For a shortened version read only the headings and the **BOLDED AND ITALIZED** words.

**Supplement vs Supplant**
The U.S. Department of Education published a long-awaited notice of proposed rulemaking addressing the Every Student Succeeds Act’s Title I supplement not supplant (SNS) requirements.

**NDDPI Response:** Related to Supplement vs Supplant is on the NDDPI website and addresses North Dakota’s concerns with the heavy reporting requirements of the new legislation.

**Congressional Update**
On the federal budget...Congress reconvened after the August recess on September 6 and left town late last week after temporarily extending current federal spending levels. Congress has not approved any of the twelve appropriations bills that annually allocate funding for federal operations and programs, but just passed a Continuing Resolution (CR) to keep the government running at current levels through the second week of December.

Congressional leaders are confident they can negotiate various budget issues in the lame-duck session that begins November 15, and Republican leaders are aiming to bring up a slew of healthcare measures and mental health reform. Note that FY 2017 is the first time the federal budget will align with ESSA programs – the top line on Title I, Title II, Title IV and other spending priorities.

**Pay for Success Funding**
USED recently launched a Preschool Pay for Success Feasibility Pilot. The Preschool Pilot will not fund preschool services, but rather establishes a $2.8 million grant competition for Feasibility Studies that will allow state, local, and Tribal governments to explore how to use Pay for Success models to expand access to quality early learning programs. Under the program, participating governments will work with a financing organization where private investors will provide up-front funding, then the government will only pay if the agreed-upon goal is achieved. The goal of this program is to build on the already successful Preschool Development Grants and Race to the Top Grants in order to provide even more resources for these young children.

**Specifically,** the Education Department is suggesting outcomes that address: kindergarten readiness, improved social and emotional skills, improved executive functioning, reduction in grade retention and in the need for later special education, reduction in discipline referrals and interactions with law enforcement, and increases in high school graduation.

This program will be funded through the Preschool Development Grant Program, and will award $200,000 to $400,000 to as many as fourteen grantees. The Notice Inviting Applications is available here. The deadline for submitting program applications is October 6, 2016.

**U.S. Department of Education working on Teacher Preparation Rules**
Earlier this year, the Department of Education issued a supplemental notice of proposed rule-making, which continues a multi-year effort to revise regulations regarding teacher preparation programs. This supplemental notice requested clarification on “State reporting requirements that would affect teacher preparation programs provided through distance education and TEACH Grant eligibility for students enrolled in teacher preparation programs provided through distance education.” NAESP expects the Department to publish the rule within the next few weeks.
U.S. Department of Education Releases Guidance Regarding Application of the Individuals with Disabilities Education Act to Virtual Schools

The U.S. Department of Education recently published a guidance letter to school district and state leaders regarding their obligations to students with disabilities attending virtual public schools. The Dear Colleague Letter clarifies requirements under Part B of the Individuals with Disabilities Education Act (IDEA) that are applicable to virtual schools. For the letter’s purposes, “virtual schools” are defined as public schools that offer “only virtual courses: instruction in which children and teachers are separated by time and/or location.”

The letter, sent by the Office of Special Education and Rehabilitative Services, makes clear that “[c]hildren with disabilities attending virtual schools have the same right to a free appropriate public education as children attending brick and mortar schools [and] States and school districts must ensure that children with disabilities are getting the special education and supports that they need to be successful in school.”

Additionally, states are responsible for ensuring that students with disabilities who attend virtual schools are included in all school district-wide assessment programs, including those required under the Every Student Succeeds Act with appropriate accommodations and alternate assessments, where necessary. District technology leaders involved with virtual schools should carefully review the guidance letter and related materials for additional information about best serving students with disabilities that elect to use virtual school models.