

THE BROOKINGS INSTITUTION

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DEWS: Welcome to the Brookings Cafeteria, the podcast about ideas and the experts who have them. I'm Fred Dews. In November 2016, President-elect Donald Trump nominated Michigan philanthropist Betsy DeVos to be Education Secretary stating that she was a "brilliant and passionate education advocate." Known mostly for her advocacy for school vouchers, DeVos was confirmed by the Senate only with Vice President Pence's tiebreaking vote. Now a year and a half into her tenure as Secretary of Education, what has Secretary DeVos accomplished and what are the top issues in national education policy today that the department is involved with? To address these questions, I'm joined by education policy expert Elizabeth Mann Levesque. She is a fellow in the Brown Center on Education Policy at Brookings and studies a wide variety of education policy issues. We last spoke on the show about how local community colleges and employers can help close the skills gap in the American workforce. Stay tuned after the interview for another installment of Metro Lens. In this edition, Joseph Parilla, a fellow in the Metropolitan Policy Program discusses his research on why industry clusters matter to regional economies. You can follow the Brookings podcast network on Twitter @policypodcasts to get the latest information about all of our shows. Now, on with the interview. Elizabeth, welcome back to the Brookings Cafeteria.

LEVESQUE: Thanks for having me.

DEWS: It's good to see you again. Let's talk about education policy the school year is underway or about to get underway across the country. Well let's open with a high level view of the Department of Education. What is it, what's it all about, what was it stood up, what's its role in national education policy?

LEVESQUE: Sure. So Congress passed the Department of Education organization Act in 1979. The Department opened its stores in 1980. So it's a relatively young agency but it has a number of different goals with respect to education policy relating both to K through 12 and even pre-L education and also higher education. So I'll talk about just kind

of a couple of those goals and then some of its policy initiatives.

I wanted to start by just kind of framing this conversation thinking about the mission of the Department and this is just from the Department of Ed's website. So what they say is that "the Department's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." So there's a lot to unpack there, right. So the department has a really important role when it comes to protecting students civil rights. That's that equal access component of the mission and the Department also has an important role in administering large funding programs with respect to education. So that includes financial aid for higher education, for example through Pell Grants. That also includes for example the Title I program which provides federal funding to K-12 schools that serve low income students.

So in addition to this kind of civil rights oriented mission, prohibiting discrimination in schools and ensuring equal access to high quality education, there's also this funding aspect of the Department. With that funding comes power, because if you're providing federal funding to schools, you then have the ability to say, well you're receiving these federal funds, taxpayer funds, so we're going to hold you accountable to certain standards. Those standards might relate to student achievement and school performance in the context of K12 education. It may relate to things like what's in the news now on gainful employment, so debt to earnings is for for-profit colleges that receive federal funds. So there's a wide variety of goals that the department has and policies they have to pursue those goals.

DEWS: We used to always hear about No Child Left Behind and we don't hear about that so much anymore. And so again in the context of this conversation, should we still be talking about No Child Left Behind or is that gone into something else?

LEVESQUE: Sure. So the No Child Left Behind Act was a reauthorization of the Elementary and Secondary Education Act. The No Child Left Behind Act was replaced in

2015 when Congress passed the Every Student Succeeds Act which President Obama signed. So we're hearing less about NCLB now, and a lot more about ESSA because that successor to NCLB a lot of what I think we're hearing and I think kind of the punchline for what's the difference between ESSA and NCLB is that ESSA provides a lot more flexibility to states. The No Child Left Behind did when it comes to determining how you measure school performance at the K12 level, and then how you intervene in schools that are found to be underperforming. So there's a lot more flexibility to state and local governments now under ESSA than there was under NCLB.

DEWS: Yeah I know that it's always kind of an interesting phenomenon with the Department of Education is federal is national. But we have a tradition in this country of local control of schools through education boards around the country so it's always been this interesting tension.

LEVESQUE: Absolutely, and I think we see that tension play out. So there have been a number of times since the department's inception where Republicans have called for its abolition. Most recently this summer, the Trump administration proposed merging the Department of Education with the Department of Labor in part in order to pursue workforce development and things like that. So I think exactly because of this tension that you're speaking about specifically with respect to the Department of Education there's kind of this constant pushback of here should be a smaller federal role and maybe even not even a department at all.

