

**West Virginia Department of Education
Office of Federal Programs
Effective Date: July 1, 2016**

Procedures for Completing the Annual Comparability Report

LEGAL REQUIREMENTS

ESEA (as amended by ESSA) Section 1119C states that a LEA may receive Title I, Part A funds only if State and local funds will be used in schools served under Title I to provide services that, taken as a whole, are at least comparable to the services in schools that are not receiving funds under Title I. If the LEA serves all of the schools in its district with Title I funds, the LEA must use state and local funds to provide services that are substantially comparable in each school. State and local funds spent for bilingual education for children of limited English proficiency, special education, and supplemental State and local funds spent for programs that meet the intent of Title I, Part A may be excluded when computing comparability (amended P.L. 114-95 to exclude local Title I type programs and as cited in Sec.1119C Fiscal Requirements). Comparability may be determined on a grade-span-by-grade-span basis or a school-by-school basis. The comparability requirements do not apply to an LEA that does not have more than one building for each grade span.

PROCEDURES FOR SUBMITTING COMPARABILITY INFORMATION

- I. Assurance Document** – Each LEA shall annually file an assurance with the SEA that it has met the comparability requirements. One of the four methods listed below must be utilized to verify compliance. ***The document must be approved and submitted through WOW to the Office of Federal Programs by the thirty first day of December of each fiscal year.***
 - A.** The LEA has developed and implemented a district-wide salary schedule, a policy to ensure equivalence among schools with regard to teachers, administrators, and other staff, and a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. (According to the USDE Allocations Specialist, documentation in the form of a “statistical measure” must be submitted to verify that the salary schedule and policies have been implemented and that equivalence was achieved among schools in staffing, materials and supplies).
 - B.** The LEA has compared the average number of students per instructional staff to verify comparability.
 - C.** The LEA has compared the average instructional staff salary expenditure per student to verify comparability.
 - D.** The comparability requirement does not apply to the LEA because it does not have more than one building for each grade span.

II. Detailed School Data Form – Each LEA must provide the total number of public schools located within the district using either **Form A or Form B**. The LEA records the number of schools in each grade span for both Title I and non-Title I schools. The number of grade-spans must match the grade spans listed in the approved LEA application (public school ranking). Schools with enrollments less than 100 would be counted separately in the column provided. An LEA may exclude schools with an enrollment of 100 or fewer students from its comparability determinations.

A. Form A is to be completed when the schools within grade-spans are similar in size (based on student enrollment). To run Form A complete the following steps:

- (1) Access WVEIS WOW
- (2) WVRP – Office of Federal Programs
- (3) Menu – COMP.RPT
- (4) Select Automated Method
- (5) Click download link

B. If there is a significant difference in the enrollments of schools within a grade-span, the LEA may complete **Form B**, dividing the schools into a small enrollment group and a large enrollment group. This option may be used provided the largest school in the large enrollment group is at least twice as large as the largest school in the smaller enrollment group. (Example: An LEA has enrollment size range of 125-850. The schools could be divided into a small school group 125-424 and a large school group 425-850). To run Form B complete the following steps:

- (1) Access WVEIS WOW
- (2) WVRP – Office of Federal Programs
- (3) Menu - COMP-RPT
- (4) Select Manual Method
- (5) Provide the grade span breakdown for each group
- (6) Click download link

III. Comparability Spreadsheets – Forms C, D, and/or E should be used to verify comparability for LEAs that choose to compare schools based on student/instructional staff ratio or student/instructional staff salary expenditure ratio. The LEA must demonstrate comparability in either of the two methods – it is not required in both. Comparable services must be verified in all of the Title I schools in the selected method.

A. Schools – The LEA lists the schools and grade spans on Form C, D or E based on the data pulled from WVEIS. The LEA needs to list only the schools in the grade spans in which comparability must be verified. For example, if an LEA only provides Title I services to the elementary schools, the middle and high schools' data would not be provided on the comparability spreadsheets. Please review your Title I schools to ensure that they are populated correctly.

B. Student Enrollment Data – The student enrollment will be populated based on the Second Month Report submitted to the West Virginia Department of Education in October. For FY17 preschool aged children have been excluded. Students identified for Special Education services may be excluded based on the amount of time placed in a special education program.

