

## **Section 1118 (c) COMPARABILITY OF SERVICES**

### **(1) IN GENERAL.—**

(A) **COMPARABLE SERVICES.** —Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if 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.

(B) **SUBSTANTIALLY COMPARABLE SERVICES.** —If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

(C) **BASIS.** —A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

### **(2) WRITTEN ASSURANCE.—**

(A) **EQUIVALENCE.**—A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

- (i) a local educational agency-wide salary schedule;
- (ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
- (iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

(B) **DETERMINATIONS.**—For the purpose of this sub-section, 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 de-terminations.

(C) **EXCLUSIONS.**—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 under this subsection.

### **(3) PROCEDURES AND RECORDS.—**Each local educational agency assisted under this part shall—

- (A) develop procedures for compliance with this sub-section; and
- (B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

**(4) INAPPLICABILITY.**—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

**(5) COMPLIANCE.**—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

- (A) language instruction educational programs; and
- (B) the excess costs of providing services to children with disabilities as determined by the local educational agency.

(d) **EXCLUSION OF FUNDS.** —For the purpose of complying with subsections (b) and (c), a State educational agency or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.