratio are generally not meant to be sufficient in themselves).