- C. Instructional Staff** – The FTE of State or locally funded instructional staff for each school listed will be populated based on WVEIS certified list data. (See Table 1.1 for staff members that should be included.)
- D. Instructional Staff Salary Expenditures** – The total expenditures for instructional staff salaries will be populated for each school listed based on WVEIS certified list data. Salary differentials for years of employment should not be included in the calculations.
- E. Determining comparability** – The LEA must demonstrate that it has met the following criteria that is pertinent to Title I funding:
- (1) If all schools within the LEA or grade span receive Title I funding, the average number of students per instructional staff in each school must not exceed 110% of the same average for all Title I schools. (Form C)
 - (2) If all schools within the LEA or grade span receive Title I funding, the LEA may form a comparison group representing the schools with the smallest percentages of poverty. This comparison group may not have more than one-half of all of the Title I schools. The average number of students per instructional staff in each school must not exceed 110% of the same average for the comparison group. (Form D)
 - (3) If all schools within the LEA or grade span do not receive Title I funding, the average number of students per instructional staff in each school must not exceed 110% of the same average for the non-Title I schools. (Form E)
 - (4) If all schools within the LEA or grade span receive Title I funding, the average instructional staff salary expenditure per student in each Title I school must be at least 90% of the same average for all Title I schools. (Form C)
 - (5) If all schools within the LEA or grade span receive Title I funding, the LEA may form a comparison group representing the schools with smallest percentage of poverty. This comparison group may not have more than one-half of all of the Title I schools. The average instructional staff salary expenditure per student in each school must be at least 90% of the same average for the comparison group. (Form D) ***[The poverty percentages to be used are found in the 'Percent Needy' column of the second month WVEIS report. Comparability is not affected by the Community Eligibility Option (CEO). The second month WVEIS report has been developed to include this data.]***
 - (6) If all schools within the LEA or grade span do not receive Title I funding, the average instructional staff salary expenditure per student in each school must be at least 90% of the same average for the non-Title I schools. (Form E)

F. Completing and Submitting Comparability - Once the comparability spreadsheet has been downloaded review the prepopulated data for accuracy and comparability. If changes are necessary they will need to be made manually to the form. Once the forms have been completed and data is determined to be accurate you will need to upload the completed report in COMP.RPT. Click on the Accept Report icon to the left of the screen to upload the final report. Once the report is uploaded you will also need to accept the assurances and approve the report by clicking Accept Report.

INSTRUCTIONAL STAFF

School Law of West Virginia Section 18A-1-1, defines the professional educator as one who has a direct instructional or counseling relationship with pupils, spending the majority of his or her time in that capacity.

Note: According to Kay Rigling, USDE Attorney, “the NCLB Act of 2001, makes it clear that paraprofessionals may not provide direct instruction”. Therefore, “states would want to set a rule that would count a paraprofessional as half, (.5 FTE) of a teacher when determining comparability utilizing a staff per student ratio.

In determining the number of instructional staff for determining comparability, calculate the FTE of personnel paid with state and local funds that are **regularly assigned** to each school. Table 1.1 defines the staff members that should be included or excluded from this calculation.

TABLE 1.1

INCLUDE State/Local Funded*
Principals – 111, 112, 113, 114
Assistant Principals – 115, 116, 117, 118
Dean of Students - 119
Classroom Teachers – 210, 211, 212, 213, 214, 215, 216, 217
Guidance Counselors – 205, 206, 207, 208
Related Arts Teachers (Music, Art, PE, Health)
Librarians - 203
Psychological Personnel - 318
Kindergarten Aides/Paraprofessional (.5)
Substitutes (annual long term positions only) – 230, 231, 232
Academic Coaches - State/local funded
Interventionists
Technology Integration Specialists - 202

* When determining comparability, an LEA may exclude State and local funds expended for—

- Bilingual education for LEP children; and
- Excess costs of providing services to children with disabilities as determined by the LEA

RESULTS OF NOT BEING COMPARABLE

If an LEA is found to be out of compliance with the comparability requirements, the LEA must take corrective action to rectify the noncompliance before the beginning of the second semester instructional term. Documentation of the corrective action and confirmation of comparability must be submitted to the West Virginia Department of Education by **January 31** of the current school year. LEAs in violation of the Title I comparability requirements are subject to withholding or repayment of Title I, Part A funds.

Verification of comparability compliance must be maintained for five (5) years.

Questions concerning comparability should be directed to the LEA's respective state coordinator or the State Director of Federal Programs.

NOTE – Preschool aged children have not been included in the child count for FY17 nor have preschool staff been included in the staffing list. They will begin to be included in the comparability report beginning in FY18.