DEWS: I'll call attention for our listeners to the 5 on 45 podcast episode that you recorded I think in June about this question of merging the Departments of Labor and Education so you can find them on our Web site. So that kind of set the stage at a big level for the Department of Education. Let's focus a little bit more on Secretary DeVos and some of the specific policy changes that she is trying to implement. You wrote earlier this year I think it was maybe in February at the one year mark of her tenure as Education Secretary

that she was antagonizing educators with her lack of experience and some of her divisive rhetoric on school choice, on school vouchers which is what she was known for before she was nominated, and also polling that was done earlier this year showed that she was less popular among teachers and educators and her disapproval rating was higher than President Trump's at the time. Do you think her standing has improved at all with educators in the last six months?

LEVESQUE: I think that's a good question. I haven't seen recent polling data on this question, so I can't point to kind of hard numbers to get at this. But what I can say is that I don't think there's been a market change in her relationship with educators, with the teaching profession. And there are a couple of reasons for that. So one, she's really stayed the course in terms of pursuing her objectives related to deregulation, including undoing Obama era policies and also supporting school choice. And so there hasn't been a big shift in direction in terms of her policy. To me, there's not a big reason to think that there would be a shift in her relationship with educators. At the same time, there haven't been kind of high profile moments for example in Congressional testimony or things like that that have given her opponents or her critics kind of an opening to renew criticism of her points of view or her policy proposals and things like that. So it may be that some of that kind of high profile antagonistic aspect of the relationship has decreased a little bit, but I don't think fundamentally that if you were to re-interview or poll the individuals who responded to that poll you described earlier, I don't have a lot of reason to think that their views would have shifted fundamentally.

DEWS: From a governance perspective, I mean how important is it important at all that educators have a favorable opinion of the Education Secretary I mean she's not like the chief principal or the top school board administrator?

LEVESQUE: Yes. I think that's a really good question. A couple of things on that. So, one like in any other relationship if educators have a negative view of the Secretary, if

there is this antagonistic relationship even between them, then things like coming to mutual understandings, problem solving, mutual trust, those things are going to be lacking and that's not great when we're talking about collaborating and problem solving. So, kind of as a baseline I don't think it's terribly productive to have this really antagonistic relationship like we've been discussing.

On the other hand, exactly like you said, the Secretary isn't setting rules and policies for day to day operations of schools. State and local education agencies, particularly under ESSA like we just talked about, have a lot more authority now in making these decisions about how we measure school performance, what accountability looks like, and those decisions are what often kind of trickled down more to that school level. So on the one hand, I don't know how much it affects educators' day to day business to kind of have this negative view of Secretary DeVos.

And then on the flipside of that, the Secretary doesn't need educators to like her in order to pursue her agenda. What she does need, however, is support from members of Congress for various initiatives. And that is something she's also been lacking. Not across the board, but in a couple of notable areas. So for example, if you look at the budget proposals coming out of the Trump administration with respect to the Department of Education, there have been a number of times and you know I've written about this I think talked about it as well, there have been a number of times where the budget has proposed cuts for example, to the Office for Civil Rights. Congress has responded by increasing the budget for the Office for Civil Rights. And we've seen this with respect to a couple of other programs. We've also seen Congress not fund proposed school choice programs that the Department's budget has proposed. So you know I think on the one hand, we can think about her relationship with educators and that may be not necessarily productive, but also not necessarily a constraint on her policymaking agenda. The real constraint there as far as I've seen is coming from Congress and I do think that that can be a stumbling block for

her.

DEWS: Let's talk a little bit more deeply into some of those specific policy changes that the Secretary of Education is trying to promote. You just mentioned one of them, change to the Office of Civil Rights. One of the issues I think it's related the Office of Civil Rights, is changes to LGBTQ protections under Title IX. Can you address what was going on there?

LEVESQUE: So with respect to LGBTQ student rights, the Department did rescind Obama administration era guidance that protected transgender students' rights to use bathrooms that match their gender identity. A couple of important things here. Guidance isn't law, but at the same time it is important and with respect to the Obama administration guidance on this issue, it did play a role in interpreting federal law for states and districts who had expressed confusion about what they were supposed to do in these circumstances. And so by rescinding that guidance, the Department definitely sent a sign that this is not we don't interpret the law the same way and we also don't see it as our role to make sure that states are interpreting the law in this way. And then since rescinding that guidance, the Department has also stopped accepting claims in the Office for Civil Rights from students who feel discriminated against, from transgender students, because of this right to use the bathroom issue. And so that's to me, that's even taking kind of a step further, it's not just rescinding the guidance it's saying our Office for Civil Rights is not open to accepting these complaints.

