

By Ben DeGrow

FLEX LEARNING

Funding New Pathways
for Student Success



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Mackinac Center for Public Policy 140 West Main Street P.O. Box 568 Midland, Michigan 48640
989-631-0900 Fax: 989-631-0964 Mackinac.org mcpp@mackinac.org

The Mackinac Center for Public Policy

Flex Learning: Funding New Pathways for Student Success

By Ben DeGrow

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Executive Summary

Flex Learning represents a bold and innovative plan to give Michigan students, and particularly those from economically disadvantaged households and rural regions, more means and opportunity to chart productive and fulfilling paths toward graduation. While some children in younger grades could also benefit from the ability to customize learning, practical considerations should initially limit eligibility to middle and high school students. This paper proposes two alternative fiscal mechanisms from which policymakers could choose to make the program function:

1. Fund parent-directed Flex Learning Accounts at a standard rate — with extra money for low-income families — with accounts administered through a new entity by a state department;
or,
2. Fund flexible course options through the foundation allowance and proportional “at-risk” funding normally collected by districts.

The following dozen policy changes would be needed to make the program successful:

- ♦ Modify the state's Schools of Choice law to provide true open enrollment, allowing parents to enroll their children in districts and programs without any geographical restrictions. Districts, charter schools and other approved providers would correspondingly receive funding for enrolling students no matter where they happen to reside.
- ♦ Permit all districts to offer courses and operate programs anywhere in the state.
- ♦ Increase the statewide course catalog's list of eligible providers to include cyber schools and other public charter schools, as well as public universities.
- ♦ Allow individual in-person and hybrid courses to be funded through Flex Learning Accounts or directly through a prorated portion of the foundation allowance, in addition to dual-enrollment courses and district-run career programs and apprenticeship programs that partner with one or more districts.
- ♦ Require 50% of the course fee to be paid to the Flex Learning provider up front and the remainder upon a student's successful completion. Course prices could be set openly by supply and demand, or prescribed fees according to subject matter set in state law.
- ♦ Allow students to accelerate their education and take more than a full load of Flex Learning courses in a given term.
- ♦ Obligate districts through the EDP process to notify students annually of their opportunity to participate in Flex Learning, as well as share data on career options, including education requirements, salary, benefits and market demand.
- ♦ Allow Flex Learning funds to pay for education-related internet and transportation needs, as well as district- or charter-provided tutoring, guidance services and special education therapies.

- ♦ Prohibit students from using Flex Learning for one year if they fail to successfully complete two or more enrolled courses in a given year.
- ♦ Provide a financial incentive for Flex Learning students to graduate early, paid out in equal shares to the student's home district and to a scholarship for that student's postsecondary education.
- ♦ Adopt a Flex Learning assessment strategy that combines baseline and summative tests to provide reportable aggregate student growth data; online user ratings; and tracking of specific course completions to future attainment.
- ♦ Authorize public education providers to accredit individual courses provided by businesses or community groups, which could also be accessed through the statewide course catalog.

Introduction

The experience of Michigan public school students during the COVID-19 pandemic stoked frustrations for parents and fueled interest in finding different approaches to education. The suspension of in-person schooling in the spring of 2020 and the online programs that replaced it gave parents a front-row view of the educational services provided to their children.

Many Michigan parents were not satisfied with this remote instruction. Most endured the disruption in hopes of returning to a more normal schooling experience in the fall. Others made significant reassessments, either of the educational value provided by their local school district or of their child's aptitude for self-paced online learning, or both. Some took advantage of the options allowed under Michigan law to enroll in established online programs, to switch to another public or private school, or even to pursue homeschooling.

The COVID-19 pandemic further highlighted a public school infrastructure that was unprepared to adapt its rigid rules and practices to this latest challenge. A March 20, 2020, memorandum from the Michigan Department of Education told local school officials that instructional hours could not be counted while schools were closed, discouraging schools to develop and prepare long-term distance learning options.¹ Subsequent executive orders from Gov. Gretchen Whitmer established procedures to guarantee district funding even while the state forced schools to close and services had to be provided remotely.*

Confronted by unforeseen dilemmas, state officials adhered to institutional priorities that began to increasingly conflict with the needs of students and families. Some local districts and charter schools responded more nimbly than others and were better able to mitigate the negative effects of remote learning during the state lockdown. Online charter schools continued their programming without any significant interruption, for instance. But on the whole, the education system's weaknesses and limitations to adjust were clearly exposed.

