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Education Entrepreneurs Face Regulatory Hurdles Everywhere. This State Is Trying To Help.

It sounds simple enough to move to a larger location to accommodate demand, but finding space is one of the biggest challenges that today's microschool founders encounter.

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While working for years as a public high school biology teacher in Utah, JeVonne Tanner grew increasingly frustrated by the constraints of a conventional classroom.

She valued her colleagues and appreciated the mentorship they provided—and adored the young people in her classes—but the intense focus on teaching to the test wore on her. “I loved my students! I was frustrated by the system,” she said.

She recalled a time when she wanted to address eating disorders from a biological perspective in her classroom. Many of her sophomore students were struggling with eating disorders, and she thought it would be a great opportunity to create a lesson around the topic. She was told there was no time. “I thought it was absurd that we had to cover so many tiny details for the test that we couldn’t address issues that really mattered to the students,” said JeVonne.

It wasn’t until JeVonne and her husband Paul saw the impact of conventional schooling on their own children that they decided to make a change. Their children excelled academically in school, but the Tanners saw the ways in which the rigidity of the system stifled creativity and curiosity. “One child often came home crying because her legs hurt from having to sit still so long every day; she needed freedom to move,” JeVonne remembered. “Another child was told to slow down and wait for the others in reading; he needed freedom to learn at his own pace. Another child grew to hate reading because she had to stay in and miss recess until she finished her reading work.”

JeVonne began to recognize the parallels between what she was witnessing in her classroom as a teacher and the way children were being taught in school since early childhood. She saw it with the high schoolers she was teaching. “Across the board it appeared they had regularly practiced regurgitating information for the last 15 years, but had been given very few opportunities to think for themselves, to form opinions, to share opinions, to agree and disagree, to develop skills they would actually use in life,” she said.

The Tanners decided they wanted something different for their children’s education. They discovered [Acton Academy](#), a fast-growing network of independently-owned and operated microschools that emphasize non-coercive, learner-driven education. Founded in 2010, Acton Academy now has more than 280 affiliated schools across the U.S. and globally.

The Tanners and their children embraced Acton’s educational model that empowers students, called “heroes,” to take charge of their own lives and learning and become responsible for setting the rules and rhythms of the school day. Adult educators, called “guides,” are present to provide support and to maintain the space for self-directed learning.

JeVonne and Paul launched their microschool, CHOICE Learning Center, as an Acton Academy affiliate in 2020 with 29 students. Located in Bountiful, Utah, CHOICE now serves 62 learners ages 4 to 13, with 7 employees, most of whom work part-time. Annual tuition is \$7,150 per student, which is less than the average per pupil expenditure in Utah public schools. CHOICE enrollment continues to expand as local families hear about this innovative educational model, and the Tanners are outgrowing their existing space. It sounds simple enough to move to a larger location to accommodate demand, but finding space is one of the biggest challenges that today’s microschool founders encounter.

The morass of regulatory burdens, such as zoning and occupancy requirements, often prevent education entrepreneurs from starting or scaling their organizations. This is a problem nationwide, as I detailed in my recent State Policy Network (SPN) report about how states can encourage education entrepreneurship and innovation. Microschools, learning pods, homeschool resource centers, co-learning communities and other emerging educational models often don’t fit neatly into existing, and increasingly outdated, regulatory definitions of “school,” causing headaches for today’s entrepreneurial educators.

“Finding a location is one of the most challenging and stressful things,” said Paul Tanner. “Current building codes and zoning laws make it quite difficult to find a location. Microschools and private schools are so few that many cities have not had to deal with them.” When they were trying to find their current location, the Tanners were told by some local officials that microschools weren’t allowed in their jurisdiction, while in other cities, building code officials were unclear how to categorize and approve microschools, which often operate as part-time or hybrid learning programs, as CHOICE does. “Building code officials do not know what to do with microschools,” he said.

Utah is one state that is trying to tackle this challenge by making it easier for microschool founders like the Tanners to create and expand new educational models. The Libertas Institute, a free-market think tank and SPN affiliate located in Lehi, Utah, is working with a statewide coalition of education entrepreneurs to formulate recommendations for state and local policy changes. “Zoning and occupancy rules are the biggest barriers to new education entrepreneurs in Utah,” said Jon England, a former Utah public school teacher and administrator who is now an education policy analyst at Libertas. “These entrepreneurs are getting the worst of both worlds. They have to put their schools in places like strip malls or office buildings, while also having to add the really restrictive educational occupancy rules. We want to allow things like microschools to be allowed in residential zones while not facing burdensome occupancy rules.”

A key priority with policy proposals is to make sure that any changes don’t make the problem unintentionally worse by, for example, favoring some learning models over others, adding layers of regulation or narrowly defining today’s education innovations while preventing future ones from emerging.

Entrepreneurs face regulatory barriers and related challenges in all sectors, but education entrepreneurs often encounter more roadblocks, especially when they are attempting to create

innovative K-12 learning models that look nothing like conventional schooling. Still, like entrepreneurs in other industries, today's entrepreneurial educators are pushing ahead despite the obstacles.

For the Tanners, launching CHOICE Learning Center has reignited their own children's love of learning, reading and creating, and it has done the same for the other children in their microschool.

“When the responsibility of learning is put in the hands of the children, it becomes meaningful and joyful—and they learn so many real life skills along the way,” said JeVonne Tanner. “My children are now thriving alongside all the families who have joined us. I can't convince them to miss a day of school!”

Kerry McDonald is a Senior Education Fellow at FEE and host of the weekly LiberatED podcast. She is also the author of Unschooling: Raising Curious, Well-Educated Children Outside the Conventional Classroom (Chicago Review Press, 2019), an adjunct scholar at the Cato Institute, education policy fellow at State Policy Network, and a regular Forbes contributor. Kerry has a B.A. in economics from Bowdoin College and an M.Ed. in education policy from Harvard University. She lives in Cambridge, Massachusetts with her husband and four children. You can sign up for her weekly email newsletter here.