EQUITABLE RESOURCES IN LOW INCOME SCHOOLS

Teacher Equity and the Federal Title I Comparability Requirement

LINDSEY LUEBCHOW

NEW AMERICA FOUNDATION

Executive Summary

Teachers with the least experience and fewest credentials teach in our poorest schools, putting low-income students at a disadvantage. School finance disparities in teacher spending within school districts are a major cause of this problem. However, school district budgeting techniques mask these intra-district disparities, allowing administrators and policymakers to ignore them.

The Title I comparability provision of the No Child Left Behind Act (NCLB) is intended to prevent local school districts from systematically spending less on students in their highest-poverty schools. Each school district that receives federal NCLB Title I funding must use its state and local funds to provide "comparable services" to its high-poverty (Title I) and low-poverty (non-Title I) schools before federal funds are received. After accounting for state and local dollars, Title I dollars are intended to provide *additional* funds for *additional* services in high-poverty schools.

In practice, however, loopholes in federal law and regulations have rendered the comparability provision in Title I meaningless. This is especially true with respect to spending on teacher salaries, which account for the majority of local school district expenditures. Under current law, two schools within the same school district may be deemed "comparably resourced" even if the teachers in one school are far more experienced, and therefore receive higher salaries, than those in a neighboring school.

Why does this matter? Teacher experience is at least a partial predictor of success in the classroom and one of the approximations for teacher quality available today. Experienced teachers tend to have better classroom management skills and a stronger command of curricular materials. Many novice teachers struggle during their initial years in any classroom, let alone in classrooms in the neediest schools. Additionally, schools with many inexperienced teachers have higher rates of staff turnover, which perpetuates the cycle of novice teachers instructing students with the greatest needs. So long as comparability regulations allow school districts to be deemed "comparable" even though experienced teachers are unevenly distributed, low-income students will continue to be disadvantaged in the classroom.

Teacher salary inequities are not the only funding disparities affecting our children's education. Spending on other resources also plays a role in the quality of education. All too often, the latest technology, up-to-date curricular materials, and curriculum specialists, such as reading consultants, are available to students in affluent schools, but not to students in Title I schools.

When Congress reauthorizes NCLB, it will have the opportunity to address the teacher and resource inequities in our schools by closing loopholes and strengthening the Title I intra-district school finance comparability provision. To achieve this, Congress should:

Require school-level budget transparency. Congress should require school districts to report real-dollar spending on teachers and other instructional resources at the school level, and track the distribution of local, state, and federal funds.

Require comparability in per-pupil spending, including actual teacher salaries, across individual schools. School districts should be required to demonstrate that per-pupil spending, including teacher salary spending with differences based on teacher experience, is comparable in high-poverty Title I and low-poverty non-Title I schools, and to do so in a transparent manner. This requirement should be phased in to give school districts time to address current inequities in teacher and resource distribution. Additionally, the requirement should only apply to non-targeted funds; including spending on special education or other student-specific programs could unfairly disadvantage schools with needy populations.

Revise the definition of instructional staff. Congress should limit the definition of instructional staff to highly qualified teachers.

Amend the law to explicitly state that spending comparability constitutes a minimum requirement, and lower the current threshold from 10 percent to 5 percent. Federal regulations state that to be "comparable" the amount of funds spent at a Title I school must fall within 10 percent of the average amount of funds spent at non-Title I schools. The comparability provision thus sets a minimum requirement for providing resources to Title I schools. Absent explicit guidance, some states have interpreted the regulations as also setting a maximum resource level for Title I schools. In reality, current regulations do not do so. To ensure the maximization of resources for high-poverty schools, the law should be amended to explicitly state that comparability requirements are meant to set a floor, not a ceiling, for funding Title I schools. The law should also be amended to lower the current threshold from 10 percent to 5 percent.

Dedicate new money to help schools meet teacher distribution requirements. To help close the teacher experience and credential gap and bring districts closer to comparable per-pupil spending, Congress should require school districts that are out of compliance with the Title I comparability provision to spend at least 45 percent of their Title II Teacher Quality Enhancement Grant dollars on teacher redistribution. Congress should also expand the scope of the Teacher Incentive Fund program to allow school districts to use grants to address teacher distribution inequities, including base pay increases for teachers who agree to teach in high-poverty or high-minority schools.

Grant waivers for exceptional staffing situations. On a very limited basis and under specific conditions, the U.S. Department of Education should make comparability waivers available to schools with unique needs, including those that are experimenting with teacher reforms. Waivers should not be granted to schools with no previous demonstration of academic success. The Department of Education should set general state waiver requirements, allowing the states to grant waivers on a case-by-case basis, subject to federal audits.

Lindsey Luebchow is a former policy analyst with New America's Education Policy Program and is now a student at Yale Law School where she studies educational equity, adequacy, and school finance issues. Jennifer Cohen, a policy analyst in the Education Policy Program at the New America Foundation, contributed to this report.

Low achievement, crumbling infrastructure, and lack of instructional materials are often cited as a fact of life in high-poverty schools. Even more widespread, and arguably more serious, are the financing disparities between low-poverty and high-poverty schools that push teachers with the least experience and fewest credentials into America's poorest schools with the most at-risk children.

When the subject of school finance inequity arises, advocates and policymakers typically focus on differences in per-pupil expenditures between school districts within states. At the state level, advocates for equitable school funding rely on an extensive body of research on inter-district inequality to make their case. The federal government recognizes the need for inter-district school finance equity. In fiscal year 2008 alone, it distributed almost $3 billion, or 21 percent of all No Child Left Behind (NCLB) Title I funds, to the states through an Education Finance Incentive Grant formula that includes a calculation of inter-district equity.[1]

But policymakers at the national and state levels rarely discuss an equally important source of inequity: *intra*-district school finance inequity, or spending disparities between schools within a single school district.

Intra-District School Finance Inequity

Intra-district spending disparities are especially prevalent in large school districts that serve diverse neighborhoods and student populations.[2] Because housing markets are highly segregated by race and income, and school districts often cover a wide geographic area, a single school district may encompass both high-poverty and low-poverty neighborhoods. As a result, many districts include both high-poverty schools eligible for Title I funding and low-poverty schools that are not. Poverty levels also vary within districts where all schools are eligible for Title I funding. In these cases, the distinction is between high- and higher-poverty schools.

The Primary Cause of Intra-District School Finance Disparities: Teacher Assignment Practices and Salary Schedules

The primary cause of intra-district school finance disparities—given that teacher salaries account for the majority of school district expenses—is the inequitable distribution

of teachers among schools.[3] That is, the least experienced, least credentialed—and therefore, the lowest-paid—teachers are disproportionately represented in high-poverty, high-minority schools. Experienced teachers with advanced credentials, meanwhile, tend to gravitate to low-poverty, low-minority schools with what are considered to be more favorable teaching conditions.