Uncertainties mounted through the summer months as many state and local officials struggled to plan for a 2020-21 school year that would look different than any before. One area where the resulting mad scramble took its toll was on the availability of effective online education. Demand skyrocketed for courses through Michigan Virtual, the state's subsidized online course provider, but it struggled to find and hire enough qualified teachers. By Sept. 1, before most districts began the new school year, most Michigan Virtual courses were fully subscribed and unavailable for additional enrollments.² Online charter schools attracted more pupils too, with some of the largest reaching their enrollment caps.[†]

* These include Executive Orders 2020-35, 2020-65 and 2020-142. "Executive Order 2020-35" (State of Michigan, April 2, 2020), <https://perma.cc/PL4L-DR3U>; "Executive Order 2020-65" (State of Michigan, April 30, 2020), <https://perma.cc/SHS7-FFEB>; "Executive Order 2020-142" (State of Michigan, June 30, 2020), <https://perma.cc/9HW7-LWES>.

† Data collected by author, searching online enrollment pages on Sept. 28, 2020. Six of Michigan's 15 cyber schools, representing more than two-thirds of the group's total fall 2019 enrollment, reported that they had reached the caps established in the respective contracts with their charter authorizers, and were adding students to wait lists rather than accepting more new students. Michigan's growing demand for full-time online public education providers mirrored the experience of some other states. See Mark Lieberman, "COVID-19 Fuels Big Enrollment Increases in Virtual Schools" (Education Week, Sept. 3, 2020), <https://perma.cc/T84N-2AT4>.

Some Michigan students were left with no options in 2020-21 beyond the remote instruction their home district provided. To their credit, many districts provided families with options for different modes of learning: face-to-face, full-time virtual, or a hybrid of the two. This required parents to closely assess and compare their schooling options, something most are not accustomed to doing. While many districts rose to the challenge, some parents were left without any opportunity to choose what they felt suited their children's needs best. Others faced an all-or-nothing dilemma, with significant downsides to both options.

Based on this experience, policymakers should identify and break down barriers that prevent Michigan families from accessing learning paths that meet their children's needs. Parents should be empowered to assemble more the building blocks that will construct a more promising educational future for their children.

This paper proposes that Michigan adopt a more flexible funding and learning program, or Flex Learning, that enhances the ability of students, under the direction of parents or guardians, to customize their paths to graduation. The strategy would offer greater access to an array of individual courses and learning opportunities from different public education providers, while providing more precise and accurate assessment of content mastery and accountability than is available through traditional methods.

Systemic Struggles

The pandemic of 2020 disrupted normal schooling experiences in a profound way. Educators and experts anticipate considerable learning losses for many students. The challenge to meet the unique learning needs of all students may be greater with the ongoing pandemic, but the state's K-12 education system has fallen well short of this goal even in normal times.

Some of the best available measures highlight the unsettling reality of public school performance in Michigan:

- ♦ Between 2003 and 2019, Michigan eighth-grade achievement on the National Assessment of Educational Progress stagnated, with nearly one-third of students failing to meet basic performance levels in math and one-fourth the same in reading.*
- ♦ Only 36% of Michigan students finish 11th grade ready for college-level math, a consistent trend in recent years. The share of those ready for college-level reading and writing dropped from 60% in 2016 to 55% in 2019.³
- ♦ More than one in eight Michigan students who start ninth grade drop out before completing high school within six years, more than 15,000 youths from each prospective graduating class.⁴
- ♦ One out of four Michigan high school graduates need some kind of remedial college coursework, a rate that has declined slightly in recent years.⁵

* National Assessment of Educational Progress, Data Explorer, <https://nces.ed.gov/nationsreportcard/data/>. NAEP Basic "denotes partial mastery of prerequisite knowledge and skills that are fundamental for performance at the NAEP Proficient level."