DEWS: I think another one of the civil rights issues has to do with disparities by race and income and school discipline. I interviewed your Brown Center colleague Jon Valant about his research on this issue. And when he and I sat down and talked in the spring said Secretary DeVos was hearing from different sides on the Obama era guidance about school discipline disparities. And I remember there was during the Obama administration the Department of Education and the Justice Department issued again, I don't know if

there are guidelines or regulations about the issue. Can you explain what the context is there and where the Department of Ed is in terms of revisiting those Obama era directives?

LEVESQUE: Sure. So two things here. So one, as far as I know, this is still an ongoing process. So there hasn't been a decision that Secretary DeVos or her department has made about whether or not to rescind this guidance about school discipline. I do know that you know as you said there's been some debate around this. On the one hand, you know some say look it's not the federal government's business to be telling schools how to discipline students. And then on the other hand, you have a lot of folks saying there is evidence that there are disparities in terms of school discipline, especially with respect to race. And so this is a problem and it is the federal government's business to be protecting the civil rights of students in these ways. And in fact, during these discussions over the course of the summer, I've seen a number of reports saying that actually a number of different advocates and researchers have come out in support of maintaining the Obama era discipline guidance saying this is important, there's evidence that supports why it's important, and this isn't something that we should scrap.

So another kind of layer of dimension to this debate is that President Trump, when the Federal Commission on School Safety was established in the wake of the Parkland school shootings, one of President Trump's directives to that Commission was to repeal this discipline guidance. And so I think that that directive is in part of what's kind of bringing to the surface again in the national conversation, this ongoing debate about what the Department is going to do if anything about rescinding that guidance. That said, it's not clear to me what the connection is between the School Safety Commission and this discipline guidance. I do think that it is kind of a politically opportune moment, or I do think that it's a political opportunity maybe for the Trump administration to make a case for sending that guidance. But again, the actual connection between those two issues is not terribly clear to me.

DEWS: I wanted to step back for a second and look at some of the terminology that you've used. We've talked about guidance, there's been directives, but then there's also regulations. I know federal regulatory policy is a very specific thing, but in the case of these school discipline disparities issues, it was not quite regulatory policy, it was something else right?

LEVESQUE: It's important to note, and I know these distinctions very quickly get in the weeds, but so this discipline era guidance we're talking about was a dear colleague letter. It was not a formal regulation. What that means is that if the administration does decide to repeal it or revise it, they don't need to go through the formal rulemaking process to do so. That means they don't need to go through the formal public notice and comment process to do so. And so I think it's really important, particularly with something like this guidance that's not governed by kind of the rules that ensure transparency and accountability with respect to the rule making process. It's even more important for interested people and advocates who know something about this to be chiming in publicly, because there's not necessarily going to be a window of public comment if the Department does decide to revise this.

DEWS: Let's switch topics and go to another issue that has been in the news a lot and that Secretary DeVos's decision to change the way that for-profit colleges can or cannot receive federal education dollars. And you mentioned gainful employment, I think that's one of the issues that's bound up in this policy change. Can you talk about what this is all about?

LEVESQUE: Yes absolutely. Let me start by talking about what the gainful employment rule is, why the Obama administration put it in place, and then we can talk a little bit about what's going on with it now, what are the proposed changes and things like that. So the gainful employment rule was developed by the Obama administration and I'm going to use the present tense, even though it may be the case that this becomes a past

tense rule.

Anyway, so the rule applies to, and I think this is a misconception, it does not just apply to for-profit colleges, it actually applies to for-profit institutions as well as certificate programs that are at private nonprofits and public institutions. And the goal of this rule is to crack down on programs where students borrow a lot of money to attend an educational program, but upon graduation are not prepared enough to get a job where they can make enough money. And as a result, continue to go into debt and default on their loans.