Two common provisions in teacher collective bargaining contracts contribute to inequitable teacher distribution in our public schools. First, the teacher assignment policies in contracts between teachers unions and school districts often give veteran teachers priority access to available positions at more "desirable" low- or lower-poverty schools. As a result of seniority-based teacher transfers, students with the greatest educational needs are taught by teachers with the least experience. Compounding the problem, low-poverty schools receive more applications for open teaching positions, allowing them to choose from among a larger pool of experienced, higher-credentialed candidates from the start.[4]

Second, teacher contracts often set pay for all teachers within a school district based on two "objective" factors: years of experience and education credentials. This trend stems from the emphasis teachers unions place on seniority, their distrust of school principals when it comes to determining salaries and raises, and their resistance to tracking individual teacher effects on student achievement. In fact, many teacher contracts actually prohibit the use of financial incentives to influence teacher placement.[5] Although teacher experience does not always equate to better academic achievement, research suggests that teachers do become more effective as they gain experience, particularly after the first few years. Novice teachers, on the other hand, often struggle in any classroom, let alone in classrooms in the neediest schools.[6] As such, teacher experience is at least a partial predictor of success in the classroom and one of the approximations for teacher quality available today.[7] Research results on the relationship

between teacher credentials and student success are mixed. Yet, experience and credentials are generally the indicators of teacher quality used in determining teacher pay, even though many would argue that an assessment based on the quantifiable gains made by an individual teacher's students would likely yield a more accurate picture.

The Result: Low-Income Students Get the Least Qualified Teachers

According to the National Center for Education Statistics, schools with the most low-income and minority students employ almost twice the proportion of teachers with fewer than three years of experience as higher-income and lower-minority schools.[8] Similarly, a study of teacher experience in Wisconsin found that almost 30 percent of teachers in schools with the highest poverty and minority levels were novices, compared to less than 12 percent in schools with the lowest poverty and minority levels.[9]

Disparities also exist in the distribution of teachers who are "highly qualified" in their subject areas, as defined by NCLB.[10] According to an Ohio study, one of every eight teachers in schools with the highest poverty and minority levels was not highly qualified, compared with only one of every 50 teachers in the lowest-poverty schools and one of every 67 teachers in the lowest-minority schools.[11]

Teaching staffs at high-poverty and high-minority schools are also less stable, with significantly higher turnover rates from year to year.[12] Research shows that high teacher turnover has a negative effect on student learning because it leads to continued hiring of inexperienced teachers.[13]

Disparities in teacher experience, credentials, and other school-level measures put low-income students at an academic disadvantage and perpetuate the achievement gap.[14]

Obscuring the Problem: School District Budgeting Practices

The school finance disparities within school districts caused by the inequitable distribution of experienced teachers—with their higher salaries—should be apparent. However, local budgeting practices obscure these differences. Most districts do not keep records of the actual dollar amounts they spend at individual schools for teacher salaries and other resources. Instead, district budgets usually track only the *number* of resources (number of teachers, amount of materials) assigned to a particular school, not the actual

cost of those resources.[15] In the case of teachers, rather than calculate how much each school spends on individual teacher salaries, school districts generally only keep track of the number of "full-time equivalent" positions filled.

In published budgets, school districts often rely on "salary cost averaging," a practice whereby the district calculates the average teacher salary and applies it to all teachers in all schools in the district. As a result, schools with the same number of teachers "cost" the same amount of money in terms of teachers' salaries, even if one school employs all novice teachers and another employs all veteran teachers. Salary cost averaging and counting "full-time equivalents" rather than individual teachers contribute significantly to teacher distribution inequities and thus to school finance inequities between schools.

The Research: Measuring Intra-District Spending Inequities

Despite the lack of budget transparency and accurate school-level data, a few researchers have begun documenting intra-district spending inequities. These individuals have built their own estimates of school-level spending on teachers based on personnel reports and district salary schedules. Most of the research on this topic has been conducted by Marguerite Roza at the Center for Reinventing Public Education at the University of Washington, as well as by researchers at The Education Trust and The Education Trust-West.

Roza has analyzed spending in many large, urban school districts, arriving at the same conclusion in almost every case: schools in the highest-poverty quartile systematically receive less money per pupil than schools in the lowest-poverty quartile, with the largest percentage of the difference attributable to teacher salaries.[16] In one study, Roza uncovered intra-district spending gaps that ranged from $1,880 per teacher in Houston, Texas, to $3,633 in Denver, Colorado, and $3,837 in Austin, Texas.[17] As a result of such salary spending gaps, a high-poverty school in Austin staffed by 50 teachers would receive $191,850 less in district funding than if teachers were equitably distributed in the district by experience. Likewise, Education Trust-West found that among the 50 largest school districts in California, schools in the lowest-poverty, highest-wealth quartile received an average of $2,576 more per teacher than schools in the highest-poverty quartile. Collectively, these studies demonstrate that our nation's wealthier schools have a sizeable financial advantage linked to the experience and credentials of their teachers.

Amarillo, Texas: A Case Study

Texas is unique in tracking school-level, as opposed to school district-level, school finance data. Using data from 2005-06 collected by the Education Trust, the New America Foundation's Federal Education Budget Project analyzed school finance inequity in a major Texas school district and assessed the district's compliance under proposed comparability reform legislation written by the U.S. House of Representatives Committee on Education and Labor.

This case study presents two sample comparability calculations for the Amarillo Independent School Distinct in Texas. The first set of calculations uses student–instructor ratios, a current compliance option, and the second uses the proposed stricter teacher salary test. Because funding sources are not recorded separately in the Texas data, the data used in the analysis include local, state, and federal funds. If districts performed these calculations for comparability purposes, they would have to exclude the portion of salaries paid for with federal funds.

The Amarillo Independent School District, located in the Texas panhandle, is a socioeconomically diverse district. The percentage of students eligible for free and reduced-price lunch (an indicator of poverty) ranges from a high of 97 percent at Lee Elementary School to a low of 8 percent at Sleepy Hollow Elementary School. Of the 36 elementary schools, 26 receive federal Title I money.[1]

The NCLB Title I Comparability Loophole At Work

Under the U.S. Department of Education's current comparability regulations, a district can determine compliance by demonstrating that the student–instructional staff ratio at each Title I school is no more than 110 percent of the average ratio for the district's non-Title I schools. In Amarillo, the average student–instructional staff ratio in its 10 non-Title I schools is 15 students per staff member (see table 1).

In order to be comparable, a Title I school in Amarillo must have a student–instructor ratio lower than 110 percent of the non-Title I average, or fewer than 16.5 students per instructional staff member. Table 2 compares student–instructor ratios in Amarillo's Title I elementary schools to the average student–instructor ratio in its non-Title I schools. Under this method, only one Title I school in Amarillo fails the comparability test.

