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NYS FIELD MEMO
Comparability Requirements
01 – 2014

To: District Superintendents
Superintendents of LEAs and Charter Schools
Title I Coordinators

From: Ira Schwartz, Assistant Commissioner *Ira Schwartz*

Subject: Field Guidance for Comparability Requirements

Date: December 2014

The New York State Education Department (NYSED), as the State Education Agency (SEA), must ensure that local education agencies (LEAs) are in compliance with the implementation of the Comparability requirements as described under Section 1120A(c) of the ESEA (see <http://www2.ed.gov/programs/titleiparta/fiscalguid.doc> for the latest federal Non-Regulatory Guidance on Comparability). The following memo provides updated guidance on how LEAs in New York State can demonstrate that they are in compliance with these requirements.

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** (emphasis added) 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** (emphasis added) 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.

Requirements for Demonstrating Comparability

In past years the NYSED has required that all LEAs use the same method to ensure that Title I schools in the LEA are comparable to non-Title I schools or, if all schools are Title I schools, that all Title I schools are substantially comparable with each other. LEAs in New York State submit an annual 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; and
- FTE Professional staff in each building, funded from State/local resources and adjusted for special programs/groups if appropriate.

For all LEAs, actual student and staff numbers must be used in the calculations. LEAs may exclude schools that have fewer than 100 students. LEAs with enrollments greater than 1,000 students or with more than one building in which overlapping grade spans are served must complete the online report in full (see the Title I Comparability Report Form and Instructions at <http://www.p12.nysed.gov/accountability/consolidatedappupdate/1415/compinstruct.html>) .

Additional Methodology for Demonstrating Comparability

Recently, a number of LEAs have proposed alternate methodologies for demonstrating compliance with Comparability requirements. As a result, the 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 1120A(c) of the ESEA.

Consistent with USDE’s Non-Regulatory Guidance, LEAs may utilize a variety of rationales for why the current statewide methodology outlined above 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 meeting the Comparability requirements, 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.

Process for Submitting a Comparability Variance Request

Beginning in the 2015-2016 school year, LEAs seeking a variance to the current statewide method for demonstrating Comparability must submit the ***ESEA Title I Comparability Variance Request Form*** (see Attachment A) annually to the Title I School and Community Services Office. Completed ***ESEA Title I Comparability Variance Request Forms*** must be submitted via email to CONAPPTA@NYSED.GOV with the subject line “Comparability Variance Request” *no later than* August 31st each year. Districts are encouraged to submit their variance requests as soon as possible before the deadline to ensure adequate time for NYSED review and response. The Department may waive the required timeline for good cause.

Questions concerning the information contained in this memo should be directed to the Title I School and Community Services Office at (518) 473-0295 or via email at CONAPPTA@NYSED.GOV.

Alternate Methodology for Meeting Comparability Requirements:

- 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.
- Other (please define):

Please provide a detailed explanation of the alternate methodology that sufficiently demonstrates compliance with the Comparability requirements outlined in Section 1120A(c) of the ESEA.

Provide details about each of the following components:

- **A detailed summary of the methodology by which State Aid and/or local tax levy funding is allocated to schools;**
- **A listing of all variables used to make the determinations and the source of these variables.**
- **The specific business rules that are used to implement the methodology and determine whether Title I and non-Title I schools are comparable. (Districts should provide data layouts and source code as appropriate);**
- **The timeline for determining school building allocations and completing the annual Comparability calculations;**
- **The office within the LEA responsible for making Comparability calculations and the name of the person(s) best able to explain the proposed methodology;**
- **How and when the LEA makes adjustments in schools that do not meet Comparability requirements; and**
- **A summary detailing the total amount of State Aid and/or local tax levy funding allocated to each school for the current school year.**

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Superintendent's/Charter School Administrator's Name:			
Superintendent's/Charter School Administrator's Signature:		Date:	

**ATTACHMENT B:
EXAMPLES OF COMPARABILITY CALCULATIONS**

The following pages provide two examples of a Comparability analysis, both taken from the USDE Non-Regulatory Guidance. The first example is a comparison of Title I and non-Title I schools. Comparability is demonstrated if all the Title I schools have pupil/teacher ratios that are less than 110% of the non-Title I school average. The second example compares only Title I schools. Comparability is demonstrated if all of the schools pupil/teacher ratios are within a +/- 10% range of the group average. Additional examples of Comparability calculations are provided in the USDE Non-Regulatory Guidance document titled "Title I Fiscal Issues" online at <http://www2.ed.gov/programs/titleiparta/fiscalguid.doc>.

