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**Comments to the Commission on Evidence-Based Policymaking  
from Gordon Berlin, President of MDRC**

Docket ID USBC-2016-0003

**November 14, 2016**

Thank you for the opportunity to offer some thoughts on the opportunities and challenges facing effective evidence-building for you to consider in your important work with the Commission on Evidence-Based Policymaking.

My name is Gordon Berlin, and I am President of MDRC, a nonprofit, nonpartisan education and social policy research organization that is dedicated to learning what works to improve policies and programs that affect the poor. Founded in 1974, MDRC evaluates existing programs and develops new solutions to some of the nation's most pressing social problems, using rigorous random assignment research designs or near equivalents to assess their impact.

The federal government spends billions of dollars on policies and programs designed to improve the human condition; ameliorate poverty; increase employment, earnings, and income; invest in education to build human capital; and ensure America's competitive position in a technologically advancing world. But to make a real difference, to ensure a return on investment for both taxpayers and the beneficiaries of these programs, we have to do things that actually work.

Over the last decade and a half, during a period defined in the public consciousness by political partisanship, the legislative and executive branches have quietly forged a bipartisan consensus around the need to build evidence of effectiveness that would ensure high rates of return on investment for the nation's social programs. The establishment by Congress of the new Commission on Evidence-Based Policymaking is only the most recent example of this consensus.

My comments focus on the following issues: putting rigorous evidence at the center of policymaking, improving access to administrative data (while acknowledging its limitations), protecting confidentiality, bolstering the federal research agencies, addressing process and procurement issues, and maintaining the independence of third-party evaluators.

**Putting Rigorous Evidence at the Center of Policymaking**

The Commission has a great opportunity to offer recommendations to solidify the gains made in promoting evidence-based policymaking over the last two decades, particularly in bolstering the evaluation functions of the federal government and in making the use of rigorous evidence in policymaking more prevalent.

At the broadest level, I think the Commission should use its mandate to recommend that the federal government:

**Validate the role of independent evaluation of programs and policies in the federal government:** Evaluation findings that are credible, relevant, accurate, and timely are critical for policymakers and practitioners to make informed decisions about how to spend the resources of government. This is an issue of some urgency in a time of severe budget constraints and fiscal austerity. As is true for the federal statistical agencies, certain principles should underpin federally supported evaluation: relevance to policy issues, credibility with subjects and consumers of evaluations, and independence from political and other undue external influence. By upholding these principles, evaluations are well-positioned to provide the information that policymakers and the public require.

**Create a culture of continuous improvement:** Rather than being focused on up-or-down judgments about programs or policies, government must develop incentives for using research evidence to make programs more effective over time — just like a business committed to becoming a dynamic learning organization. A good example is the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program, the largest evidence-based program of the era, which provided \$1.5 billion in funding for home visiting programs over five years. There are several elements of MIECHV worth emphasizing:

- Prior evidence was used to influence how federal funds could be spent, making it more likely that the funds would make a difference for families.
- The legislation recognized that there were areas where home visiting was not as effective as desired and offered states funds to test innovative approaches.
- Funds were set aside for research to make sure that learning continued under MIECHV and could influence future realizations of home visiting.

**Build on the tiered evidence strategies embodied** in the Investing in Innovation Fund (\$650 million) at the U.S. Department of Education, the Workforce Innovation Fund (\$125 million) at the U.S. Department of Labor, the Teen Pregnancy Prevention Program (\$110 million) at the U.S. Department of Health and Human Services (DHHS), and the Social Innovation Fund (\$50 million) at the Corporation for National and Community Service. These funds set clear guidelines about standards of evidence and provided incentives for both innovative new programs and, perhaps more importantly, for testing the scaling of models with evidence of effectiveness — truly the next frontier in the evidence-based policymaking agenda.