Table 1: Staff-To-Student Ratios In Amarillo's Non-Title I Elementary Schools

Non-Title I Elementary Schools	Full-Time Equivalent (FTE) Staff	Enrollment	FTE Staff Per Pupil
Belmar	20	242	12
Olsen Park	22	386	17
Paramount Terrace	21	284	14
Puckett	21	336	16
Ridgecrest	28	430	15
Sleepy Hollow	26	383	15
South Georgia	28	421	15
Western Plateau	28	408	15
Windsor	31	494	16
Woodlands	25	403	16
Total	249	3,787	15

Impact of a Tightened Comparability Standard

Under the House Committee on Education and Labor's proposed stricter comparability requirements, compliance could only be demonstrated by comparing actual-dollar teacher spending in Amarillo's Title I and non-Title I schools. The district would first have to calculate the average teacher salary spending per pupil at its 10 non-Title I schools, and then compare spending at its 26 Title I

Table 2: Staff-To-Student Ratios In Amarillo's Title I Elementary Schools

Title I Elementary Schools	Full-Time Equivalent (FTE) Staff	Enrollment	FTE Staff Per Pupil	Comparable? (<16.5)
Avondale	26	380	14	Yes
Bivins	30	460	15	Yes
Carver Ec Academy	25	342	14	Yes
Carver El Academy	29	387	13	Yes
Coronado	26	380	15	Yes
Eastridge	44	650	15	Yes
Emerson	38	532	14	Yes
Forest Hill	41	546	13	Yes
Glenwood	32	403	13	Yes
Hamlet	28	399	14	Yes
Humphrey's Highland	37	585	16	Yes
Lamar	33	382	12	Yes
Landergin	30	446	15	Yes
Lawndale	29	398	14	Yes
Lee	28	343	12	Yes
Mesa Verde	32	482	15	Yes
Oak Dale	32	524	16	Yes
Pleasant Valley	21	279	13	Yes
Rogers	41	545	13	Yes
San Jacinto	36	506	14	Yes
Sanborn	36	525	15	Yes
South Lawn	27	415	15	Yes
Sunrise	27	375	14	Yes
Whittier	42	575	14	Yes
Wills	25	409	17	No
Wolflin	24	372	16	Yes

Table 3: Teacher Salary Spending Per Pupil In Amarillo's Non-Title I Elementary Schools

Non-Title I Elementary Schools	Total Teacher Salary Spending	Enrollment	Teacher Spending Per Pupil
Belmar	$1,188,982	242	$4,913
Olsen Park	$803,955	386	$2,083
Paramount Terrace	$858,943	284	$3,024
Puckett	$1,154,597	336	$3,436
Ridgecrest	$1,568,412	430	$3,647
Sleepy Hollow	$1,187,088	383	$3,099
South Georgia	$1,112,435	421	$2,642
Western Plateau	$1,639,626	408	$4,019
Windsor	$933,318	494	$1,889
Woodlands	$957,263	403	$2,375
Total	$11,404,619	3,787	$3,012

schools individually to that average. Table 3 illustrates the average expenditure for non-Title I schools.

Amarillo's non-Title I elementary schools are spending an average of $3,012 per pupil on teacher salaries. At present, Title I schools are considered comparable if their spending is above 90 percent of the non-Title I average. A recent proposal by the House Committee on Education and Labor would increase the comparability threshold to 98 percent. Using the current 90 percent threshold, a Title I school would be comparable if it were to spend at least $2,710 per pupil on teacher salaries, while a 98 percent threshold would require that a Title I school spend at least $2,951 per pupil.

Table 4 compares the teacher salary spending per pupil at each of Amarillo's Title I schools to the 90 percent ($2,710) and 98 percent ($2,951) comparability thresholds. If the Amarillo School District were required to use actual teacher salaries to demonstrate comparability, 14 of its 26 Title I elementary schools would fail the 90 percent test, and 17 would fail the 98 percent test.

The difference between the number of out-of-compliance schools in the three calculations—only 1 in the first test,

which reflects current law; 14 in the second test with a 90 percent equity threshold; and 17 in the third test with a 98 percent equity threshold—highlights the problems with the current comparability provision. Instead of only the 3 percent of district schools out of compliance under the first test, the strict new proposal would show 65 percent of schools out of compliance. Current law creates the false impression that low-income and high-income schools in Amarillo receive comparable services. In reality, there are large teacher spending gaps between schools, which can translate into wide variations in instructional quality.

While these results are not perfect, they approximate what such a comparability calculation would look like. True comparability calculations take into consideration only state and local spending, not federal spending. Because these 26 schools receive Title I funds, their teacher salary figures likely include some federal money. If federal funds were removed from the equation, per-pupil teacher salary spending would probably be even lower in the Title I schools. As a result, even more schools would likely fail the comparability test.

1 *Texas Education Agency, Title I, Part A Schoolwide and Targeted Assistance Campuses, 2006–07, www.tea.state.tx.us/nclb/PDF/rptSC-5000SWandTA0607.pdf.*

Table 4: Teacher Salary Spending In Amarillo's Title I Elementary Schools, As Compared To Non-Title I Schools

Title I Elementary Schools	Total Teacher Salary Spending	Enrollment[a]	Teacher Spending Per Pupil	Comparable at 90%? (>$2,710)	Comparable at 98% (>$2,951)
Avondale	$882,394	380	$2,322	No	No
Bivins	$1,012,859	460	$2,202	No	No
Carver Ec Academy	$1,163,642	342	$3,402	Yes	Yes
Carver El Academy	$1,007,319	387	$2,603	No	No
Coronado	$1,754,493	380	$4,617	Yes	Yes
Eastridge	$1,419,280	650	$2,184	No	No
Emerson	$1,576,193	532	$2,963	Yes	Yes
Forest Hill	$1,322,697	546	$2,423	No	No
Glenwood	$1,094,036	403	$2,715	Yes	No
Hamlet	$1,412,934	399	$3,541	Yes	Yes
Humphrey's Highland	$1,328,166	585	$2,270	No	No
Lamar	$1,242,636	382	$3,253	Yes	Yes
Landergin	$1,200,577	446	$2,692	No	No
Lawndale	$1,114,411	398	$2,800	Yes	No
Lee	$1,236,391	343	$3,605	Yes	Yes
Mesa Verde	$1,329,072	482	$2,757	Yes	No
Oak Dale	$932,727	524	$1,780	No	No
Pleasant Valley	$860,640	279	$3,085	Yes	Yes
Rogers	$1,456,765	545	$2,673	No	No
San Jacinto	$1,368,477	506	$2,705	No	No
Sanborn	$1,065,107	525	$2,029	No	No
South Lawn	$1,080,510	415	$2,604	No	No
Sunrise	$1,172,618	375	$3,127	Yes	Yes
Whittier	$996,074	575	$1,732	No	No
Wills	$1,255,211	409	$3,069	Yes	Yes
Wolflin	$957,263	372	$2,573	No	No

[a] In its regulations on comparability, the Department of Education allows school districts to split their schools into two groups based on size for comparability calculations. Districts can perform separate calculations for large and small campuses if there is a "significant difference in the enrollments of schools."