So the point of this rule is to hold accountable schools that are not meeting this debt to earnings ratio that the department sets out. And so schools that aren't meeting this accountability standards under the rules, could then become ineligible for federal aid. That's a really big problem, particularly when you think about the fact that for-profit institutions in theory can receive up to 90 percent of their revenue from federal funding through things like federal financial aid. And in fact, a lot of these schools you know do rely on financial aid. And so if you're found not to meet this standard and you don't make changes then you can end up shutting down.

DEWS: A lot of research has shown that at least with these for-profit colleges, a lot of people enroll in them, and then leave very quickly, and I think I've read somewhere nearly half of student loan defaults are students from for-profit colleges. So they're kind of categorically different, the data show at least from not-for-profit colleges.

LEVESQUE: Yeah, I think that's a really important point and I think they're kind of two points here. So one is that on the one hand, opponents of this rule say look, this unfairly targets for-profit institutions and they are correct that a large percentage of institutions that are found not to meet the standard are for-profits. Now the other side of that though, is saying well sure but that's because for-profit institutions are the ones that are feeling to meet this debt to earnings ratio that we've established as being informative and important in terms of deciding whether federal funds are being spent and whether

students are getting education where they can get these good paying jobs.

DEWS: So now is the Obama era rule an actual federal regulatory rule?

LEVESQUE: Yes so this is a federal regulation that went through a very long process, it went into effect in 2015. And so that means kind of referencing back to our earlier conversation about that distinction between guidance and regulations, because this is a federal regulation and regulation and rules are used interchangeably, so because this is a federal regulation, if the Department wants to revise or change it, which they do.

The Department in June 2017 announced that they wanted to revisit this rule, they've been undertaking the process to make changes to this rule, and it's a very long process. It's governed by the Administrative Procedures Act, there are a number of very specific things that have to happen in this regulatory process. One of those things that has to happen, like I mentioned earlier, is the Department when it has a draft rule that has revisions, they need to publish that, and they need to provide a window of public comment. And then interested parties, you would imagine a lot of for profit institutions, but also those who support this rule have an opportunity to submit in writing to the Department their comments on this rule. The Department has to respond to those comments. And this is really important because if the Department does not adequately respond to some of these comments, so for example if scientific evidence or evidence is submitted to the Department providing strong argument or evidence that this rule is operating in the way that it should or that it has a number of very important benefits, and the Department doesn't adequately address that comment in its final rule, that can be the grounds for a lawsuit and for a judicial review. And so this public comment is not only an opportunity for transparency but it's actually an opportunity for people who have evidence or don't. I mean anyone can write in.

DEWS: Anyone can write, including listeners of this podcast can submit public comment.

LEVESQUE: Yes that's right. So this is a really important process and could actually end up affecting the content of that rule.

DEWS: A few minutes ago, I mentioned a problem with student loan default that affects disproportionately students at for-profit colleges. But also Secretary DeVos and the Education Department are trying to change the rules about student loan debt relief. Can you talk about what that is?

LEVESQUE: So there are two rules here with respect to the administration's regulation of the for-profit industry. So we just talked about the gainful employment rule and then what you're mentioning now is the borrower to defense repayment rule. So right now the Department has in fact proposed a new draft rule that would revise the borrower to defense rule. And there are actually 13 days, as of this recording, left in that public notice and comment period. So that's currently going on. So the Department has you know said what they're proposing to do. So the borrower to defense rule. This fits kind of in a bigger picture level. Of all the proposed rule change fits with the administration's broader goals of deregulation and in particular kind of undoing Obama era policies and regulations. So what the revision to this rule would do at the Department is proposing it is it would essentially require a higher burden of proof for borrowers who are seeking relief from debt. So to my understanding as currently written, the proposed rule would require borrowers to either show prove their own financial distress or to prove the intent of the institution of higher education to mislead them. And I'm not a lawyer, but I'm pretty sure that's a difficult standard to meet. So essentially, if finalized in this form, this rule would kind of put the burden of proof on borrowers to show that they deserve this repayment.

DEWS: Yeah that's I think a value proposition that a lot of members of this administration, a lot of conservatives would say, well sure, I mean the borrower should have the higher burden of proof but it will I think exacerbate the student loan debt problem.

