



**NATIONAL CENTER**

30 Mansell Court, Suite 108  
Roswell, GA 30076

phone: 770-604-9500

fax: 770-604-9898

email: [info@ndsccenter.org](mailto:info@ndsccenter.org)

Questions for the Secretary of Education Confirmation Hearing of Dr. Miguel Cardona

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. One of our main policy priorities is to increase high-quality inclusive opportunities for students with Down syndrome, and other students with significant cognitive disabilities. Part of that goal is to ensure that they are taught the enrolled grade academic content with any needed modifications, accommodations and other support.

1. The most recent Report to Congress on the Implementation of the Individuals with Disabilities Education Act demonstrates that only 17% of students who are eligible under IDEA because they have an intellectual disability are included in general education classes 80% or more of the day-and that percentage has not increased much over the past decade. By comparison 64% of all students with disabilities are in the general classroom 80% or more of the day. IN addition, studies show that only 3% of students who take their state's alternate assessment are in general education classes 80% or more of the day. In the context of this data NDSC would like to ask what Dr. Cardona would do to ensure that the Least Restrictive Environment provisions in IDEA are appropriately implemented for all students, regardless of their eligibility category under IDEA or the type of state assessment they take.
2. Currently neither the performance nor compliance matrix used to determine whether states meet the requirements of IDEA for purposes of the Annual Determination Letters includes metrics that apply to students who take alternate assessments. Instead the metrics are primarily based of the states' general assessments and the National Assessment of Educational Progress (NAEP). The NAEP does not have an alternate version, therefore students who take alternate assessments are excluded. NDSC would like to ask what Dr. Cardona would do to adjust the basis for IDEA annual determination letters to include data that reflects academic outcomes for students who take the alternate assessments.

3. Part of the reason for the poor data on inclusive education for students with significant cognitive disabilities is that many educators do not know how to provide the needed modifications, adaptations and supports to engage these students with enrolled grade content. Important work to improve this situation has been started by the federally funded TIES Center on Inclusive Practices and Policies. NDSC would like to ask Dr. Cardone what he would do to ensure that quality technical assistance is being effectively disseminated across the country and that states and local education agencies are using the resources.
4. During the COVID pandemic there have been some groups requesting waivers of IDEA. NDSC has done an analysis of the flexibility already available and opposes waivers. <https://www.ndscenter.org/wp-content/uploads/Analysis-IDEA-Waiver-Req.pdf> NDSC would like to know whether Dr. Cardona will provide a commitment not to support any IDEA waivers and to retain the current OSERS and OCR guidance.
5. Families are concerned that their states are not following the federal guidance from OSERS and OCR regarding students with disabilities during COVID. NDSC would like to ask Dr. Cardona whether he would direct OSEP to monitor the states' written guidance to local educational agencies (LEAs) during COVID to ensure it is accurate and sufficient; monitor the states' general supervision of LEA's during partial and complete school closures; and monitor how states are using issues raised state complaints in their monitoring of LEAs.
6. During the COVID pandemic many students with Down syndrome and other disabilities have struggled without the supports they need, even though IDEA must be implemented during remote learning. Many of these students cannot attend school in person because of the increased risk from COVID complications. NDSC would like to know if Dr. Cardona would support quickly developing a comprehensive resource document with evidence-based information and tool kits for teachers on educating students with disabilities, including students with the most significant disabilities, during the pandemic, with a focus on moving what we know from research into practice