What Is Title I Comparability?

Federal policymakers are not wholly insensitive to intra-district spending inequities. Title I, the largest federal program funding K-12 education, includes a "comparability" provision intended to prevent these disparities.

The Title I comparability provision requires school districts to provide at least the same level of services to their Title I, high-poverty schools as they provide to their non-Title I, low-poverty schools and that they do so using state and local funds. Once the playing field is level—services are "comparable" across Title I and non-Title I schools—federal funds can be used to provide *additional* resources to Title I schools to meet the needs of low-income students.

Comparability is fundamental to the original goal of Title I under the Elementary and Secondary Education Act (ESEA) of 1965: meeting "the special educational needs of educationally deprived children." In enacting Title I, Congress intended to "expand and improve" the educational services provided to low-income children by states and local school districts.[18] The comparability provision is one of several fiscal equity requirements designed to ensure that federal funds supplement services for low-income children, rather than make up for disparities in state and local spending.[19]

The concept of comparability is rooted in the civil rights movement. In the 1960s, segregated school districts quickly figured out how to thwart the goal of Title I and use federal money to continue allocating better supplies, facilities, and teachers to their lowest-poverty, predominantly white schools.[20] A 1969 report by the NAACP Legal Defense and Education Fund, *ESEA Title I: Is It Helping Poor Children?*, brought these spending practices to the attention of the federal government.[21] The next year, the Office of Education proposed new requirements, including comparability guidelines, to better manage and target the distribution of Title I funds. Congress incorporated these guidelines into the 1970 amendments to ESEA as statutory fiscal requirements.[22] Unfortunately, loopholes subsequently inserted into the law, coupled with poorly overseen and enforced regulations, have rendered Title I's comparability provision virtually meaningless.

The Law and Current Regulations

The Elementary and Secondary Education Act of 1965, as amended by NCLB, states:

State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.[23]

A "Title I school" receives federal Title I money because a certain proportion of its student population is low-income. Districts allocate available Title I funds to schools by ranking them according to the percentage of their students identified as low-income—as determined by eligibility for free or reduced-priced lunches, Temporary Assistance for Needy Families, or Medicaid. Districts distribute funds to their schools in rank order, based on a per-pupil allocation for each low-income student.[24] Schools serving few low-income students do not receive Title I funds. A school district may consist of all Title I schools, all non-Title I schools, or a combination of Title I and non-Title I schools.

To be eligible to receive Title I funds, a school district must demonstrate that it satisfies the comparability requirement. At present, U.S. Department of Education regulations allow districts to demonstrate that they are providing comparable services by one of two methods. School districts may:

- File a written assurance of comparability with the state and maintain documentation that they have implemented a district-wide salary schedule and policies that ensure equity among schools regarding teachers, administrators, and other staff, and in the provision of curricular materials and instructional supplies.[25] Most school districts choose this option.

- Compare the actual resources they provide to their Title I and non-Title I schools based on one of three criteria: (1) student–instructional staff ratios (the average number of students per instructional staff member), (2) student–instructional staff salary ratios (the average amount of money spent on instructional staff salaries per student), or (3) total expenditures per pupil. Alternatively, districts can present the state with a plan that details how resources will be allocated among schools in the district based on student characteristics.[26]

Many states use their comparability-monitoring authority to force all of their school districts to employ the same demonstration criteria. According to a 2006 *Title I*

Monitor survey, the student–instructional staff ratio was "overwhelmingly the preferred method" of calculation for states that prescribed how districts should demonstrate comparability.[27] However, this particular calculation is problematic because the definition of "instructional staff" considers teachers and teacher aides to be equivalent. As a result, two schools could appear comparable in instructional staff even if one school employed only teachers and the other school employed primarily teacher aides. The term "instructional staff" also does not distinguish between teachers who are considered to be highly qualified under No Child Left Behind and those who are not. Thus, even if two schools are staffed by the same number of teachers and qualify as comparable, one school may have fewer teachers with demonstrated expertise in the subjects they teach.

Once a district selects criteria on which to determine comparability, it must compare each Title I school's value with respect to those criteria to the average for all non-Title I schools in the district. Federal regulations state that to be "comparable" a Title I school's value must fall within 10 percent of the district non-Title I average.[28] In other words, if a district chooses to determine comparability using a student–instructor ratio, the ratio at a Title I school cannot be more than 110 percent of the district's non-Title I average. Similarly, if a district chooses to use average per-pupil salary expenditure or total expenditure to determine comparability, the expenditure at a Title I school cannot be less than 90 percent of the district's non-Title I average expenditure. Thus, comparability sets a minimum requirement for providing resources to Title I schools. Some states interpret these regulations as setting a maximum resource level in Title I schools as well. As a result, they prohibit Title I schools from having a per-pupil expenditure of more than 110 percent or a student–instructor ratio of less than 90 percent of the non-Title I average. However, the current regulations do not explicitly set a ceiling for providing resources to Title I schools.

Why Comparability Doesn't Work

In its present form, the Title I comparability provision does not effectively force districts to address spending disparities between high- and low-poverty schools. Comparability has become such a meaningless requirement that most school districts, even those in which resources are particularly inequitably distributed, can find a way to appear to be in compliance. There are three principal reasons why comparability lacks teeth: a statutory loophole, watered-down regulations, and inadequate enforcement.

Problem #1: The Teacher Salary Loophole. The federal statute and regulations governing comparability contain a serious loophole. According to the statute:

> ...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. [emphasis added][29]

Thus, if a school district chooses to compare per-pupil teacher salary expenditures, it does not have to take into consideration the difference in spending on the salary of a veteran, as opposed to a novice, teacher. That difference is often large, because teacher-salary schedules are based on only two criteria: years of teaching experience and education credentials. For example, in the Detroit Public Schools a second-year teacher with a master's degree is paid $43,619, whereas a veteran teacher with 10 years of experience and the same credentials is paid $70,046, a difference of $26,427.

