

*NOTE: Footnotes are for reference only. They should be eliminated from an individual board's policy.*

## **TITLE I PROGRAM COMPARABILITY OF SERVICES**

*Policy Code: 3565/8307*

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To improve the academic achievement of educationally and economically disadvantaged children, the board will participate in the federal Title I program.<sup>1</sup>

### **A. TITLE I MAINTENANCE OF EFFORT**

The school system will maintain fiscal effort with state and local funds as required to be eligible for the receipt of funds through Title I, Part A of the Elementary and Secondary Education Act.<sup>2</sup>

### **B. USE AND ALLOCATION OF TITLE I FUNDS**

Title I funds will be used to supplement, and not to supplant, non-federal funds that would otherwise be used for the education of students participating in the Title I program.<sup>3</sup> Accordingly, state and local funds will be allocated to each school receiving Title I funds in a manner that ensures that each such school receives all of the state and local funds it would otherwise receive in the absence of Title I funding.<sup>4</sup>

### **C. COMPARABILITY OF SERVICES**

State and local funds will be used in schools receiving Title I funds to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds, or, if all schools receive Title I funds, to provide services that are substantially comparable in each school.<sup>5</sup> The board will ensure equivalence among

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<sup>1</sup> This policy reflects legal requirements for LEAs that receive funding through Title I, Part A of the Elementary and Secondary Education Act. Except for the provision regarding the allocation of state and local funds in Section B, this policy reflects current federal requirements under the Every Student Succeeds Act.

<sup>2</sup> To meet maintenance of effort requirements, the LEA must ensure that the expenditure of state and local funds with respect to the provision of free public education per student or in the aggregate for any fiscal year is not less than 90% of the combined fiscal effort per student or the aggregate of expenditures for the preceding fiscal year. See 20 U.S.C. 6321(a) and 20 U.S.C. 7901.

<sup>3</sup> The non-supplanting requirement is found at 20 U.S.C. 6321(b)(2).

<sup>4</sup> This is a new requirement of Title I added by the Every Student Succeeds Act. The requirement becomes effective December 10, 2017. The board may delay adding this sentence to policy until that time. After December 10, 2017, the board must be able to demonstrate compliance with the standard that each school receiving Title I funds receive all of the state and local funds it would otherwise receive. 20 U.S.C. 6321(b)(2). In demonstrating compliance with the standard, the LEA is not required to (1) identify that individual costs or services supported by Title I funds are supplemental, or (2) provide Title I services through a particular instructional method or in a particular setting. 20 U.S.C. 6321(b)(3). School officials should consult the federal regulations developed to implement this requirement or NCDPI resources to determine any other specific requirements for demonstrating compliance with this requirement.

<sup>5</sup> The comparability of services requirements existed under the No Child Left Behind Act and are continued under the Every Student Succeeds Act.

schools in the allocation of state and local resources for (1) teachers, administrators, and other staff, and (2) curriculum materials and instructional supplies. In addition, the board will establish and implement system-wide salary scales that are applicable to all staff whether assigned to Title I or non-Title I schools.<sup>6</sup>

#### **D. COMPARABILITY TESTING**

<sup>7</sup>The superintendent shall direct the Title I coordinator,<sup>8</sup> in conjunction with the finance officer, to conduct comparability testing<sup>9</sup> before November 1 of each school year<sup>10</sup> to assess the equivalent distribution of state and local resources among schools, using forms, measures,<sup>11</sup> methodologies, and other guidance as specified by the North Carolina Department of Public Instruction (NCDPI) for the calculation of comparability. Schools may be examined on either a grade-span or school-by-school basis.<sup>12</sup> The superintendent or designee shall submit the comparability testing report annually to NCDPI by the deadline established by that agency.

