

Title I Part A: Comparability

Use of this Document

This document is designed to support Local Education Agencies (LEAs) in identifying the requirements of comparability and how to meet those requirements. It is important to note that while this document provides thorough information and guidance on how LEAs may be able to meet the requirements of comparability, this is a guidance document to aid LEAs and does not necessarily guarantee that an LEA's reporting of comparability will meet compliance.

Purpose of Comparability Under Title I Part A

Comparability is one of three financial "tests" under Title I to ensure Federal funds are being used to supplement rather than supplant State and local financial resources. It includes a calculation performed at a grade span-by-grade span or school-by-school basis that demonstrates the level of State and local funds and resources provided to an LEA's Title I and non-Title I schools.¹ The goal is to determine whether the distribution of State and local funds and resources to schools is comparable.

Section 1118(c) of the *Elementary and Secondary Education Act (ESEA) of 1965*, most recently amended by the *Every Student Succeeds Act (ESSA)* in December of 2015, permits an LEA to receive Federal Title I funds only if State and local funds support services in Title I schools that are "at least comparable" to services in non-Title I schools.²

Timing of Comparability

Under ESSA, LEAs must **annually** provide services in Title I schools that are comparable to those in non-Title I schools. Comparability should be completed in the fall because LEAs need to review current-year resources and make adjustments for the current year as necessary based on the results of the comparability calculations.³ For further information on the timeline of completing the comparability requirements, please see the Title I Part A Comparability Compliance Procedure template and timeline located within this document.

To ensure accuracy of reporting, data to include student enrollment numbers and staff FTE should be collected on the same date within the school year. Supporting documentation must match the data the LEA used to inform calculations. For example, if the student enrollment report was generated on October 1st, then the staff FTE documentation must reflect the same day, October 1st.

Information and supporting documentation is gathered through the Grants Management System (GMS) and is due November 1st of each year. For further information on how to complete the comparability report within GMS, please reference the training provided by the Consolidated Federal Program (CFP) team that is available on the CFP website.

Exemptions from Comparability

Some LEAs and some schools within an LEA may be excluded from the Title I comparability requirements. The following may be excluded:

1. An LEA that has a single school for each grade span. For example, an LEA that has one elementary school, one middle school and one high school would be exempt as there would be nothing to compare on a grade span-by-grade span basis.⁴
2. A school within an LEA that has fewer than 100 students. For example, a school within an LEA that has 95 students would be excluded from the comparability requirements. This exception does not mean the entire LEA would be exempted from the comparability requirements, just that particular school would be exempted. If other schools within the LEA have more than 100 students, the LEA would still be required to meet comparability requirements with the remaining schools.

The Comparability Calculation

Like many other State Education Agencies (SEAs), the Vermont Agency of Education (AOE) requires Vermont’s LEAs to demonstrate comparability using the student-to-staff ratio method, comparing each Title I school’s ratio to the other schools within the same grade span. If comparability is not met using student-to-staff ratios, the AOE may grant an LEA flexibility to demonstrate comparability using an alternative method. This section provides an overview of each of those methods.

Student to Instructional Staff Ratio

All Vermont LEAs will use student to instructional staff ratios to demonstrate comparability. For the purpose of comparability, instructional staff includes only those positions funded with State and local funds. Please see the “Determining Comparability” section located within this document for information regarding which staff must be included in the staff FTE.

When using student to instructional staff ratios, comparability calculations fall into two major categories, depending on the LEA’s Title I school configuration: all schools within a grade span receive Title I Part A funds or some schools within a grade span receive Title I Part A funds and other schools do not.

When **all** schools in a grade span receive Title I Part A funding, each school’s student/teacher ratio is compared to the overall grade span ratio. Each school needs to be within 10% of the overall student/teacher ratio to be comparable. Schools with lower student/teacher ratios are considered to be over-served by State/local funds, and those with higher student/teacher ratios are considered to be under-served by State/local funds.