Ignoring teacher pay differentials (due to years of employment) has led to the bulk of intra-district school spending disparities.[30] Schools generally spend between 60 percent and 80 percent of their budgets on teacher salaries.[31] As a result, the distribution of teachers and their accompanying salaries accounts for a majority of the spending disparities between high- and low-poverty schools in a district. Other per-pupil costs related to curricular materials and computers are unlikely to vary as widely among schools. Without accounting for differences in actual teacher salaries, comparability cannot produce meaningful expenditure comparisons between high-poverty and low-poverty schools.

Problem #2: Watered-Down U.S. Department of Education Regulations. Even if the statutory provision governing the comparability requirement were tighter, watered-down regulations would still allow school districts to evade their responsibility to provide comparable resources to both Title I and non-Title I schools.

Teacher Contracts and Comparability

If Congress adopts a strengthened version of comparability, many school districts will find themselves out of compliance, in part—if not wholly—due to spending gaps caused by teacher salary differentials based on experience. Equalizing spending between schools will require school districts to consider altering their teacher distribution policies and salary schedules. This will likely require the renegotiation of teacher contracts.

Such renegotiated contracts will have to either eliminate seniority-based teacher transfers or incentivize higher-paid teachers to transfer into Title I schools by choice. Neither of these negotiations will be easy. Teachers unions are powerful organizations and tend to oppose policies that alter seniority transfer privileges or existing salary schedules. Threatening to take away teacher tenure and seniority privileges is a hot-button issue among union members.

Currently, changes in the teacher workforce distribution primarily occur as a result of attrition—when teachers retire, change schools, or leave the profession—rather than as a result of policy changes. Altering the current teacher distribution in out-of-compliance school districts will take time and resources. Still, there are a number of things school districts can do to increase the distribution of more experienced and more credentialed teachers in high-poverty schools.

To redistribute teachers evenly, districts could consider teacher transfer requests solely based on a school's needs, not teacher seniority preferences. Teachers unions are likely to oppose this in any contract renegotiation. However, a growing number of school districts have moved in this direction. Contract language from the Poway Unified School District in California demonstrates one potential compromise: "It shall be the intent of the Board of Education to provide qualified members of the bargaining unit an opportunity to be considered for transfer. The welfare of students and, secondly that of teachers, will be the preeminent factor in all transfers."[i]

Second, school districts should consider ways to incentivize teachers to accept assignments at high-poverty schools. Incentives could come in the form of signing bonuses, mortgage assistance, or other financial incentives. Generally, teachers support additional pay for teachers "who work in tough neighborhoods with low-performing schools."[ii] According to a recent survey, 80 percent of teachers "strongly" or "somewhat" agree with this type of differentiated pay.[iii] The two national teachers unions, the National Education Association and the American Federation of Teachers, have expressed support for incentive pay in high-need schools.[iv] Little research has been conducted on the effectiveness of incentives, however, because they are not commonly used. Most existing research finds that financial incentives must be large and sustained over time to attract and retain teachers in high-poverty schools. One recent study, however, found that providing modest incentives to work in high-poverty schools reduced turnover and helped schools retain experienced teachers. Additional experimentation and evaluation of these programs is needed.[v]

Apart from, or in conjunction with, monetary incentives, districts could also make high-poverty schools more attractive to teachers by prioritizing them for renovation or facilities improvements. Districts could also increase the attractiveness of teaching in high-poverty districts by offering teachers in high-needs schools smaller class sizes or more time for lesson planning and collaboration with other teachers. Such benefits would improve the community of practice at high-need schools and may draw more innovative and experienced teachers.

i Frederick M. Hess and Martin R. West, A Better Bargain: Overhauling Teacher Collective Bargaining for the 21st Century (Cambridge, MA: Harvard University, Program on Education Policy & Governance, n.d.), www.hks.harvard.edu/pepg/PDF/Papers/BetterBargain.pdf.

ii Ann Duffett, Steve Farkas, Andrew J. Rotherham, and Elena Silva, Waiting to Be Won Over: Teachers Speak on the Profession, Unions, and Reform (Education Sector, 2008), www.educationsector.org/usr_doc/WaitingToBeWonOver.pdf.

iii Ibid.

iv "NEA Applauds Plan by Gates, Broad Foundations to Prompt National Dialogue on Education," National Education Association, April 26, 2007, www.gwu.edu/~action/2008/interestg08/nea042607pr.html; and "Professional Compensation for Teachers," American Federation of Teachers, 2002, www.aft.org/about/resolutions/2002/compensation.htm.

v Charles Clotfelter, Elizabeth Glennie, Helen Ladd, and Jacob Vigdor, Would Higher Salaries Keep Teachers in High-Poverty Schools? Evidence from a Policy Intervention in North Carolina NBER Working Papers 12285 (Cambridge, MA: National Bureau of Economic Research, June 2006).

The written-assurance option for demonstrating comparability undermines the intent of comparability by asking school districts simply to document what they are already doing. Almost every school district has a salary schedule and policies for distributing a certain number of teachers and resources per student to each school. These practices rarely result in equitable distribution of funds without additional oversight. The written-assurance option allows school districts to comply with the comparability requirement without comparing actual spending or significantly modifying their operations.

Even when a state requires school districts to use data-based criteria to determine comparability, the requirements are not particularly rigorous. For example, schools can easily collect data on student–instructional staff ratios. The calculation, however, allows districts to count paraprofessionals as "instructional staff," making the standard less demanding than a student–certified teacher ratio.[32] Paraprofessionals earn lower salaries than certified teachers, are not allowed to provide direct classroom instruction under NCLB, and are not required to have the same level of skill and knowledge as classroom teachers. Despite these differences, districts are permitted to include them as instructional staff for comparability purposes, often overestimating the comparability of staff in high-poverty versus low-poverty schools.

Other U.S. Department of Education decisions over the past 30 years have further weakened comparability provisions. For example, the original comparability rules required criteria values in Title I schools to fall within 5 percent of the district average for non-Title I schools. The U.S. Department of Education has since expanded that comparability threshold to 10 percent, allowing for a much larger gap between Title I and non-Title I school resource allocation.

The Department of Education also no longer requires states to adhere to a consistent comparability reporting schedule.[33] Originally, states were required to report comparability data annually on November 1. Current regulations allow states to set their own deadlines.

Problem #3: Weak Enforcement. The states and the federal government have done a poor job of monitoring and enforcing comparability compliance. In 2004, the Department of Education issued new Title I fiscal regulations for the first

time in 10 years. At the time, many state Title I offices had no guidelines or timelines for school districts for meeting the comparability criteria.[34]

Even with the new guidelines, however, a 2007 audit by the U.S. Department of Education's Office of Inspector General found that school districts do "not always report complete and accurate comparability information" and some "improperly classify" schools as comparable. In addition, the audit determined that the federal protocol for monitoring states' comparability implementation was flawed and insufficient to compel states to correctly and consistently implement the law.[35] The Office of Inspector General suggested that the states could improve their implementation of comparability provisions by including a step to verify and validate the data reported, using actual, rather than budgeted, spending in their calculations, setting a firm deadline for reporting data, and requiring districts to maintain documentation of their data.