- ♦ While one in six Michigan high schoolers is concentrating in a career and technical education program, data suggests there is a significant mismatch between the types of training students receive and the type of skills that employers demand.⁶

In recent years, many attempts have been launched to turn around these trends. Among them, the Michigan Department of Education has called for a host of changes aimed at making the state rank in the top 10 nationally on some metrics within 10 years. The guiding principles of the department's strategic plan include encouraging students to "have voice in their own learning," giving all students "opportunity to achieve the broadest range of life dreams," and recognizing families and communities as "essential partners ... in the education of students."⁷

The department recognized an important basic principle found in the organization and clear language of state law. Michigan's body of K-12 education statutes, known as the Revised School Code, begins (after defining key terms) with this declaration:

It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment.⁸

This language immediately precedes the introduction of school districts and other institutions that are organized to carry out the mission of public education. It puts parents in the driver's seat of their children's education and implies that students will need different and diverse learning needs and aspirations. The role of public schools is to partner with parents to maximize educational opportunities and chart successful learning paths.

Overcoming Online Obstacles

Student Access

Expanding access to customized learning opportunities requires taking advantage of the broadest possible range of digital courses. Yet students from low-income households or rural areas may start off behind in their ability to access online content and services, a crucial component of customizing education. Some students need better access to the internet and to competent digital instructors.

Estimates range widely regarding disparities in internet connectivity. The U.S. Department of Education reports that in 2018, 94% of the nation's children ages 3 to 18 lived in a home with internet access. Excluding households with only mobile phone data, the share falls to 88%. Children from lower-income families were far more likely to have access only through a smartphone. Of those without home internet, 43% said it is a matter of preference while about a third cited cost. Roughly 1 in 400 children can't use the internet where they live primarily because

it's not available in their area.* According to more recent estimates by the U.S. Census Bureau, more than 90% of Michigan households with children in school always or usually have a device and internet available for educational purposes.⁹

That suggests about one in 10 students lack the technology needed for online learning. But those numbers may be too low. A spring 2020 survey conducted by intermediate school district officials found nearly 30% of Michigan students lack the type of internet service or device needed to learn through virtual lessons and online interaction.¹⁰ Not surprisingly, these students are more heavily concentrated in low-income households. The survey did not assess how many families could afford or access the needed technology on their own. Thus, the actual level of student need for internet services likely falls between the two estimates.

Regardless of the precise number, progress has been made in addressing this barrier through a combination of federal funds, state legislation and private philanthropy. In response to the great disruption caused by the COVID-19 pandemic, the U.S. Congress adopted the CARES Act to provide emergency financial relief. Two major buckets of federal CARES Act cash specifically benefited Michigan K-12 schools:

- ♦ All districts received some share of \$350 million in Elementary and Secondary School Emergency Relief. Distributed through the Title I formula, funds were more concentrated in high-poverty areas.¹¹ It isn't clear how much of this money districts used to provide students with internet-ready learning devices or connectivity, however.
- ♦ Gov. Whitmer designated \$60 million from the Governor's Emergency Education Relief Fund. It provides money to 325 districts and 232 charter schools that have a majority of their students coming from economically disadvantaged households. According to the state's GEER application, the primary intended use for the funds is to enhance internet connectivity for students. A goal of the funding is described: "To increase access to remote learning, Michigan intends to use the funds to address the device gap and improve access to digital resources."[†]

The \$60 million in GEER funding is shared among about 60% of the state's conventional districts and 80% of its charter schools. Schools receive a flat amount of nearly \$87 for every student enrolled in 2019 who was low-income, received special education services or was designated an English language learner. Schools can receive funds multiple times on behalf of the same student if they fit more than one of these characteristics.¹²

* "Children's Internet Access at Home" (National Center for Education Statistics, May 2020), <https://perma.cc/2ZB5-5LG8>. Of the 6% who lack internet access, 4% say it is because it is not available in their area.