School	Grade Range	Student Enrollment	State/Local Funded Staff FTE	Student/Staff Ratio	Comparable

School A	K-5	226	22.25	10.16	Yes
School B	K-5	336	28.25	11.89	Yes
School C	K-5	154	15.25	10.10	Yes
Total		716	65.75	10.89	

When **some** schools in a grade span receive Title I Part A funding and others do not, each Title I school's student/teacher ratio is compared to the overall ratio for non-Title I schools. Title I schools should not exceed the non-Title I ratio by more than 10%. Schools with higher student/teacher ratios are considered to be under-served by State/local funds.

Title I Schools

School	Grade Range	Student Enrollment	State/Local Funded Staff FTE	Student/Staff Ratio	Comparable
School A	K-5	226	22.25	10.16	Yes
School B	K-5	336	28.25	11.89	Yes
School C	K-5	154	15.25	10.10	Yes

Non-Title I Schools

School	Grade Range	Student Enrollment	State/Local Funded Staff FTE	Student/Staff Ratio	Comparable
School D	K-5	345	29.25	11.79	
School F	K-5	525	35.25	14.89	

Overall Ratio for Non-Title I Schools

	Student Enrollment	State/Local Funded Staff FTE	Student/Staff Ratio
Non-Title I School Total	870	64.50	13.49
110% of Student/Teacher Ratio			14.84

If comparability is not met using student to instructional staff ratios, the AOE may grant an LEA flexibility to use an alternative method to demonstrate comparability.

Alternative Methods

High-Low Enrollment or Poverty Alternative Method

When student-to-instructional staff ratio calculations demonstrate that not all Title I schools have met comparability, high-low band analyses may be applied. An LEA must seek permission and guidance before using this method. When a grade span includes very high and low enrollment schools, the U.S. Department of Education (ED) allows comparability to be determined within separate enrollment bands. For example, an LEA may feature a wide range of elementary school enrollments, including a high enrollment Title I school with a student-to-staff ratio more than 10% above the grade span average. In this case, the AOE may allow for this Title I school to be compared only to the LEA's other high enrollment elementary schools, potentially resulting in a smaller disparity. Similarly, if there is a wide range of poverty percentages, ED allows high poverty Title I schools to be compared only to other high poverty schools.

If comparability is still not met using the high-low enrollment or poverty alternative method, the AOE may grant an LEA flexibility to use the per pupil allocation alternative method.

Per Pupil Allocation Alternative Method

LEAs with Title I schools that were not comparable, based on student-to-instructional staff ratio analyses and any applicable high-low band analyses, may be allowed to use the Per Pupil Allocation (PPA) alternative method. An LEA must seek permission and guidance before using this method. LEAs using the PPA alternative should remain consistent by including the same categories of educational resources and materials purchased with State/local funds across schools. If teaching paraprofessional, librarian and counselor salaries are included in one school, they should be included in all others. If curriculum material costs are included for some, they should be included for all.

The PPA alternative method requires the LEA to demonstrate that the per-pupil allocation for educational materials and resources from State/local funds for each Title I school is comparable to non-Title I schools in the grade span. When all schools in the grade span are Title I, each school's PPA should fall between 90% and 110% of the grade span average.

Determining Comparability

When determining comparability LEAs should:

1. Use current-year data;
2. Include only public schools within the LEA;
3. Include only those staff members with responsibilities for providing or directly supporting instruction at the school level and who are paid with State/local funds. For staff with responsibilities in multiple buildings and/or that are paid with both State/local and Federal funds, please adjust the FTE reported to accurately capture the amount of time spent in an individual building and/or the amount of time paid for with State/local funds. The following staff members should be included in the reported FTE:
 - a. General Education Classroom Teachers;
 - b. Unified Arts Teachers (e.g. Music, Health, Art, Physical Education, Consumer Sciences, Career and Technical Education);
 - c. Foreign Language Teachers;

