Via online submission to http://www.regulations.gov

September 23, 2026

The Honorable Linda E. McMahon
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Education Department General Administrative Regulations; Docket ED-2026-OPEPD-2542; Regulation Identifier Number (RIN) 1875-AA14

Dear Secretary McMahon:

The undersigned national education organizations appreciate the opportunity to comment on the proposed revisions by the U.S. Department of Education (ED) to the Education Department General Administrative Regulations (EDGAR).

We share a commitment to improving educational opportunities and outcomes for all students, including students with disabilities, and to ensuring that schools, institutions of higher education, and their partners have the resources and qualified personnel needed to serve them. Predictable federal grant administration is essential to this work, including implementation of the Individuals with Disabilities Education Act (IDEA).

Federal education grants depend on effective partnerships among state educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education (IHEs), and other organizations. These partnerships are particularly important in addressing critical shortages of special education teachers, school psychologists, school counselors, school social workers, occupational therapy practitioners, other specialized instructional support personnel, and additional professionals serving students.

We support strong stewardship of taxpayer dollars and agree federal education grants should be transparent, accountable, and focused on achieving meaningful outcomes for students. We also support appropriate technical updates to make federal requirements clearer and more consistent. However, we are concerned about several provisions in the proposed rule because they would make federal education grant administration less predictable, more burdensome, and poorly aligned with the practical realities of state and local implementation, without a clear corresponding improvement in accountability. These concerns also extend to IHEs and other partners responsible for preparing the professionals schools urgently need.

This letter directly addresses many of ED's specific proposals and offers recommendations that we believe would improve the proposals if finalized. **However, despite our nuanced recommendations in this comment letter, we believe that this proposed rule should be repealed in its entirety.**

1. Preserve transparent and durable public notice of grant opportunities and priorities

We recognize the potential advantages of consolidating funding information on Grants.gov and support efforts to reduce unnecessary publication costs and delays. (Proposed §§ 75.100, 75.104, 75.105, 75.224, 79.3, 79.6, and 79.8.)

However, we oppose the proposal eliminating requirements to publish certain application notices, priorities, maximum award amounts, and intergovernmental review information in the Federal Register.

The Federal Register provides an authoritative, permanent, and publicly accessible record of agency actions. Grants.gov serves an important application management function, but it should not become the only source for material terms governing ED competitions. SEAs, LEAs, IHEs, and their partners must be able to identify which version of a notice controlled a competition, when a change was made, and whether all prospective applicants received equivalent notice.

This transparency is especially important for partnership grants. Developing a competitive application may require school systems and IHEs to establish formal agreements, design preparation or clinical placement models, obtain institutional approvals, project multiyear costs, and coordinate with credentialing bodies and community partners. Those efforts depend on timely and reliable access to the complete terms of a competition.

We recommend ED retain Federal Register publication for absolute and competitive preference priorities and other material competition requirements. If ED proceeds with Grants.gov as the primary publication location, the final rule should require:

- A permanent and publicly accessible archive of every application notice and amendment;
- Version control showing the date and substance of every change;
- Direct notice to registered or subscribed applicants when material terms change;
- A reasonable application period following any material amendment; and
- Continued publication in the Federal Register of agency-wide priorities and other policies governing multiple competitions.

Administrative efficiency should not diminish transparency, equal access to information, or the reliability of the public record.

2. Preserve merit-based grantmaking and withdraw the proposed preference for lower indirect costs

We support ED's efforts to clarify the selection criteria used in discretionary grant competitions. SEAs, LEAs, IHEs, and community partners often devote substantial time and resources to developing applications for federal education grants. Applicants should be evaluated according to published criteria measuring the quality, feasibility, evidence base, and expected outcomes of the proposed project. (Proposed § 75.210.)

ED also proposes to permit a competitive preference for applicants voluntarily agreeing to charge less than their approved negotiated indirect cost rate. Although described as voluntary, such a preference would make accepting a reduced rate functionally necessary for an applicant to remain competitive. (Proposed § 75.228.)

Indirect costs are not resources diverted from students. They support fiscal controls, procurement, payroll, information technology, accessibility, reporting, data security, legal compliance, facilities, and other infrastructure necessary to administer federal awards responsibly. For IHEs, these costs may also support the institutional systems needed to manage faculty participation, student placements, research compliance, data-sharing agreements, evaluation activities, and partnerships with multiple school systems.

These administrative systems are especially important for IDEA Part D Personnel Preparation grants. These grants support IHE programs preparing special education, early intervention, and specialized instructional support personnel to serve children with disabilities. Grantees may be responsible for administering scholarships and other scholar support, coordinating coursework and clinical experiences, monitoring credential completion, tracking service obligations, managing school-system partnerships, and reporting program outcomes to ED. Those responsibilities require substantial institutional capacity.