EXAMPLE 1

(Title I and non-Title I elementary schools are compared)

In the following example, an LEA provides Title I services to 7 of its 11 elementary schools. (The district serves only elementary schools.) The LEA demonstrates comparability by annually comparing student/ instructional staff ratios for each of its Title I schools to the average student/instructional staff ratios for its non-Title I schools. In this example, each of the Title I schools is comparable because the student/instructional staff ratio does not exceed 14.1 (the ratio for all non-Title I schools).

School	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ Instructional Staff Ratio	Comparable?
Title I Elementary Schools					
Beaufort Elementary	KG - 5	528	70.2	7.5	Yes
Broad River Elementary	KG - 5	510	49.4	10.3	Yes
Davis Elementary	KG - 5	417	38.7	10.8	Yes
Shanklin Elementary	KG - 5	726	59	12.3	Yes
Port Royal Elementary	KG - 5	189	16	11.8	Yes
St. Helena Elementary	KG - 5	808	58	13.9	Yes
Shell Point Elementary	KG - 5	673	60	11.2	Yes
Non-Title I Elementary Schools					
Hilton Head	KG - 5	1,764	114.5	15.4	
Lady's Island	KG - 5	757	70.0	10.8	
MC Riley	KG - 5	1,005	88.0	11.4	
Mossy Oaks	KG - 5	484	42.0	11.5	
Total		4,010	314.5	12.8	
110% of Student/FTE ratio for non-Title I schools *				14.1	

* In order to be comparable, the student/instructional staff ratio for each Title I elementary school may not exceed 14.1. (12.8 x 1.1)

EXAMPLE 2

(All schools in district are Title I schools, and different grade spans are compared)

In the following example, all of the schools in the district are Title I schools. To demonstrate comparability, the LEA computes the average student/instructional staff ratio for all its schools and determines whether the student/instructional staff ratio for each school falls within a range that is between 90 and 110 percent of the average for all schools. In its first comparability calculation, the LEA compares all of its schools. Because two schools are not comparable using this first comparison, the LEA then breaks the schools down by grade span in order to determine comparability. Based on the second method of comparison, the student/instructional staff ratio for each school in the grade span falls within 90 or 110 percent of the average for all schools within the grade span and is, therefore, comparable.

School District as a Whole					
School	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ Instructional Staff Ratio	Comparable?
Davis School	PK - 5	371	25.6	14.5	Yes
Devers School	PK - 5	483	33.2	14.5	Yes
Edgar Fahs Smith MS	6 - 8	818	50	16.4	Yes
Ferguson School	PK - 5	484	31	15.6	Yes
Goode School	PK - 5	682	42.4	16.1	Yes
Hannah Penn MS	6 - 8	1,174	64	18.3	No
Jackson School	PK - 5	423	30	14.1	No
McKinley School	PK - 5	482	29.8	16.2	Yes
William Penn HS	9 - 12	1,737	110	15.8	Yes
Total		6,654	416	16.0	
90% of Student/Instructional Staff Ratio *				14.4	
110% of Student/Instructional Staff Ratio *				17.6	

* Each school is comparable if the student/instructional staff ratio falls between 14.4 (16.0 x 0.9) and 17.6. (16.0 x 1.1)

Elementary Schools					
School	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ Instructional Staff Ratio	Comparable?
Davis School	PK - 5	371	25.6	14.5	Yes
Devers School	PK - 5	483	33.2	14.5	Yes
Ferguson School	PK - 5	484	31	15.6	Yes
Goode School	PK - 5	682	42.4	16.1	Yes
Jackson School	PK - 5	423	30	14.1	Yes
McKinley School	PK - 5	482	29.8	16.2	Yes
Total		2,925	192	15.2	
90% of Student/Instructional Staff Ratio *				13.7	
110% of Student/Instructional Staff Ratio *				16.7	

* Each elementary school is comparable if the student/instructional staff ratio falls between 13.7 (15.2 x 0.9) and 16.7 (15.2 x 1.1).

EXAMPLE 2 (continued)

Middle Schools					
School	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ Instructional Staff Ratio	Comparable?
Edgar Fahs Smith MS	6 - 8	818	50	16.4	Yes
Hannah Penn MS	6 - 8	1,174	64	18.3	Yes
Total		1,992	114	17.5	
90% of Student/Instructional Staff Ratio *				15.8	
110% of Student/Instructional Staff Ratio *				19.3	

* The middle schools are comparable if the student/instructional staff ratio for each school falls between 15.8 (17.5×0.9) and 19.3 (17.5×1.1).

Note that, because there is only one high school in the district, the LEA does not need to determine comparability for that school.