- d. Library/Media Center Teachers;
 - e. Other Certified Teaching Staff (e.g. Computer Lab, STEM Lab, Makers Space);
 - f. School-Based Instructional Coaches;
 - g. School-Based Technology Integration Specialists;
 - h. Principals;
 - i. Assistant Principals;
 - j. Guidance Counselors with Instructional Responsibilities; and
 - k. Instructional or Classroom Paraprofessionals, non-Special Education (count as 50% of their total FTE).
4. **May exclude** the following staff members in the reported FTE:
- a. Staff Paid with Federal Funds;
 - b. Special Education Staff, including Teachers, Related Services Providers and Special Education Paraprofessionals;
 - c. English Learner Instructional Staff;
 - d. Staff Paid with Local/State Funds towards the Intents of Title I Part A, e.g. Interventionists;
 - e. Social Workers;
 - f. School Psychologists;
 - g. Home-School Coordinators;
 - h. Behavior Specialists;
 - i. Pre-K Staff;
 - j. Custodial Staff;
 - k. Maintenance Staff;
 - l. Administrative Assistants;
 - m. Attendance Staff;
 - n. Data Entry Staff;
 - o. Registrars;
 - p. Food Services Staff; and
 - q. Nurses.

Additional Requirements of Comparability

In addition to providing calculations of comparability, LEAs are required to have certain policies, procedures and documentation on record to demonstrate compliance with the comparability requirements. LEAs are required to upload these documents into the GMS annually.

LEAs are required to have the following:

- a. procedures and records that are updated biennially to demonstrate compliance⁷ (see Appendix A for a template);
- b. an LEA-wide salary schedule⁸;
- c. a written policy to ensure equivalence among schools in teachers, administrators and other staff⁹;
- d. a written policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies¹⁰; and

- e. any other supporting documentation that shows policies, procedures and/or records were maintained to demonstrate compliance.

Documentation of Comparability

At a minimum, each LEA shall maintain records that document compliance with the comparability requirement for at least three years after the grant period ends or three years after resolution of audit findings related to the grant. LEAs are encouraged to maintain records for at least five years to satisfy Statute of Limitations. LEAs shall 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 LEA should retain documentation to demonstrate what specific actions were taken to achieve Title I Part A comparability of service in all Title I Part A schools.

Comparability Compliance

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 the CFP team within 30 days after being notified of such deficiencies. Technical assistance will be provided by CFP team members as needed. Any Title I Part A school not in compliance with comparability requirements is subject to suspension and withholding of Title I Part A funds.

Comparability and Supplement Not Supplant (SNS)

Comparability's focus is educational materials and resources specifically. Comparability should not be confused with Supplement Not Supplant (SNS), which ensures that Title I schools receive the funds they would have received if they had not participated in the Title I Part A program. While comparability and SNS requirements both examine how the LEA distributes State and local funds/resources to schools, they are separate tests that measure different aspects of the supplemental nature of Title I Part A funds. As such, demonstration of comparability may not meet SNS demonstration requirements and vice versa.

The following scenarios illustrate how LEAs may satisfy one requirement while violating the other:

1. **Comparability compliance but not SNS compliance:** an LEA demonstrates comparability through student/instructional staff ratios, but does not meet SNS because it provides extra State/local money to non-Title I schools for technology purchases, but not to Title I schools because it expects Title I to pay for those technology purchases in those schools.
2. **SNS compliance but not comparability compliance:** an LEA meets SNS because it can demonstrate it did not take Title I status into account when distributing its State/local funds to schools, but does not demonstrate comparability because the LEA's non-Title I schools have lower student/instructional staff ratios than its Title I schools.

Additional Resources:

The U.S. Department of Education has published non-regulatory guidance that includes information regarding the comparability requirements, which can be found by going to [Non-Regulatory Guidance: Title I Fiscal Issues](#).

Contact Information:

If you have questions about this document or would like additional information, please contact:

Jessie Murray, State Title I Director, Consolidated Federal Programs, at jessie.murray@vermont.gov or 802-828-1447.

