NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

North Dakota Comparability Guidance

A district may receive Title I funds only if it uses State and local funds to provide services in Title I schools that are at least comparable to the services provided in schools that are not receiving Title I funds.

Even if all schools in the district or in a grade-span grouping are served by Title I, the district must demonstrate that it will use state and local funds to provide services that, taken as a whole, are substantially comparable in each school.

Demonstrating comparability is a prerequisite for receiving Title I, Part A funds.

A district must perform the calculations necessary, every year, to demonstrate that all of its Title I schools are in fact, comparable. A district may determine comparability on a district-wide basis or on a grade-span basis.

Although there is no limitation of the number of grade spans a district may use, the number should match the basic organization of schools in the district. For example, if the district's organization includes elementary, middle, and senior high schools, the district should have three grade spans. If there is a significant difference in the enrollment of schools within a grade span--for example, the largest school in the grade span has an enrollment that is two times the enrollment of the smaller school in the grade span--the district may divide grade spans into a large school group and a small school group.

The comparability requirement does not apply to a district that does not have more than one building for each grade span.

The comparability requirements include documenting compliance in the following three areas:

- District-wide salary schedule;
- Ensuring equivalence among schools in teachers, administrators, and other staff; and
- Ensuring equivalence among schools in the provision of curriculum materials and instructional supplies.

A district may meet the comparability requirement if it establishes and implements other measures for determining compliance, such as student/instructional staff ratios or student/instructional staff salary ratios. For example, a district may

A) Compare the average number of students per instructional staff in each Title I school with the average number of students per instructional staff in schools not receiving Title I funds. A Title I school is comparable if its average does not exceed 110 percent of the average of schools not receiving Title I funds.

B) Compare the average instructional staff salary expenditure, per student, in each program school with the average instructional staff salary expenditure, per student, in schools not

participating under Title I. A Title I school is comparable if its average is at least 90 percent of the average of schools not receiving Title I funds.

- Staff salary differentials for years of employment shall not be included in comparability determinations.

- In determining comparability of services, a district does not need to include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year.

Developing Procedures for Compliance

A district must develop procedures for compliance with the comparability requirement and implement those procedures on an annual basis.

Records: A district must document that it has established and implemented a district wide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies. The district must keep records to document that the salary schedule and policies were implemented, and the equivalence was achieved among schools in staffing, materials, and supplies. If the district established and implemented other measures for determining compliance with comparability, such as student/instructional staff ratio, it must maintain source documentation to support the calculations and documentation to demonstrate that any needed adjustment to staff assignments were made

Exclusion of Funds

When determining compliance for comparability, a district may exclude state and local funds expended for

- Language instruction educational programs for English learners;

- Excess costs of providing services to children with disabilities as determined by the district; and

- Supplemental state or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.

Definition of Instructional Staff

For purposes of determining compliance with the Title I comparability requirements, the district will define "instructional staff members" as staff members who render direct and personal services that are in the nature of teaching or the improvement of the teaching/learning situation. The term includes teachers, principals, consultants or supervisors of instruction, librarians, and guidance and psychological personnel. The term also includes aides or other paraprofessional personnel, including clerical personnel employed to assist instructional staff members in providing these services.

North Dakota Supplement, Not Supplant Guidance

A district may use Title I funds only to supplement and, to the extent practical, increase the level of funds that would, in the absence of Title I funds, be made available from non-Federal sources for the education of students participating in Title I programs.

In no case may Title I funds be used to supplant--i.e., take the place of--funds from non-Federal sources. To meet this requirement, a district is not required to provide Title I services using a particular instructional method or in a particular instructional setting.

In operating a targeted assistance program, Title I, Part A of the ESEA gives districts and school officials flexibility in selecting the instructional strategies they believe will best meet the needs of students who are at risk of not meeting challenging State academic achievement standards.

The expectation is that districts and schools will use sound instructional strategies of high quality to ensure that the students served will reach proficiency on challenging State academic standards and assessments. At the same time, the type of programs supported by Title I must supplement the educational services a district would, in the absence of Title I, provide to its students. Programs that do not remove children from the regular classroom during regular school hours for Title I services and, instead, provide extended learning time (e.g., extended school year, before- and after-school, and summer programs etc.) are supplemental.

Districts and schools are encouraged to be creative in the way they provide services to Title I children while remembering the educational services provided with Title I funds must be in addition to those services the district and school provides to all of its children using State and local funding sources.