**Embed evidence within existing funding streams:** As the MIECHV example illustrates, when we have evidence of what works, we should build incentives into current funding streams to make sure that dollars follow the evidence. And while the innovation funds have been a source of new ideas from the field, incorporating resources *within* major program funding streams would allow federal agencies to develop evaluation agendas that would focus on continuous improvement of existing programs. A one-percent set-aside within these funding streams would both be an adequate investment and be cost-neutral.

## **Improving Access to Administrative Data (But Not Relying on Admin Data Exclusively)**

In evaluating the effectiveness of social programs, researchers need ready access to administrative data, and the Commission's focus to date on improving federal, state, and local data systems is laudable. Research firms that are funded by federal agencies to evaluate programs often rely on data collected by states from employers on employment and earnings, including, for example, data that the states already report to the federal government for certain child support enforcement and other purposes. These data are housed in accessible form at the federal level within the National Directory of New Hires (NDNH) database. However, research contractors face severe restrictions in accessing this essential database for assessing whether federally supported programs actually work. Instead, they are forced to get the *very same data* directly from the states, at great cost to the federal government and at considerable burden in duplicative reporting for the states. If the NDNH database were made more widely available to evaluators (with appropriate privacy safeguards), it would enable Congress and the federal agencies to assess the impact that social programs have on jobs and earnings at much less cost and burden to the federal government and the states.

Similar opportunities exist for building robust data systems from the wealth of data about individuals' experiences with health care, public assistance, criminal justice, child welfare, school, and college systems. Integrated data systems would save time and money and reduce paperwork burdens in the conduct of evaluations, while providing comprehensive information about program effectiveness over time. The public sector has the data to build comparable integrated systems to track progress longitudinally and to enhance program performance, yet federal and states agencies (and their contractors) cannot regularly access and share data for evaluation purposes. We can do better. Agencies and their contractors need clear authority to access and link administrative data for evaluation purposes when it is housed at the federal level and similarly clear authority when it is housed at the state level. Government efficiency hangs in the balance.

At the same time, access to administrative data is not a panacea. And the importance of survey data should not be dismissed. There are at least four factors that affect the fit of administrative records for a research study.

- **Access:** What kinds of sign-offs, permissions, and review processes/approvals are necessary to get access?
- **Standardization:** Records that have already been compiled (e.g., in a state or national system) have common types and formats of information across lots of individuals, sites, etc. There is a single source, or a limited number of sources, to go to in order to collect data. However, the more decentralized the records, the more challenging the work becomes. For example, a project that spans multiple school districts may require transcript data, discipline data, attendance data, and enrollment data, which all vary across districts and which all need to be standardized by the researcher. This can be particularly laborious.
- **Completeness:** The two biggest ways that completeness can affect evaluations are in terms of (1) how many individuals, schools, etc., are represented (i.e., how many respondents/units have missing data, and is that "missingness" associated with particular respondent characteristics?) and (2) whether the variables necessary to

answer relevant questions are all represented in the database. Frankly, administrative records often do not include the data required to answer important questions. For example, in MDRC's welfare-to-work studies, the original 13 experiments were based entirely on administrative records with four key measures: employment, earnings, welfare receipt, and welfare amount. Did people leave welfare, did they do so for work, did they lose their jobs and return to welfare, did the program make participants better or worse off in terms of income, and did the program save government budgets money or cost more? What we could not learn is about effects on children. But as the project's early results found increases in employment and earnings and reductions in welfare that exceeded the cost of running the programs, many states moved to reduce the age of child exemption. Women with children under age 6, then age 3, then age 1 would be required to work in return for welfare. Now the central question became: would very young children be harmed if parents were required to find work? We needed a survey to answer this.

- **Data Lags:** Federal data sets like the National Directory of New Hires or tax records can have very long lags before the data are assembled, cleaned, and available for use in a study. This has significant implications for timeliness and limits the use of administrative data in quick-turnaround studies with multiple follow-up periods. The process to access National Directory of New Hires data, for example, is incredibly onerous and usually takes between one and two years, and only two years of historical data are retained in the database (although a researcher can request that data be retained for research purposes). This situation may improve as technology becomes more ubiquitous and efficient, but, given the pressures for quicker, cheaper evaluations, it still poses a major problem.

