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Washington, DC 20503

RE: 86 FR 24029

Submitted via: [www.regulations.gov](http://www.regulations.gov)

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Comments on E.O. 13985 Request for Information: Methods and Leading Practices for  
Advancing Equity for Underserved Communities Through Government

Dear Acting Director Young,

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 supports the comments submitted by the Education Task Force of the Consortium for Citizens with Disabilities (CCD), which focused on Sections 1 and 5 of the Request for Information associated with Executive Order (E.O.) 13985 (<https://www.federalregister.gov/executive-order/13985>). These comments are being submitted to assist the Administration in achieving the goal expressed in E.O 13985, to "...pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."

Section 1: Equity Assessments and Strategies. Approaches and methods for holistic and program- or policy-specific assessments of equity for public sector entities, including but not limited to the development of public policy strategies that advance equity and the use of data to inform equitable public policy strategies.

Section 5 Stakeholder and Community Engagement. Approaches and methods for accessible and meaningful agency engagement with underserved communities.

The CCD Education Task Force comments are posted at <http://www.c-c-d.org/fichiers/CCD-EdTF-comments-OMB-RFI-on-Equity.pdf>.

NDSC wishes to highlight a couple of paragraphs about Results Driven Accountability (RDA) that we included in the CCD comments because they especially impact students with Down syndrome, most of whom participate in their state's alternate assessment. RDA Results and Compliance Matrices are used to determine whether states are considered to have met the requirements of the Individuals with Disabilities Education Act (IDEA).

“CCD and its members are especially concerned with RDA because of the critical impact on students who take state alternate assessments aligned with alternate academic achievement standards (AA-AAAS). The RDA results matrix, which is a focus of making annual determinations whether states have met the requirements of IDEA, does not use measures that include these students. Part of the problem is the reliance on the National Assessment of Education Progress (NAEP), which excludes students who take an AA-AAAS. In addition, the results matrix does not measure performance or participation of students who are assessed via a state's AA-AAAS.

Another issue with RDA, which impacts all students with disabilities, is the lack of focus on LRE. OSEP should use the [TIES Center report \(https://files.tiescenter.org/files/YQ-9ytntpK/ties-center-report-101\)](https://files.tiescenter.org/files/YQ-9ytntpK/ties-center-report-101) on states' LRE policies to investigate and intervene in states where state regulations or administrative codes have interpreted LRE in a manner that does not comply with the IDEA. At the same time, OSEP should seek to incorporate LRE data into the Compliance Matrix used to make annual state determinations. TIES has found that only 3 percent of students who take the AA-AAAS are being educated in the general education classroom. It should be noted that based on states' requests for a waiver of the 1 percent cap on the use of the AA-AAAS, students who participate in this assessment are often disproportionately Black.”

NDSC appreciates the focus of E.O. 13985 on equity for individuals with disabilities and all other historically underserved communities. For there to be equity for students with the most significant cognitive disabilities who take their state's alternate assessment, there must be improvements in federal monitoring regarding whether states are implementing the requirements of IDEA in a way that improves their academic performance and ensures an education in the least restrictive environment. The fact that only 3% of students who take the alternate assessment are educated in the general education classroom indicates the high likelihood that the LRE provisions are being violated for many of these students. The work of the federally funded TIES Center (<https://tiescenter.org>) and decades of prior research shows that students with significant cognitive disabilities can and should be educated in the general education classroom.

NDSC welcomes the opportunity to be a resource to the Administration as it works to address inequities in policies and programs that serve as barriers to historically underserved communities. Please contact Ricki Sabia, NDSC's Senior Education Policy Advisor, with any question or requests for assistance at [ricki@ndscenter.org](mailto:ricki@ndscenter.org).