A Title I schoolwide program is not required to select and provide supplemental services to specific children identified as in need of services. A school operating a schoolwide program does not have to: (1) show that Federal funds used with the school are paying for additional services that would not otherwise be provided; (2) demonstrate Federal funds are used only for specific target populations; or (3) separately track Federal program funds once they reach the school.

> A Title I schoolwide program, however, must use Title I funds only to supplement the amount of funds that would, in the absence of the Title I funds, be made available from non-Federal sources for that school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

Developing Procedures for Compliance

A district must develop a methodology for compliance with the supplement, not supplant requirement and implement those procedures on an annual basis.

To determine compliance with the supplement not supplant requirement, a district must determine what services would have been provided in the absence of Title I funds to students in Title I schools.

A district must have a written methodology of district funds to its schools so funds are distributed without regard to the school's Title I status.

Records: A district must document it has established and implemented a district wide methodology to ensure Title I funding is supplemental. If the district established and implemented other measures for determining compliance, documentation to demonstrate the different methodology must be kept on file.

Exclusion of Funds

When determining whether Title I funding is supplemental, a district may exclude State and local funds expended in any school for carrying out a program that meets the intent and purposes of Title I, Part A. (These exclusions also apply when determining whether Title I and non-Title I schools are comparable.)

A program meets the intent and purposes of Title I, Part A if the program either—

- Is implemented in a school in which the percentage of children from low-income families is at least 40 percent;
- Is designed to promote schoolwide reform and upgrade the entire educational operation of the school to support students in their achievement toward meeting the State's challenging academic achievement standards that all students are expected to meet;
- Is designed to meet the educational needs of all students in the school, particularly the needs of children who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards; and
- Uses the State's system of assessment under 34 CFR 200.2 to review the effectiveness of the program.

Or

- Serves only students who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards;
- Provides supplementary services designed to meet the special educational needs of students who are participating in the program to support their achievement toward meeting the State's student academic achievement standards; and
- Uses the State's system of assessment under 34 CFR 200.2 to review the effectiveness of the program.

Examples of Supplement, not Supplant Methodology

An LEA's methodology used to allocate State and local funds to schools may include the allocation of State and local dollars and/or the allocation of resources backed by State and local funds, such as the allocation of full-time teacher positions. The following examples are designed to show possible methodologies by which an LEA may comply with the Title I, Part A supplement, not supplant requirement. Please note, these are only examples and an LEA may choose to use a methodology that does not follow one of these examples.

Example #1: Allocation of State and Local Funds Based on Student Characteristics (Weighted Student Funding)

Assume:

a. Base allocation per student = $7000
b. Additional allocation per student from a low-income family = $250
c. Additional allocation per English learner = $500
d. Additional allocation per student with a disability = $1,500
e. Additional allocation per preschool student = $8,500

This example allocates State and local funds to schools based on a standard formula through which an LEA allocates dollar amounts based on objective student characteristics. Under this example, in a school of 400 students, including 200 students form low-income families, 100 English learners, 50 children with disabilities, and 20 preschool students, the LEA would allocate to the school $3,145,000 in State and local funds based on the following calculations:

Category	Calculation	Result
Allocation per student	400 students x $7,000	$2,800,000
Allocation per student from low-income family	200 students from low-income families x $250	$50,000
Allocation per English learner	100 English learners x $500	$50,000
Allocation per student with disability	50 children with a disability x $1,500	$75,000
Allocation per preschool student	20 preschool students x $8,500	$170.000
Total		$3,145,000

Example #2: Allocation of State and Local Funds Based on Staffing and Supplies

Assume:

a. 1 principal/school ($120,000)
b. 1 librarian/school ($65,000)
c. 2 guidance counselors/school ($65,000/guidance counselor)
d. 1 teacher per 20 students ($65,000/teacher)
e. $825/student for instructional materials and supplies (including technology)

This example allocates State and local funds to schools based on estimated average costs. In a school of 400 students, the LEA would allocate to the school $1,945,000 in State and local funds based on the following calculations:

Category	Calculation	Result
1 principal	1 principal x $120,000	$120,000
1 librarian	1 librarian x $65,000	$65,000
2 guidance counselors	2 guidance counselors x $65,000	$130,000
20 teachers	20 teachers x $65,000	$1,300,000
Materials and supplies	400 students x $825	$330,000
Total		$1,945,000

***To meet the Title I, Part A supplement, not supplant requirement, an LEA would use these methodologies to allocate State and local funds to each school, without regard for whether a school receives Title I, Part A funds.**

Comparability and Supplement, Not Supplant Process

Part 1: Submit a copy of your current school year district-wide salary schedule. Label as Part 1.