#### **E. CORRECTION OF NONCOMPLIANCE**

If comparability testing identifies any instances of variance greater than 10%,<sup>13</sup> the Title I coordinator shall notify the superintendent or designee without delay. The superintendent or designee shall promptly make adjustments as needed to ensure comparability. These adjustments may include, but need not be limited to, reallocation of materials or supplies, or reassignment of personnel.

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<sup>6</sup> An LEA will be considered to have met the comparability of services requirements of Title I, Part A if the LEA has filed with the State Board of Education a written assurance that it has established and implemented (1) an LEA-wide salary schedule and (2) policies to ensure equivalence in resources, as described in the preceding sentence. 20 U.S.C. 6321(c)(2). Through guidance, the U.S. Department of Education adds to this a requirement that the LEA annually verify that equivalence was actually achieved.

<sup>7</sup> Comparability testing requirements do not apply and may be omitted from this policy if the LEA has only one building for each grade span. See 20 U.S.C. 6321(c)(4).

<sup>8</sup> A different school official may be assigned this responsibility.

<sup>9</sup> The LEA may exclude the following in determining comparability: (1) staff salary differentials for years of employment; (2) unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year; (3) state and local funds expended for language instruction programs; and (4) the excess costs of providing services to students with disabilities, as determined by the LEA. 20 U.S.C. 6321(c).

<sup>10</sup> This date may be modified, but should be sufficiently early in the school year to allow for any necessary adjustments to be made to staffing levels for the second semester. The date should also take into consideration the deadline for submitting the report to NCDPI, which historically has been December 1.

<sup>11</sup> Currently, these measures include comparisons of the ratio of (1) student enrollment to instructional staff; (2) student enrollment to instructional staff salary; or (3) state and local per-pupil spending.

<sup>12</sup> See 20 U.S.C. 6321(c)(4). According to guidance from the U.S. Department of Education, the LEA may exclude schools that have fewer than 100 students.

<sup>13</sup> The board could establish a lower threshold for adjusting resources, but not a higher one. In schools receiving Title I funds, the ratio of student enrollment to instructional staff must not exceed 110% of the average for non-Title I comparison schools; the average per pupil expenditure of state and local funds for teacher salaries must be at least 90% of the average in non-Title I comparison schools; or the per-pupil expenditure ratio must be between 90 and 110% of the school system-wide average.

**F. DOCUMENTATION OF COMPLIANCE WITH TITLE I FISCAL REQUIREMENTS**

The superintendent or designee shall provide in a timely manner all assurances, additional documentation, or other information required by the State Board of Education/NCDPI to demonstrate the school system's compliance with Title I fiscal requirements.<sup>14</sup>

**G. RECORDS MAINTENANCE**

The superintendent or designee shall maintain reports and other documentation demonstrating compliance with the requirements of this policy, including documentation to demonstrate that any needed adjustments to staff assignments were made annually, for review by the North Carolina Department of Public Instruction or auditors upon request.<sup>15</sup>

The superintendent shall ensure that all other requirements for receiving Title I funds are fulfilled in an accurate and timely manner and shall develop, or cause to be developed, any additional procedures<sup>16</sup> necessary to implement this policy.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200

Cross References:

Other Resources: *Non-Regulatory Guidance, Title I Fiscal Issues*, U.S. Department of Education (February 2008), available at <http://www2.ed.gov/programs/titleiparta/fiscalguid.pdf>

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<sup>14</sup> When issued, new regulations to implement the Title I requirements of the Every Student Succeeds Act may require additional documentation or other information.

<sup>15</sup> See 20 U.S.C. 6321(c)(3)(B).

<sup>16</sup> Procedures for compliance with the Title I comparability requirements are mandatory. See 20 U.S.C. 6321(c)(3)(A). Guidance from the U.S. Department of Education indicates that procedures should include, at a minimum, (1) the LEA's timeline for demonstrating comparability, (2) identification of the office responsible for making comparability calculations, (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 policy includes information intended to meet the first, second, and fourth requirements. A description of the measure and process used to determine comparability could be added to the policy in lieu of developing a separate administrative procedure.