How Comparability Was Undermined

When comparability first came into effect in 1972, school districts had to demonstrate comparability between Title I and non-Title I schools in five separate categories, including "the average number of pupils per assigned certified classroom teacher." The provisions were rigorously applied and the U.S. Department of Education regularly audited or threatened to audit state systems. It is important to note, however, that even then, when comparing per-pupil expenditures on teacher salaries, districts could exclude differences due to teacher experience.

Nearly 10 years later, President Ronald Reagan took office and carried out a broad program of federal deregulation. Under his administration, Department of Education officials gutted comparability regulations by adding the written-assurance option and removing detailed compliance requirements. The federal government also neglected to issue updated departmental guidance and conducted no audits of the process. As a result of these actions, the states largely ignored the law's comparability provisions.

Recent Attempts at Reform

In a NCLB reauthorization discussion draft document released in September 2007, the House Committee on Education and Labor proposed several reforms to the comparability requirement similar to those recommended in

this report. The draft document proposed replacing the current comparability statutory provision with a teacher salary comparability requirement:

> A local educational agency may receive funds under this part only if the average expenditure per pupil, of State and local funds for teacher salaries, in the schools served under this part is equal to or greater than the average expenditure per pupil, of State and local funds on teacher salaries, in schools that are not receiving funds under this part.[36]

The committee also proposed requiring school districts to consider differences in teacher salaries based on experience:

> 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 be included in such determination.[37]

This bold proposal would both close the teacher salary loophole and eliminate all options for comparability other than an actual-dollar, per-pupil teacher salary comparison. (However, limiting the determination of comparability to spending on teacher salaries, rather than total per-pupil spending, could allow non-Title I schools to outspend Title I schools on additional resources such as online courses or computers.)

The committee further proposed increasing the threshold for comparability to 98 percent, from the current 90 percent. School districts would be given three years to achieve compliance and prohibited from making "forced or involuntary transfers" of teachers between schools.

Eliminating the teacher salary loophole and increasing the rigor of the comparability standards would be important steps in the right direction. Unfortunately, the House committee's draft legislation faced strong political opposition. While some stakeholders, such as The Education Trust, have lauded the proposed comparability reforms, other groups, such as the National Education Association (NEA), one of two national teachers unions, have harshly criticized them. The NEA's reaction is not surprising—a robust comparability provision forcing school districts to alter traditional teacher distribution patterns would contradict teacher contract provisions that grant transfer priority based on seniority. As Joel Packer, the NEA's director

of education policy, told *Education Week*, "A gut issue for our members is that they are opposed to something that weakens rights they have under their contract.... It is not the federal role to interfere with that." Teachers unions, as well as others opposed to the proposed reforms, also argue that federal regulation is a poor means of solving the teacher inequity problem because it forces school districts to spend time on unproductive, burdensome compliance rather than on meaningful reform.

In contrast, organizations that focus on civil rights, closing the achievement gap, and improving educational equity, such as the Urban League and the Citizens' Commission on Civil Rights, support comparability reform. These organizations believe that stronger comparability requirements are critical to carrying out Title I's original intent.

Recommendations

Title I comparability reform is an important first step for remedying inequities in school finance and teacher distribution in our nation's schools. To date, loopholes in Title I regulations have undermined the intent of the comparability provision, allowing districts to spend less money on children in their high-poverty schools than on children in their low-poverty schools. In order to make the comparability provision both meaningful and practical, Congress should take the following steps: (1) require school-level budget transparency; (2) require comparability in per-pupil spending, including actual teacher salary spending; (3) revise the definition of instructional staff; (4) amend the law to state explicitly that spending comparability constitutes a minimum requirement, and lower the current threshold from 10 percent to 5 percent; (5) dedicate new money to help schools meet teacher distribution requirements; and (6) grant waivers for exceptional staffing situations.

Require School-Level Budget Transparency

At the very least, Congress should require school districts that receive Title I money to report actual-dollar, school-level spending data on teacher salaries and other instructional resources to state departments of education. This will not be an easy transition for school districts, but it is a necessary step if we are to have accurate information about spending disparities among schools. Additionally, annual NCLB report cards could be issued on school-level spending for every school in a given district to district parents. Such information would allow parents to compare

spending levels in their child's school to spending levels at other district schools.

Require Comparability in Per-Pupil Spending, Including Actual Teacher Salary Spending

Teachers are our most important education resource and their salaries constitute a significant portion of per-pupil expenditures.[39] If school districts are to be held to a comparability standard, they must show how much they actually spend on teachers and other resources in Title I and non-Title I schools. Congress should require school districts to demonstrate comparability in total per-pupil spending, including teacher salaries, by school, accounting for salary differences based on experience. Congress should also require school districts to account for total per-pupil spending in addition to teacher salary spending to ensure that all schools receive their fair share of all educational resources.

The biggest hurdle schools will face in meeting a meaningful comparability requirement will be moving higher-paid, more experienced teachers into Title I schools. This will undoubtedly require a long-term commitment to systemic reform, including investing in Title I schools to make them more attractive teaching placements. Because achieving comparability in teacher salary spending will take time, compliance with this requirement should be phased in gradually. Districts could be required to demonstrate 70 percent comparability after one year (a very low standard), 80 percent after two years, 90 percent after three years, and 95 percent after five years.

To buttress political support for reducing inequities in the distribution of experienced teachers, Congress should specifically prohibit districts from forcing teacher transfers. Compelling teachers to take unwanted assignments is highly disruptive to school communities, puts teachers at odds with school administrators, and has the potential to create adverse working environments that negatively affect student achievement.

Revise the Definition of Instructional Staff

As currently written, teachers and teacher aides are considered equivalent staff for comparability purposes. Counting paraprofessionals as "instructional staff" makes the standard less demanding than a student-to-certified teacher comparison.[40] Paraprofessionals are not allowed to provide direct instruction under No Child Left Behind, are paid significantly less, and are not required to demonstrate the

same level of skill and knowledge as highly qualified teachers. Yet under current regulations, states can still count them as instructional staff for comparability purposes.

The term instructional staff also makes no distinction between teachers who are highly qualified and those who are not. As a result, even when schools are staffed by the same number of certified teachers, some students may not be taught by teachers with demonstrated expertise in their subject area.

To solve both of these teacher inequity problems, Congress should adopt a definition that limits instructional staff to certified teachers. Over time, the definition should be narrowed to highly qualified teachers.