Part 2: Complete and submit the comparison of student/instructional staff ratios in Title I buildings to those in non-Title I buildings for the current school year. Label as Part 2. A separate one-page comparison is required for districts who serve all buildings in a grade span with Title I funds (templates attached).

Part 3: Provide documentation the district provided a comparable amount of curricular materials and instructional supplies to each public school for the current school year without taking into consideration the amount of Title I funds provided to each building. Label as Part 3 (template attached).

Part 4: Provide written documentation of the methodology the district has established and implemented to ensure Title I funding is supplemental. Label as Part 4.

Part 5: Complete and submit the Comparability of Services Statement of Assurances. Label as Part 5.

Template Comparability Part 2

District _____

Grade Span _____

School Year _____

TITLE I Schools

Schools	Actual Grade Span	Pupils Enrolled	FTE Staff	Column (3) ÷ Column (4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

To meet comparability, Averages in column (5) cannot exceed the average listed in box (5B) on the Non-Title I Schools page.

Template Comparability Part 2

District _____

Grade Span _____

School Year _____

NON-TITLE I Schools

Schools	Actual Grade Span	Pupils Enrolled	FTE Staff	Column (3) ÷ Column (4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Total Pupils Enrolled: _____

Total FTE Staff: _____

Pupils Enrolled divided by FTE Staff = _____5(A)

110% of 5(A)= _____5(B)

Template Comparability Part 2

Use this worksheet when all of the schools within in a grade span receive Title I funds.

Each school is comparable if the student/instructional staff ratio falls between 90% and 110%.

District _____

Grade Span _____

School Year _____

TITLE I Schools

Schools	Actual Grade Span	Pupils Enrolled	FTE Staff	Column (3) ÷ Column (4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Total Pupils Enrolled: _____

Total FTE Staff: _____

Pupils Enrolled divided by FTE Staff = _____

90% of Student/Staff Ratio = _____

110% of Student/Staff Ratio = _____

Template Comparability Part 3

Equivalency Among Schools in the Provision of Curriculum Materials and Instructional Supplies

School	Enrollment	Allocation	Supplies Budget
A Elementary			
B Elementary			
C Elementary			
D Elementary			
E Elementary			
F Elementary			
G Elementary			
Total Elementary			
H Middle			
I Middle			
J Middle			
K Middle			
Total Middle School			
L High School			
M High School			
N High School			
Total High School			
Grand Total			

Public School District Policy:
The Public School District uses enrollment to determine line item budget amounts for each building. Once these foundation aid dollars are established per school, the Title I dollars are then used to supplement or add to the amount available for materials and supplies at each building.

The chart above demonstrates the distribution of the foundation aid monies per school's curriculum materials and instructional supplies line item accounts.

The consolidated application dollars are in addition to these per base dollars budgeted per school.

Template Comparability Part 3

Equivalency Among Schools in the Provision of Curriculum Materials and Instructional Supplies

District _____

School Year _____

For the LEA as a whole, the allocation per student from State and local funds is _____

School	Enrollment	Per child Amount	State and Local Funds Allocated	Comparable?
A Elementary				
B Elementary				
C Elementary				
D Elementary				
E Elementary				
F Elementary				
G Elementary				
H Elementary				
I Elementary				
Total Elementary				
Grade-span per-child amount provided from state and local funds				
90% of the per-child amount				
110% of the per-child amount				

In order to be comparable, the amount of state and local funds allocated per child in each school needs to be between 90 to 110 percent of the per child amount.

Part 5 Comparability of Services
Statement of Assurances

The applicant hereby assures the Chief State School Officer that:

- Each local educational agency plan shall provide assurance that the local educational agency shall have established and implemented:

  A. A local educational agency-wide salary schedule;

  B. A policy to ensure equivalence among schools in teachers, administrators, and other staff;

  C. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies,

  D. Written procedures to ensure compliance of comparability policies; and

  E. A written methodology to ensure compliance with supplement, not supplant.

- In the determination of expenditures per pupil from state and local funds, or instructional salaries per pupil from state and local funds, staff salary differentials for years of employment shall not be included in such determinations.

- A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services.

- A local educational agency may exclude state and local funds expended for language instruction educational programs for English learners, and excess costs of providing services to children with disabilities.

I HEREBY CERTIFY that I have read the above assurances and to the best of my knowledge, the information contained in the agency plan is correct and funds will be used according to Section 1118(c) of ESEA.

Applicant (Legal Name of Agency)_____

Signature of Authorized Representative:_____ Date:_____