### **Protecting Confidentiality**

At all levels and branches of government, there is a tug of war between those who are focused on improving program effectiveness and those who are concerned with protecting privacy. Staff responsible for managing data are rightly charged with keeping it secure and protecting privacy but too seldom with developing protocols for sharing it securely with other agencies and evaluators. Although the stakes are high and the opportunities significant, the program office that houses the data often has little or no interaction with the same agency's evaluation office. If these two objectives — measuring program effectiveness and safeguarding privacy — remain mutually exclusive, continued paralysis is the inevitable result.

The Family Education Rights and Privacy Act (FERPA) illustrates the challenge. Congress is considering amending FERPA because of concerns over threats to the privacy of student data, and meanwhile state legislatures have stepped in. Last year 47 state legislatures introduced more than 180 bills to address student data protection issues, a reaction originally prompted by public outcry over educational technology vendors and their use of children's information for advertising and commercial gain. Unfortunately, education researchers from academia and other nonprofit institutions have gotten swept up in the furor. Under current federal law, education agencies can share data with researchers only for research projects designed to benefit students and improve instruction — and only under extremely strict privacy conditions. But some are suggesting that Congress should significantly scale back even that authority. Indeed, many states are interpreting FERPA to preclude the sharing of any

individually identifiable data with researchers, even though that data would only be reported in aggregate form for policy purposes. Without access to student data, little education research could be conducted at all. The bottom line is that it's essential to continue to protect the security and privacy of student data, but we must be careful to not unintentionally end the analysis of student data for its original purpose: assessing and improving education.

I am confident that privacy and confidentiality can be protected while still allowing access for research. Congress could start safely by specifying required levels of encryption and protection using the highest standards established by the National Institute of Standards and Technology (NIST). The NIST standards are appropriate for research data that must be kept confidential to protect the privacy and well-being of study participants and the integrity of the findings, but for which disclosure of confidential data would not jeopardize national security.

### **Bolstering the Federal Research Agencies**

Inconsistencies in federal authority to conduct independent research and evaluation pose additional hurdles for efficient evidence-building. To guide policy, research must be independent, objective, and reliable. However, the authorizing legislation establishing agency research departments does not always set forth these requirements — for example, the law governing the Institute of Education Sciences does, while the one over the Office of Planning, Research and Evaluation at the U.S. Department of Health and Human Services does not. When authority is clear, agencies and their contractors have less difficulty accessing data, recruiting sites, establishing data-sharing agreements, and getting local buy-in. For example, in our experience studying home visiting programs, we found states and localities willing and ready partners in a random assignment research design when legislation instructed the federal agency to make program funding contingent upon participation in the evaluation. In a complementary home visiting study that was not explicitly described by Congress, however, site recruitment proved difficult. The authorizing legislation establishing agency research departments should allow them the federal authority to conduct independent research and evaluation.

Further, the research arms of federal agencies should be charged with building bodies of evidence about what works to address broad and persistent problems. Agencies should create a portfolio of research about a problem's underlying causes and testing a range of possible solutions, always answering three questions: What difference did the program make, how did it do so, and why? To support that work, Congress could authorize federal agencies to set aside at least one percent of existing program funds for evaluation, a solution that is budget neutral. And because context matters, agencies should also be encouraged to pay attention to the systems in which programs operate — something federal agencies too seldom do. It is not enough to learn what works; introducing what works into broader systems and maintaining quality at scale are the next frontiers in evidence-based policymaking.

### **Addressing Process and Procurement Issues and Maintaining the Independence of Third-Party Evaluators**

Finally, a few thoughts from the particular perspective of a federal research contractor. Procurement and process obstacles to cost-effective evaluations should be addressed.