Amend the Law to Explicitly State That Spending Comparability Constitutes a Minimum Requirement, and Lower the Current Threshold from 10 Percent to 5 Percent

As noted above, current regulations state that to be "comparable" a Title I school's student–instructional staff ratio, student–instructional staff salary ratio, or total expenditures per pupil must fall within 10 percent of the district non-Title I average. In other words, if a district chooses to determine comparability using a student–instructor instructor ratio, the ratio at a Title I school cannot be more than 110 percent of the district's non-Title I average. Similarly, if a district chooses to use average per-pupil salary expenditure or total expenditure to determine comparability, the expenditure at a Title I school cannot be less than 90 percent of the district's non-Title I average expenditure. Comparability is intended to set a minimum requirement for providing resources to Title I schools.

Absent explicit guidance, some states have interpreted the regulations as also setting a maximum resource level for Title I schools. They see the regulations as prohibiting Title I schools from having a per-pupil expenditure of more than 110 percent or a student-instructor ratio of less than 90 percent of the non-Title I average. In reality, current regulations do not explicitly set a ceiling for providing resources to Title I schools. To eliminate the confusion and ensure the maximization of resources for high-poverty schools, the law should be amended to explicitly state that comparability requirements are meant as a floor, not a ceiling, for funding Title I schools. To ensure greater comparability, the law should also be amended to lower the current threshold from 10 percent to 5 percent.

Dedicate New Money to Help Schools Meet Teacher Distribution Requirements

The majority of school expenditures are for teacher salaries. As a result, reaching comparability in per-pupil spending will depend primarily on ameliorating teacher maldistribution. Many school district administrators are unsure how to change teacher distribution patterns within current collective bargaining agreements, or how to fund incentives that might convince high-quality teachers to move to low-income schools. To help close the teacher quality gap, Congress should require school districts that are out of compliance with the Title I comparability provision to spend at least 45 percent of their Title II Teacher Quality Enhancement Grant dollars on teacher redistribution activities.

Under current law, school districts can use Title II money to implement incentive plans that address inequitable teacher distribution.[41] But rather than use these funds for that purpose, school districts generally focus Title II money on professional development, class-size reduction, and getting all teachers to "highly qualified" status under NCLB.[42] To date, research results regarding the effectiveness of class size reduction efforts are mixed, and the quality of teacher professional development is highly variable.[43] Using Title II funds to get more experienced teachers into Title I schools may have a greater effect on student outcomes than some of the current Title II activities.

The Teacher Incentive Fund, which provides states with funding for teacher and principal performance-based incentive programs, should also be leveraged to improve teacher equity. Currently, the fund only gives grants for performance-based compensation systems. The scope of the program could be expanded to allow districts to use these grants to address teacher distribution inequities, including base pay increases for teachers who teach in high-poverty or high-minority schools. Priority should be given to applicants that report intra-district teacher spending disparities and commit to using incentive funds to address teacher distribution problems.

Grant Waivers for Exceptional Staffing Situations

Some schools engage in innovative programs that require unique staffing. While these arrangements may meet the schools' needs, they could make it difficult to comply with a comparability requirement that includes actual spending on teacher salaries. For example, a reform-oriented school district or school principal might decide to recruit and hire a young, talented, but relatively inexperienced, group of teachers. These teachers, by virtue of their inexperience, would be lower-paid than the average group of teachers, but might exhibit greater motivation, or have unique credentials that would make them particularly qualified for high-poverty schools.[44] In such instances, the school or school district could be granted a waiver if it met certain conditions.

First, potential waiver recipients should be required to file a written justification for the inequitable distribution of teachers in a particular school. A waiver might be granted, for example, to a school district interested in hiring a group of second career teachers who, while older and experienced in their subject matter, are relatively new to teaching.

Second, a school district requesting a waiver should be required to demonstrate some established record of school achievement. For example, waiver recipients could be required to demonstrate that a predetermined percentage of students scored above "proficient" in reading and math on the most recent NCLB achievement tests, or that a higher percentage of students performed at or above "proficient" on NCLB achievement tests than did students in other Title I schools in the district. Waivers should not be granted to schools with no previous demonstration of academic success. Ultimately, the U.S. Department of Education should set general requirements for states to grant waivers on a case-by-case basis, subject to federal audits.

Conclusion

When Congress resumes work on NCLB reauthorization, comparability will likely be a contentious issue. There will be strong political forces in favor of a strengthened comparability provision, and formidable opposition as well. Outside of NCLB's core achievement provisions, comparability, particularly as it pertains to the distribution of experienced teachers, is arguably the most important means of raising student achievement and closing the achievement gap. It is unconscionable for us to continue to support a system in which the children with the greatest needs in our poorest schools are taught by those with the least experience and fewest credentials.

Notes

1   *No Child Left Behind Act of 2001,* Public Law No. 107-110, Education Finance Incentive Grant Program, Section 1125A, 20 U.S.C. § 6337.

2   See *California's Hidden Teacher Spending Gap: How State and District Budgeting Practices Shortchange Poor and Minority Students and Their Schools* (Oakland, CA: The Education Trust-West, 2005), www.hiddengap.org/resources/report031105.pdf.

3   Marguerite Roza, *Strengthening Title I to Help High-Poverty Schools: How Title I Funds Fit into District Allocation Patterns* (Seattle: University of Washington, Center on Reinventing Public Education, 2005), www.uwnews.org/relatedcontent/2005/August/rc_parentID11695_thisID11712.pdf.

4   Susanna Loeb and Michelle Reininger, *Public Policy and Teacher Labor Markets: What We Know and Why it Matters* (Lansing: Education Policy Center at Michigan State University, April 2004), http://eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/1b/ab/d9.pdf.

5   For examples of teacher contracts, see National Council on Teacher Quality, *Teacher Rules, Roles and Rights*, www.nctq.org/tr3/.

6   Charles T. Clotfelter, Helen F. Ladd, and Jacob L. Vigdor, "Who Teaches Whom? Race and the Distribution of Novice Teachers," Paper presented at the annual meeting of the American Economic Association, Atlanta, Georgia (January 2001); and E. A. Hanushek, J. F. Kain, and S. G. Rivkin, "Teachers, Schools, and Academic Achievement," NBER Working Paper 6691 (Cambridge, MA: National Bureau of Economic Research, 1998).

7   Linda Darling-Hammond, "Teacher Quality and Student Achievement: A Review of State Policy Evidence," *Education Policy Analysis Archives*, 8, no. 1 (2000), http://epaa.asn.edu/epaa/v8n1.

8   Daniel P. Mayer, John E. Mullens, Mary T. Moore, and John Ralph, *Monitoring School Quality: An Indicators Report* (Washington, DC: National Center for Education Statistics, December 2000), http://nces.ed.gov/pubs2001/2001030.pdf.

9   *Wisconsin Teacher Distribution Project Report* (Wisconsin Department of Public Instruction, April 2007), http://dpi.wi.gov/tepdl/pdf/teacherdistribproject.pdf.