These costs do not disappear when an applicant accepts a lower rate. Instead, they must be absorbed by another funding source, shifted to already limited state, local, or institutional budgets, or addressed through reductions in administrative capacity.

The proposed preference may particularly disadvantage smaller and rural educational agencies, regional IHEs, community colleges, and other organizations serving rural and underserved communities. These applicants may be closest to the communities experiencing the most significant workforce shortages but have the least capacity to subsidize federal projects. A preference based on reduced indirect costs could therefore favor institutions with greater financial capacity over applicants with the strongest program design or greatest potential to meet local needs.

ED estimates this provision could transfer approximately $45 million annually from indirect- to direct-cost categories. The estimate does not adequately account for the costs recipients would continue to incur or the competitive disadvantage applicants with limited unrestricted resources may face. Reclassifying costs does not itself improve educational outcomes or expand the workforce available to serve students.

We recommend ED withdraw the proposed preference for lower indirect costs. At a minimum, ED should not use an indirect cost reduction as a competitive preference without demonstrating the preference will not disadvantage smaller applicants, rural applicants, public educational agencies, IHEs with limited institutional resources, or organizations serving underserved communities. ED also should demonstrate that necessary grant administration can still be supported. Applicants should be evaluated primarily on the quality and likely impact of their proposed work.

3. Establish objective standards and meaningful protections for multiyear grants

Education and workforce development initiatives, including special education, specialized instructional support services, early intervention, and school mental health programs, frequently require several years to implement successfully. Recruiting and preparing specialized personnel, creating clinical and field placement opportunities, developing statewide technical assistance systems, strengthening inclusive practices, improving data systems, and building educator capacity cannot be accomplished on short timelines.

IDEA Part D Personnel Preparation grants are a central federal investment in addressing shortages of qualified personnel serving infants, toddlers, children, and youth with disabilities. These grants enable IHEs to develop and operate preparation programs for special education, early intervention, and specialized instructional support personnel, including professionals serving children with low-incidence disabilities. They also connect preparation programs with the workforce needs identified by states and local communities.

The effectiveness of these grants depends on continuity. IHEs must recruit scholars, assign faculty, coordinate coursework, arrange supervised clinical and field experiences, work with credentialing authorities, administer scholar support, and support participants through program completion. SEAs and LEAs must identify placement sites, provide qualified supervisors, communicate workforce needs, integrate trainees into educational settings, and plan for recruitment and retention after participants become credentialed.

Programs such as the Mental Health Services Professional Demonstration (MHSP) Grant Program and the School-Based Mental Health Services (SBMH) Grant Program demonstrate the importance of a similarly connected workforce pipeline. The MHSP Grant Program supports partnerships bringing together high-need school systems and IHEs to prepare and place school-based mental health professionals. The SBMH Grant Program supports SEAs, LEAs, and consortia working to increase

the number of credentialed mental health professionals serving students in schools with demonstrated need.

Although these programs operate differently, IDEA Part D Personnel Preparation, MHSP, and SBMH grants all depend on stable, multiyear collaboration among schools, preparation programs, credentialing systems, and community partners. Interruptions can affect not only the grantee but also scholars completing degree or credential requirements, faculty and school-based supervisors, partner institutions, and the children and families awaiting services.

The proposed rule emphasizes that an initial award does not commit the federal government to provide continuation funding. It would also allow the Secretary to consider "any relevant information" when deciding whether continuation is "in the best interest of the Federal Government" and permit partial awards, installment funding, delayed release of funds, and continuation decisions at any point in the fiscal or appropriation year. (Proposed §§ 75.230–75.253.)

These open-ended standards could make it difficult for recipients and their partners to hire personnel, enroll scholars, award financial support, enter contracts, establish clinical placements, and plan services. A project complying with its approved application, meeting performance expectations, and responsibly managing federal funds should not lose continuation funding because agency priorities change after the award is made.

We recommend ED revise these provisions to:

- Base continuation decisions on objective criteria published before the original competition;
- Limit consideration to information materially related to statutory eligibility, award conditions, fiscal management, project performance, and the approved scope of work;
- Prohibit the retroactive application of new priorities or performance expectations;
- Establish a predictable deadline for continuation decisions before the next budget period;
- Provide written notice explaining any proposed reduction, delay, or denial;
- Give recipients a meaningful opportunity to respond and correct remediable concerns before funding is reduced or denied; and
- Preserve appropriate reconsideration and appeal procedures.

Frontloading may improve continuity when used appropriately. However, recipients should not be prevented from accessing already obligated, frontloaded funds based on an undefined determination of the federal government's "best interest." Any restriction on access should be tied to objective award conditions and accompanied by notice and an opportunity to respond.

