



Margo Anderson  
U.S. Department of Education  
400 Maryland Avenue SW  
Room 4W313  
Washington, DC 20202-5900

Docket ID ED-2012-OII-0026

February 15, 2013

Dear Ms. Anderson:

The Higher Education Consortium on Special Education (HECSE), along with the Council for Exceptional Children Division for Research (CEC-DR), is taking this opportunity to comment on the proposed changes to the Education Department General Administrative Regulations (EDGAR) published in the Federal Register on December 14, 2012. Specifically, we are commenting on the elements of the Notice of Proposed Rulemaking (NPRM) related to expanded subgranting authority and evidence of effectiveness standards. We appreciate the opportunity to comment on these proposed regulations.

*Subgrant Authority*

EDGAR currently prohibits U.S. Department of Education (ED) grantees from making subgrants to other entities unless specifically authorized to do so in statute. The proposal would provide the Secretary with the authority to permit grantees to make subgrants when necessary; this authority would be granted through the Secretary publishing a notice in the Federal Register. Under the notice, the Secretary would specify the types of entities that could receive subgrants. The ability to make subgrants in certain situations would allow grantees to take greater advantage of partnerships in executing their grant.

HECSE and CEC-DR recommend that this proposal be strengthened. Specifically, we believe that grantees should have the authority to make subgrants without the need for a specific notice by the Secretary in the Federal Register. Individual grantees are likely in the best position to determine whether they need to make subgrants to execute a grant efficiently and effectively. In order to alleviate the need for a specific subgrant authority by the Secretary, any regulation in this area should also provide direction and guidance to grantees on what fiscal and performance requirements subgrantees must meet.

*Evidence of Effectiveness*

HECSE and CEC-DR members agree that ensuring that competitive funds at the U.S. Department of Education are invested in the most robust and effective programs and

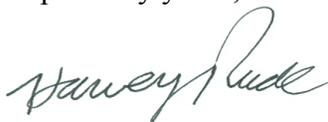
practices is essential to assuring improved student achievement. We have long supported that students should be taught to the highest standards using the best scientifically and evidence based practices. We appreciate the recent actions of this administration in highlighting the need to increase the use of evidence based practices in Federal programs.

At the same time, we are concerned about the definitions proposed in the NPRM regarding evidence of effectiveness standards. Specifically, we are concerned that linking the definitions of *Evidence of Promise*, *Moderate Evidence of Promise* and *Strong Evidence of Effectiveness* to the What Works Clearinghouse (WWC) evidence standards may result in standards that are unnecessarily stringent and could have a negative impact on the identification of future emerging and promising practices. It is our belief that the WWC standards are but one model of how to evaluate evidence and classify practices.

Although consensus on evidence of effectiveness may be the ultimate goal, it does not appear that the field has arrived at consensus at this time. As such, we have significant concerns regarding the authority of the Secretary to give priority to applications that include definitions of "evidence of effectiveness" that are based only on the What Works Clearinghouse definitions. Our preference is to require grantees to make the case that the interventions and strategies they are proposing in a grant constitute evidence of effectiveness, and to allow the peer review process to make related determinations whether or not proposed determinations of evidence should result in positive decisions regarding funding. In so doing, the Federal government will be allowing the field as a whole to determine the scientific definition of "evidence of effectiveness," rather than making WWC or IES the arbiter of such a decision. An unnecessarily narrow definition might also restrict proposals for new and innovative approaches. Within the current IES goal structure, for example, it may be appropriate to allow Goal 1 and Goal 2 grants to explore practices that have not yet been validated by strong/moderate quality studies. Additionally, HECSE and CEC-DR propose that the regulations clarify the use of single-case research-- which WWC now recognizes as a type of quasi-experimental design-- in its definition of evidence of effectiveness.

Thank you for the opportunity to provide feedback on the proposed regulations. Please contact me at HECSE if I may elaborate on this information.

Respectfully yours,



Harvey Rude, HECSE President  
University of Northern Colorado



Katharine Shepherd, HECSE President-Elect  
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Kathleen Lynne Lane, CEC-DR President  
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