The Paperwork Reduction Act is overly burdensome. While its goals are laudable, the Paperwork Reduction Act's requirements for clearance by the Office of Management and Budget (OMB) and for filing two public notices for every survey involving more than 10 people add time and money to fielding studies — as much as eight months or more between internal agency review and OMB clearance. Should the exact same rules that apply to nationwide rules and regulations that affect all citizens also apply to research and evaluations that affect a few hundred or even a few thousand people who volunteer to be part of the studies? This doesn't seem to make sense at the same time that agencies are under tremendous pressure to speed up the evaluation process and enhance the timeliness and relevance of the work.

The independence of researchers must be maintained. Most federally funded evaluations are conducted by third parties, including nonprofit and for-profit firms and academics, an arrangement that is supposed to guarantee the independence and integrity of the research findings and conclusions and protect them from political agendas. However, this independence — and the concomitant right of the researchers to publish (whether the government agency decides to publish or not) — is not always made clear in statutes, regulations, or contracts.

Federal funding contracts should strike an appropriate balance between the need for accountability on the part of government and the need for independence on the part of the evaluator. Funding contracts for social program evaluation include one of two data rights provisions: general and special. The special provision is not appropriate for research and evaluation contracts designed to build policy-relevant evidence; the general provision is appropriate for social program evaluations. The special rights clause is intended for production of data for internal use of government; the general clause provides a balanced distribution of rights between the government and the contractor and allows for wider distribution of the results of the research. The special rights clause was originally designed for activities in which the government has full ownership and control, as in a defense department procurement; the general provision was designed to govern products and knowledge that have broad applications and are likely to benefit and inform a broad range of stakeholders.

The general rights clause still protects government's interest in quality and accountability. To that end, it contains "alternate provisions" that are mandated in contracts for basic and applied research with universities or colleges and are permitted in other contracts upon agency determination that the alternate provision is appropriate. Alternate IV directs agencies to loosen the restrictions that apply to contractors under the general rights in data clause when those contractors are colleges or universities performing applied or basic research or when the agency determines that similar treatment is warranted for other contractors. Agencies can also add other clauses in Section H of the contract to ensure contractor accountability. We think that agencies should use the general rights clause, Alternate IV, for program evaluation by research contractors and use Section H for oversight and use of data.

The special rights clause leaves release solely in the hands of the government, a power that can and has led to work of a broad public interest never seeing the light of day. Dissemination is key. Good evaluation research is only valuable if decisionmakers know and understand it. Most agencies adequately fund the writing of research reports, but they rarely provide resources to disseminate research findings broadly and effectively, including creating

products that are accessible to wide policymaker and practitioner audiences and investing in dissemination techniques that leverage social media and other communications tools. Grantees have a natural incentive to disseminate. The special rights clause can eliminate that incentive.

Procurement rules can be counterproductive. Rules designed to improve government procurement of goods and services can create havoc in evaluation research — for instance, an 18-month follow-up survey may span fiscal years and the pace at which the survey will be fielded is difficult to predict, but the funding of that survey can't cross fiscal years. Research, demonstration, and evaluation projects are not readily severable. Given the need for long follow-up periods, studies may spread over five or more years. Under current procurement rules, multiyear federal evaluation contracts must be broken down into short renewable phases called "contract line items," or "CLINs," wherein contract requirements and dollar amounts must be specified separately. This has dramatically increased costs to administer and manage research, especially where there is a mismatch between activities required for a long-term research project and funding available under a contract line item. Under these restrictions, researchers have trouble, for example, entering into meaningful partnerships with program sites and participants when funding for an entire research effort is not guaranteed.

The Commission has the opportunity to secure the role of evidence in the making of social policy. But to do so it will need to tackle not just questions of principle, purpose, and policy but also the nuts and bolts of accessing, protecting, analyzing, disseminating, and using evidence to advance the public good. The effective functioning of this process will determine whether data does in fact become evidence.

Sincerely yours,

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