LEVESQUE: I agree with you I think you're right. And I think another way of looking

at it too, that's interesting is it's also kind of thinking more broadly about kind of the philosophical differences coming back to what we talked about and what the role the Department of Education is. You know this proposed revision to this rule is kind of clearly taking a stance, that you know, we should have a much smaller footprint as the Department of Education, and should be less involved particularly with the regulation of the for-profit industry. And that's something that DeVos has come under a lot of criticism and scrutiny for.

DEWS: So Elizabeth, can you direct listeners to whether there's more research about the gainful employment issue on our Web site?

LEVESQUE: Absolutely. So at the Brown Center, we run a blog called The Chalkboard, and we've had a number of researchers write in kind of about this issue and they provide a lot of great information, kind of more background on this. Admittedly, you know pretty nitty gritty details of this. So some of this research just kind of to summarize and then I encourage listeners go ahead and check it out. So Stephanie Cellini and her coauthors wrote in one blog post about their concerns about revising or repealing the gainful employment rule. And just to kind of give people a bigger picture context of what the problems are here that this rule is targeting, here are some of the things they found some quoting from this blog post.

“One: students from for-profit colleges end up with higher levels of debt, low labor market earnings, and higher rates of default on their loans.”

So that's one of the points I make in this post. Another is that again I'm quoting,

“Students who attended for-profit, certificate associate and bachelor's degree programs earned less after leaving those programs than they did before enrollment.”

So their return to attending was negative. So the basic point that these authors are making is that look, the targeted programs under this gainful employment rule are not serving

students well. They're not using taxpayer funds well and that's a pretty strong argument for keeping this rule as is. So again, if you want to kind of check out more details on this and encourage you to look that up.

DEWS: Terrific. So we've talked about a lot of issues a lot of ways the Department of Education under Betsy DeVos is changing education policy at the national level from Office of Civil Rights to gainful employment rule to changes to student loan debt relief. Can you talk about any policy decisions or policy directions under Secretary DeVos that you think are the right course of action?

LEVESQUE: One direction that I think make sense, although I have some issues with the actual execution of this, I do think that the establishment of this federal School Safety Commission makes sense. You know, there is quite obviously a really awful problem in this country when it comes to the safety of our students in school. And so I think that the federal government should have a role to play here and should be thinking about how can we address this problem. So I do think that the establishment of that federal School Safety Commission is a step in the right direction. However, that commission has come under criticism for not being terribly transparent, not having at least initially I know they didn't have educators on the commission, so I think that moving forward it would do well to have voices of people on this commission who are working in these schools and may have some very good ideas and who have a really good sense of kind of what's happening on the ground.

I know that they've heard there's ongoing work that this commission is doing. So I think that kind of taking an inclusive view into who should have a voice that is really important. I also think that this commission, to me, they need to address gun violence. They need to address gun laws. They need to address the lack of gun control and how that contributes to school violence. Quite honestly, I don't have a lot of confidence that that's necessarily something that's going to happen, but I think it would be a shame to

establish this commission and then not actually pursue those issues.

DEWS: Let's wrap up this conversation if we could, by having you discuss some of the other education policy issues that you're following as a scholar in the Brown Center or maybe some of the things we haven't actually talked about today, maybe some of them are. What are you looking at in terms of education policy in the coming months and year?

LEVESQUE: One thing that I'm very curious about will be paying attention to is looking at what states are doing under ESSA. And so I know we talked about this earlier, you know the reason it succeeds act gives states a lot more flexibility about holding schools accountable, you know how they do that at the K12 level. And so states have been in the process of developing their plans to implement these new accountability systems, and then we'll actually now be starting to implement those plans within their states. And so this is below the national level, but it's really important work and so one thing I'll be paying at into is how have the different inhibitions that states come up with, how are they working, what changes are they making, is there policy learning occurring across different states as you know states kind of iron out the wrinkles in these plans and learn from the data that they begin to collect. So that's one thing I'll be looking at. Something else I've been looking a lot and it's kind of hearkens back to our previous conversation on this podcast, is looking at workforce development and the role of community colleges in workforce development, and also thinking about you know what are opportunities available through new technology, through artificial intelligence, to identify solutions that can help students and then also people who you know end up displaced from the job market as kind of the workforce changes. What are ways we can use technology to reach these individuals to provide kind of scalable solutions for helping provide effective education, helping them find pathways to education and into the workforce? And so thinking about kind of the interaction of technological change, changes in the workforce, and then the role of education institutions and in particular community

colleges?