ED should also correct the internal cross-references in proposed § 75.253. For example, paragraph (e)(2) appears to refer incorrectly to provisions in paragraph (d), and paragraph (j) appears to cite the wrong paragraphs for reductions and decisions not to continue an award. These errors could create uncertainty about the operation of the final regulation.

4. Clarify the proposed merit, political belief, and speech requirements

We support fair employment practices, high professional standards, constitutional protections, and compliance with federal civil rights laws. However, the proposed rule introduces insufficiently defined terms, including "merit," "high standards," "political views," and "proxies" for protected characteristics. (Proposed §§ 75.500(f) and 76.500(f).)

SEAs, LEAs, and IHEs already operate under comprehensive federal and state employment, civil rights, collective bargaining, licensure, accreditation, admissions, and personnel requirements. Vague additional conditions could create inconsistent interpretations and uncertainty about otherwise lawful recruitment, hiring, admissions, personnel development, and remedial practices.

This is especially important in special education and school-based mental health, where recipients and their partners must address persistent shortages of special education teachers, school psychologists, school counselors, school social workers, occupational therapy practitioners, other specialized instructional support personnel, paraprofessionals, and administrators. Grant recipients must be able to conduct lawful outreach, create preparation pathways, support candidates entering shortage fields, and recruit and retain qualified professionals capable of serving students with disabilities and students with mental health needs.

It is critical that the new requirements not interfere with IDEA personnel qualification requirements, lawful efforts to address identified workforce shortages, or the operation of preparation and credentialing programs within IHEs.

We recommend ED either withdraw these provisions or define their operative terms with sufficient precision for recipients to understand what conduct is required or prohibited. Any final regulation should:

- State clearly it does not alter or diminish obligations under IDEA, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or other federal civil rights laws;
- Distinguish unlawful discrimination from lawful recruitment, outreach, admissions, personnel development, and remedial activities;
- Identify the employment, admissions, or project practices constituting compelled political belief;
- Explain when speech-related requirements apply to SEAs, LEAs, IHEs, and other grant partners; and
- Provide prospective guidance and an opportunity to correct good-faith compliance concerns before imposing sanctions.

5. Do not impose changing Executive Branch policies as undefined grant conditions

ED proposes to require states and subgrantees to comply with Executive orders in addition to applicable statutes, regulations, state plans, and approved applications. (Proposed § 76.700.)

Congress establishes the purposes, eligibility requirements, allowable uses, and recipient responsibilities governing federal education programs, including IDEA and the Elementary and Secondary Education Act (ESEA). Executive orders may direct federal agencies, but they do not automatically impose freestanding obligations on grant recipients in every circumstance.

Requiring compliance with unspecified present and future Executive orders could cause the conditions attached to state-administered grants to change during an award period without notice-and-comment rulemaking or an amendment to the approved award. It could also create uncertainty when an Executive order is subject to judicial review or when its application to a particular recipient, subrecipient, or partner is unclear.

We recommend ED remove "Executive orders" from the proposed provision. If the reference is retained, the regulation should apply only to an Executive order legally applicable to the recipient and implemented through a statute, valid regulation, or clearly stated award condition. New requirements should apply prospectively, with sufficient notice and implementation guidance.

6. Reject the proposed authority to terminate grants for convenience

We strongly oppose the proposed provision permitting a grant to be terminated "[f]or convenience of the Secretary or pass-through entity." The proposed regulatory text does not define termination for

convenience, establish a substantive standard for its use, or identify any circumstance in which existing enforcement and termination authorities would be inadequate. (Proposed § 75.901.)

Federal financial assistance is not interchangeable with federal procurement. Education grants implement statutory programs established and funded by Congress to accomplish identified public purposes. Recipients do not merely provide a product or service to the federal government. They operate programs, build institutional capacity, prepare personnel, support scholars, establish services, and undertake long-term responsibilities affecting children, families, schools, and communities.

ED already has authority to address noncompliance, enforce award conditions, enter mutual termination agreements, respond to recipient requests, and use other remedies available under federal grant regulations. The proposed rule does not demonstrate why these existing authorities are insufficient. Adding an undefined power to terminate a compliant award for convenience would not fill an identified accountability gap. It would instead create a broad avenue for ending an award based on considerations not stated when the grant was competed or awarded.

The consequences would be especially serious for IDEA Part D Personnel Preparation grants. IHEs make multiyear commitments to scholars, faculty, preparation programs, clinical partners, and state and local educational agencies. Scholars may accept financial support and incur service obligations expecting the preparation program to continue. Faculty may redesign curricula, establish new courses, and arrange supervised experiences. Schools may plan future services around the qualified professionals being prepared through the project.