Citations

¹ ESSA §1118(c)(1)(C)

² ESSA §1118(c)(1)(A)

³ The U.S. Department of Education Non-Regulatory Guidance: Title I Fiscal Issues

⁴ ESSA §1118(c)(4)

⁵ ESSA §1118(c)(5)(A)

⁶ ESSA §1118(c)(5)(B)

⁷ ESSA §1118(c)(3)

⁸ ESSA §1118(c)(2)(A)(i)

⁹ ESSA §1118(c)(2)(A)(ii)

¹⁰ ESSA §1118(c)(2)(A)(iii)

Appendix A

Title I Part A Comparability Compliance Procedure

Template

Use of this Document

The following template may be used by LEAs as a written comparability compliance procedure. The template also includes the recommended timeline to assure LEAs are meeting the comparability requirements. There is no specific format for this required procedure; however, procedures should be documented and should, at a minimum include:

1. the LEA's timeline for demonstrating comparability;
2. identification of the office responsible for making comparability calculations and sources of data;
3. the measure and process used to determine whether schools are comparable; and
4. how and when the LEA makes adjustments in schools that are not comparable.

This document is fully editable to meet the needs of each LEA; however, this template contains the information that must be included in order to meet the requirements of Section 1118(c) of ESSA. LEAs may also refer to the Title I Part A Comparability guidance document and U.S. Department of Education's non-regulatory guidance to ensure that all ESSA requirements are fulfilled during the development and distribution of this procedure.

Title I Part A Comparability Compliance Procedure

[SD/SU Name]

[School Year: XXXX-XXXX]

[Date of last revision: XXXX]

Comparability is an annual requirement for the [SD/SU name] to be eligible to receive Title I Part A funds. To demonstrate comparability on an annual basis, the [SD/SU name] [name of office responsible] oversees the computation of the ratio of students to instructional staff at each school within a grade span. To ensure accuracy of reporting, data will be collected on the same date within the school year.

The [name of office responsible] will perform the comparability demonstration calculations using the Vermont Agency of Education comparability instructions and forms within the Grants Management System. The comparability demonstration will be completed by November 1st of each year so that any necessary adjustments in staffing can be in place by December 1st.

When a Title I school does not meet comparability, State and local resources that are provided to the school will be adjusted to bring the school into comparability with the other schools at the same grade-span. The [SD/SU name] [name of staff position/title, i.e. business manager and district supervisory personnel] responsible for staffing will participate in making staff adjustments. Adjustments will be made in a timely manner by no later than December 1st to get schools back into a comparable position to avoid Title I financial sanctions.

Comparability Compliance Timeline

August - September

- Conduct meetings with appropriate LEA representatives to discuss and review the requirements for completing the annual comparability calculations.
- Review and establish (if needed) participants' roles and responsibilities.
- Review and update procedures, including the timeline for completion of the calculations.
- Obtain preliminary information from appropriate LEA staff.
- Be aware and look for notifications from the Vermont Agency of Education regarding updates on the Title I Comparability Report module.

October - November

- Determine the date and collection methodologies for gathering data needed to complete calculations.
- Complete Comparability Report within the Grants Management System.
- Make adjustments as needed to get schools back into a comparable position.

December - July

- Periodically verify the data and check comparability throughout the second half of the school year.
- Continue to make adjustments as needed to get schools back into a comparable position.
- The LEA will keep the comparability requirement in mind as it plans for the allocation of instructional staff and resources to schools for the coming school year. This would enable the LEA to minimize the potential for disruption in the middle of a school year, should adjustments need to be made to ensure that Title I schools are comparable to non-Title I schools.
- Key stakeholders engage in LEA-level budget (State and local funds) discussions concerning staff assignments, and distribution of equipment and materials for the purpose of ensuring compliance with Title I comparability requirements for the upcoming school year.
- Identify LEA Title I schools and non-Title I schools.

Records:

- The [SD/SU name] will keep a PDF copy of the completed comparability report(s) with the [name of designated] office for audit purposes.
- The [SD/SU name] will maintain all required documentation supporting the comparability calculations and any corrections made to ensure that all Title I schools are comparable. Any report used for documentation will be signed and dated by the person issuing the report.

References:

- [Every Student Succeeds Act \(ESSA\)](#) – Section 1118(c)
- The U.S. Department of Education [Non-Regulatory Guidance: Title I Fiscal Issues](#)
- The Vermont Agency of Education Title I Part A Comparability Guidance Document