



July 20, 2020

Amy Huber
U.S. Department of Education
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Washington, DC 20202

NATIONAL CENTER

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RE: Docket ID ED-2020-OESE-0091

Dear Ms. Huber:

The National Down Syndrome Congress (NDSC) is the country's oldest national organization for people with Down syndrome, their families, and the professionals who work with them. We provide information, advocacy and support concerning all aspects of life for individuals with Down syndrome, and work to create a national climate in which all people will recognize and embrace the value and dignity of people with Down syndrome. NDSC appreciates the opportunity to provide comments on the Interim Final Rule (IFR) addressing CARES Act Programs: Equitable Services to Students and Teachers in Non-Public Schools. We have also signed on to the comments submitted by the Consortium for Citizens with Disabilities (CCD) Education Task Force.

Along with other members of CCD, NDSC strongly opposes this rule because it does not adhere to either the Coronavirus Aid, Relief, and Economic Security (CARES) Act or the Elementary and Secondary Education Act (ESEA), thereby diverting more federal education funds than Congress intended away from public schools. This will substantially harm students with disabilities from low-income families and the public schools serving them.

The IFR issued by the U.S. Department of Education (ED) directly contravenes the CARES Act which directs local school districts that receive K-12 funds to provide equitable services to non-public schools according to Section 1117 of the ESEA. The ESEA requires districts to calculate the required distribution to nonpublic schools based on the number of low-income children in each participating non-public school in the district. The IFR provides two options for districts to allocate funds to schools. These options would require districts to choose between sending a higher proportion of funds to private schools or losing flexibility in how to spend their funds. Neither option provided in the IFR accurately follows the requirements of ESEA nor Congressional intent under the CARES Act.

As advocates for federal public policy that improves all aspects of life for individuals with Down syndrome regardless of socio-economic status, NDSC is opposed to using funds from ESEA's Title I funding formula in a way that is not focused on supporting low-

income students in the state. As written, the IFR will move a significant amount of federal funding away from public schools, where the majority of students with disabilities are served, at a time when our public schools desperately need additional funding. These funds are critically important to ensure that public schools can address health and safety concerns as well as academic achievement during the COVID-19 pandemic. Congress clearly understood that private schools also need support and provided for such funding according to the Equitable Services provision of the ESEA as included in the CARES Act.

NDSC urges the Department to recall the IFR so that states, districts, and schools can utilize the CARES Act funds as intended by Congress.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "David Tolleson". The signature is written in a cursive style with a long horizontal flourish at the end.

David Tolleson
Executive Director
National Down Syndrome Congress