The same concerns apply to MHSP and SBMH grants and other initiatives designed to address workforce shortages. Termination could disrupt degree and credential pathways, eliminate promised scholar support, interrupt clinical placements, dissolve partnerships, and delay services in rural and underserved communities. The effects would extend well beyond the direct recipient.

The proposal is particularly concerning when read alongside other provisions that would expand ED's ability to impose new requirements, force compliance with Executive orders, and modify existing definitions related to grant funding. ED should not be permitted to terminate an award merely because policy preferences change after the award is made. Permitting such termination would weaken the reliability of federal commitments, discourage capable applicants from participating, and undermine the long-term partnerships on which effective workforce programs depend.

We urge ED to delete proposed § 75.901(a)(2) and the proposed reference to "Termination for Convenience" in § 75.901(b)(7) in their entirety. Existing authority already permits ED to act when a recipient violates the law, fails to comply with award conditions, or does not meet applicable performance requirements. ED should not adopt an additional, undefined authority to terminate otherwise compliant grants for convenience.

7. Maintain transparent and consistent standards for evaluating evidence

We support ED's proposal to align the definitions of strong, moderate, and promising evidence with the ESEA. Although IDEA does not use the same tiered definitions, it emphasizes peer-reviewed, scientifically based, and scientifically valid research in connection with services, interventions, personnel preparation, and discretionary grant activities. Clear and consistent evidence standards are therefore especially important to programs serving children with disabilities. (Proposed § 77.1.)

Greater flexibility may help identify relevant research concerning low-incidence disabilities, rural schools, specialized interventions, personnel preparation models, and workforce development strategies for which large studies are not always available. However, applicants must know in advance how ED will determine whether evidence meets the applicable standard. Different reviewers or organizations should not apply materially different standards to otherwise comparable studies.

This is particularly important for IDEA Part D Personnel Preparation grants, which are intended to prepare personnel using practices supported by research and to meet workforce needs identified by states. IHE faculty and evaluators must be able to determine which evidence standards govern a competition and how ED will evaluate the preparation strategies included in an application.

We recommend each application notice identify the evidence framework to be used, reviewer qualifications, and the process for resolving conflicting assessments. Any organization used to verify evidence should employ a rigorous, transparent, and publicly accessible methodology. Evidence expectations should be applied consistently to all applicants and should not change after a competition begins.

Conclusion

Administrative efficiency should not come at the expense of transparency, statutory fidelity, due process, or the stability necessary to implement effective education and workforce development programs. The proposed rule would give ED substantially greater discretion over competition notices, indirect costs, continuation awards, grant conditions, and termination while providing recipients and their partners with insufficient standards and procedural protections.

We respectfully urge ED to withdraw the proposed rule in its entirety. If ED proceeds with a final rule, we urge ED to:

- Preserve transparent and durable public notice of grant requirements;
- Withdraw the proposed competitive preference for reduced indirect costs;
- Establish objective and predictable standards for continuation awards;
- Protect IDEA Part D Personnel Preparation grants and other multiyear workforce development partnerships;
- Clarify or withdraw vague new grant conditions;
- Ensure requirements remain consistent with IDEA and other governing statutes;
- Remove undefined Executive order compliance obligations; and
- Reject the proposed authority to terminate grants for convenience.

State and local education leaders must be able to plan responsibly, retain qualified personnel, maintain essential partnerships, and implement evidence-based practices with confidence in the clarity and consistency of federal expectations throughout the life of an award. IHEs must likewise be able to commit faculty, support scholars, operate preparation programs, and sustain partnerships with school systems.

Predictable and transparent grant administration allows these partners to focus on their shared responsibilities: strengthening the education workforce, including special education and school mental health professionals; expanding services in rural and underserved communities; and improving educational opportunities and outcomes for all students, including children with disabilities.

We appreciate the opportunity to provide these comments and would welcome the opportunity to discuss the practical implications of the proposed regulations with ED. For questions about these comments, please contact Abe Saffer, Director of Government Relations at the Council of Administrators of Special Education (CASE), at asaffer@casecec.org.

Sincerely,

American Music Therapy Association

American Physical Therapy Association

American Physical Therapy Association, Academy of Pediatric Physical Therapy

Council for Exceptional Children

Council of Administrators of Special Education

Council of Parent Attorneys and Advocates (COPAA)

Council on Undergraduate Research

National Association of Federally Impacted Schools (NAFIS)

National Association of School Nurses

National Association of School Psychologists

National Center for Learning Disabilities

National Education Association

Teacher Education Division of the Council for Exceptional Children

TNTP