10 Highly qualified teachers, according to No Child Left Behind, must have 1) a bachelor's degree, 2) full state certification or licensure, and 3) demonstrate competency in each subject they teach.

11 *Ohio Distribution of Teacher Characteristics Study* (Ohio Department of Education, September 2005), results reported in *Teaching Inequality, How Poor and Minority Students Are Shortchanged on Teacher Quality* (Washington, DC: The Education Trust, 2006), http://www2.edtrust.org/NR/rdonlyres/010DBD9F-CED8-4D2B-9E0D-91B446746ED3/0/TQReportJune2006.pdf.

12 *Their Fair Share: How Texas-Sized Gaps in Teacher Quality Shortchange Low-Income and Minority Students* (Washington, DC: The Education Trust, February 2008), www.theirfair-share.org/resources.dyn/TheirFairShareFeb08.pdf.

13 Jennifer B. Presley, Bradford R. White, and Yuqin Gong, *Examining the Distribution and Impact of Teacher Quality in Illinois* (Illinois Education Research Council, 2005), http://eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/1b/e6/2f.pdf.

14 Rob Greenwald, Larry V. Hedges, and Richard D. Laine, "The Effect of School Resources on Student Achievement," *Review of Educational Research* 66 (Autumn 1996): 361–96.

15 Roza, *Many a Slip 'Tween Cup and Lip: District Fiscal Practices and Their Effect on School Spending* (Seattle: University of Washington, Center on Reinventing Public Education, 2005).

16 The dollar amounts used in these comparisons include only non-targeted funds. The inclusion of targeted funds, such as Title I monies, could skew calculations and make spending in Title I and non-Title I schools appear more equitable than it actually is.

17 Roza, *Strengthening Title I to Help High-Poverty Schools.*

18 *Elementary and Secondary Education Act of 1965,* Public Law No. 89-10, Title I, Section 201, 20 U.S.C. § 241a.

19 Other fiscal requirements include a maintenance of effort requirement, and a requirement that districts use federal funds to supplement, not supplant, federal funding for education. For more on the history of Title I fiscal requirements, see Phyllis McClure, "The History of Educational Comparability in Title I of the Elementary and Secondary Education Act of 1965," in *Ensuring Equal Opportunity in Public Education: How Local School District Funding Practices Hurt Disadvantaged Students and What*

Federal Policy Can Do About It (Washington, DC: Center for American Progress. 2008).

20 Jack Jennings, "Title I: Its Legislative History and Its Promise," *Phi Delta Kappan* 81 (March 2000): 516–22.

21 Ruby Martin and Phyllis McClure, *ESEA Title I: Is It Helping Poor Children?* (NAACP Legal Defense and Educational Fund and the Washington Research Project, 1969).

22 Jennings, "Title I."

23 *No Child Left Behind Act of 2001,* Public Law No. 107-110, Fiscal Requirements: Comparability of Services, Section 1120A (c), 20 U.S.C. § 6321.

24 *Non-Regulatory Guidance: Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools* (U.S. Department of Education, June 2003), www. ed.gov/programs/titleiparta/wdag.doc.

25 *Non-Regulatory Guidance: Title I Fiscal Issues* (U.S. Department of Education, revised February 2008), www. ed.gov/programs/titleiparta/fiscalguid.pdf.

26 Ibid.

27 Andrew Brownstein and Charles Edwards, "ED, Advocates Seek to Beef Up Comparability," *Title I Monitor*, May 24, 2006.

28 Technically, the law requires that districts take into account a 10 percent variance in both directions. This means in theory that districts have a 110 percent ceiling for state and local spending on Title I schools, not just a 90 percent floor. However, this two-way variance is not incorporated into state comparability worksheets, and it is not mentioned in the U.S. Department of Education's Title I non-regulatory guidance or in its sample comparability calculations.

29 *No Child Left Behind Act of 2001,* § 6321.

30 Roza, *Strengthening Title I to Help High-Poverty Schools*.

31 See, for example, Ford Fessenden, "Westchester School Districts Among Top Spenders," *New York Times*, June 10, 2007, www.nytimes.com/2007/06/10/nyregion/ nyregionspecial2/10mainwe.html?_r=1&oref=slogin.

32 *Non-Regulatory Guidance: Title I Fiscal Issues;* and Brownstein and Edwards, "ED, Advocates Seek to Beef Up Comparability."

33 Ibid.

34 Brownstein and Edwards, "ED, Advocates Seek to Beef Up Comparability."

35 *Monitoring of the Title I, Part A, Comparability of Services Requirement, Final Management Information Report, State and Local No. 08-01* (U.S. Department of Education, Office of Inspector General, October 31, 2007), www.ed.gov/ about/offices/list/oig/auditreports/fy2008/x05h0017.pdf.

36 *No Child Left Behind Discussion Draft,* House of Representatives Committee on Education and Labor, August 2007.

37 Ibid.

38 Bess Keller, "Draft Proposal Seeks to Equalize School Resources," *Education Week*, September 19, 2007, www. edweek.org/ew/articles/2007/09/19/04nclb-salary.h27. html?qs=comparability.

39 Jennifer King Rice, *Teacher Quality: Understanding the Effectiveness of Teacher Attributes* (Education Policy Institute, 2003), www.epi.org/content.cfm/ books_teacher_quality_execsum_intro.

40 *Non-Regulatory Guidance: Title I Fiscal Issues.*

41 *No Child Left Behind Act of 2001,* Public Law No. 107-110, Title II: Preparing, Training, and Recruiting High Quality Teachers and Principals, Teacher and Principal Recruiting and Training Fund, Section 2101, 20 U.S.C. § 6601.

42 For examples of Title II-funded activities, see the Highly Qualified Teachers and Improving Teacher Quality State Grants Monitoring Reports, U.S. Department of Education, www.ed.gov/programs/teacherqual/performance.html.

43 M. S. Garet, A. C. Porter, L. Desimone, B. F. Birman, and K. S. Yoon, "What Makes Professional Development Effective? Results from a National Sample of Teachers," *American Educational Research Journal* 38 (Winter 2001): 915–45.

44 Suggestion from Kate Walsh, president of the National Council on Teacher Quality, in "The Case Against Comparability," *Education Gadfly*, September 13, 2007, www.edexcellence.net/gadfly/index.cfm?issue=307.

45 Linda Darling-Hammond, *Teacher Quality and Student Achievement: A Review of State Policy Evidence,* (Seattle: University of Washington, Center for the Study of Teaching and Policy, 1999), http://depts.washington.edu/ctpmail/ PDFs/LDH_1999.pdf.

NEW AMERICA FOUNDATION

WWW.NEWAMERICA.NET