DEWS: Sounds fascinating we'll have you back on to talk about some of those issues at a later date.

LEVESQUE: Great, thanks very much.

DEWS: Thanks Elizabeth for sharing your time and expertise today.

LEVESQUE: Thanks for having me.

DEWS: You can read more about Elizabeth Mann Levesque and the Brown Center on Education Policy on our Web site at Brookings.edu, and while you're there check out the Brown Center Chalkboard blog. And now here's Joseph Parilla with another Metro Lens.

PARILLA: Hi this is Joseph Parilla, I'm a fellow here at the Brookings Metropolitan Policy Program. So indulge me for a moment in an alternate reality. It's August 2018, and in advance of the midterm elections, the Trump administration has just announced its signature first term domestic economic policy initiative. The Make America Competitive Again grants. These grants draw from a 50 billion dollar appropriation and were provided to 15 industrial communities scattered across the Midwest, Northeast, and South. The MACA grants as they're called, give local and state leaders up to one billion dollars and a lot of strategic discretion to make transformative investments in their economies, whether through skills training, technological innovation, new infrastructure, or capital access. OK, back to reality. America, of course, does not have an economic revitalization program like this, but it may not be fanciful thinking for long. As mainstream economists increasingly recognize that regional disparities in economic opportunity and social stability are a national challenge, policy and political debates about what to do are sure to follow.

So this leads to a second question: what are the effective ways to actually spur industrial revitalization and economic development particularly in communities that have struggled? For the last two decades, one answer to that question has been something

called cluster-based economic development, an approach that local and state leaders have taken that aims to capture the economic advantages that accrue to businesses when they cluster together in place. So think the collection of firms that make up the auto cluster in Detroit, or financial services in New York, or film in Los Angeles. But in a new paper with Ryan Donahue and Brad McDearman. I argue that there is a gap between the recognition that clusters play an important role in an economy that demands concentration and specialization, and the practical ability to develop initiatives that help firms within clusters become more competitive and spur growth and broader prosperity. So in other words, implementation around these things is really hard. So in this recent report, we created five case studies where we profile successful cluster initiatives in a diversity of places. So what characteristics actually make them successful? So for starters, regions that have success with cluster initiatives must actually have a unique and legitimate industrial strength. That sounds simple, but these specializations are increasingly technology oriented, they likely draw on previous industrial capabilities, things like unmanned systems in Syracuse or agriculture technology in St. Louis, which are two examples that we profile.

Second, successful cluster initiatives must embrace a long term mindset and acknowledge that big job gains may not occur immediately. This characteristic is readily apparent in Indianapolis where an organization called Bio Crossroads has been supporting life sciences in that city for nearly two decades. And it focuses on metrics related to innovation and growth entrepreneurship and skills development in addition to simple job counts.

Third, partnerships are absolutely fundamental. So industrial initiatives ultimately must be industry driven. Firms obviously have to buy in. But universities are also critical since they provide the fuel for new technologies and spinoff companies and talent and government provides a much needed role in terms of funding these efforts. Clemson University's International Center for Automotive Research in upstate South Carolina offers

a really good example of this type of public private university partnership.

Fourth, these initiatives need to have passionate dedicated leaders that can champion the effort locally. So across all five examples, at some point there are individuals, and these are folks often from the business community, that have the competency and the respect and the connections to galvanize others around a shared goal. So it sounds trite, but leadership matters.

Fifth and finally, these successful initiatives are often anchored by a physical center. Of course, buildings reflect clusters rather than create them, but shared facilities such as Milwaukee's Global Water Center provide firms, academic researchers, and related enterprises with the space to interact on a daily basis in ways that, in that case, strengthen Milwaukee's water technology cluster.

Now the challenge for the country is that these examples remain the exception more than the rule. And with no national policy in place for now, it really is up to regional and state leaders who will need to go it alone to sort through these types of engagements. Our sense is that cluster initiatives need not be abandoned, but they do need a rethinking in some economic development circles. With rigorous planning and large investment and significant industry engagement, cluster based economic development can be transformational as the five examples we profile indicate. But local, regional, and state leaders need to be clear eyed about the level of commitment that these transformative initiatives require. You can find that report and the case studies as well on our website at Brookings.edu

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