† "Certification and Agreement for Funding under the Education Stabilization Fund Program Governor's Emergency Education Relief Fund" (U.S. Department of Education, May 18, 2020), <https://perma.cc/LZR4-JX82>. The request was made based on the claim that "an estimated 500,000 students lack an Internet-capable device, home Internet access, or both." See also "Governor Whitmer Announces \$65 Million in CARES Act Funding for Michigan Schools" (State of Michigan, Aug. 19, 2020), <https://perma.cc/479H-BUBG>. One analysis found that three-fourths of states allocated GEER money to improve internet infrastructure to benefit low-income families and rural communities. See Phyllis W. Jordan and Javaid Siddiqi, "How Governors Are Using Their CARES Act Education Dollars" (FutureEd, Sept. 9, 2020), <https://perma.cc/76PG-5AB8>.

Through federal funding and other sources, the state's largest school district has received a lion's share of these resources to address digital gaps and more. Detroit Public Schools Community District took in nearly \$90 million of the combined total of \$410 million in CARES Act K-12 funds.* In addition, a group of businesses and nonprofit organizations donated \$23 million in portable computers and high-speed internet access to the district's 50,000 students.¹³ Charter and nonpublic students in the city later received a smaller philanthropic contribution.¹⁴

Additional federal funding has already been designated for Michigan to expand high-speed internet access in underserved regions. A law signed by the governor in October 2020 requires the state to dole out broadband grant funds on a competitive basis to areas of need. It also prohibits the money from going to inefficient government-run operations. This law should help put broadband internet within reach of even more Michigan students.¹⁵

In the interim, other solutions are available for those in remote areas. There are hundreds of wireless internet hotspots throughout most of the state that can be accessed at no cost.¹⁶ During the initial school building shutdowns in response to the pandemic, at least one West Michigan school district equipped and sent out buses with similar technology to provide mobile internet access points to students.¹⁷ At the beginning of the 2020-21 school year, Jackson Public Schools spent \$65,000 to outfit 52 buses with this capability and began deploying them to low-income neighborhoods.¹⁸ If more digital options were made available to more students, more districts might invest in expanding students' ability to access the internet.

Teacher Training

Just as concerning as equal access to digital learning opportunities is the supply of teachers qualified to deliver this instruction. Online education programs range from fully synchronous (live, remote interaction between student and instructor) to fully asynchronous (recorded video or audio lecture content).

Many online programs incorporate elements of both, each of which require different applications of teacher skills. These skills include understanding how to use relevant digital technologies to deliver instruction and to identify areas where students need extra help. The online space often requires different approaches to effectively engage students and motivate them to progress in their learning.¹⁹

In Michigan, the amount of teacher professional development in online instructional techniques increased dramatically with the onset of the pandemic. The amount of continuing education hours teachers earned from Michigan Virtual between May and September of 2020 well more than doubled the total from all of 2019. It remains to be seen how much that will improve the quality of K-12 virtual programs during the 2020-21 school year, however.

Longer-term commitments to online instruction will necessitate ongoing improvements, through effective training of more teachers, the development of the craft through experience, and the

* Author's calculations based on data from the Michigan Department of Education. DPSCD received \$85.1 million from ESSER and \$4.7 million from GEER.

implementation of effective technical supports. A system built on the needs of students and the informed choices of families will strengthen incentives to drive these improvements.

A New Model for Flexible Learning

To help more students achieve success, Michigan should pursue a flexible funding program that gives learners greater agency, especially for middle-school and secondary students and their families. Charting a path to complete a diploma, every student should be allowed to use a portion of their per-pupil allotment to “purchase” courses from schools for both online and face-to-face instruction. This funding could also be used for dual-enrollment classes, apprenticeships, career and technical training and other learning opportunities from a broad menu of providers.

Accountability for this spending can be achieved through tested and reported measures of academic growth or existing industry certification processes. A portion of funds should be tied to successful course completion. Additional moneys could be reserved for services that support learning – such as counseling, transportation, tutoring or speech therapy. While students across the state should have the option to customize their education, it could especially benefit those in rural areas and from low-income families whose learning opportunities tend to be limited by geographical factors and affordability.

Schools of Choice for the 21st Century

The pursuit of customized educational experiences means unlocking a fuller range of different providers for students to access. Thus, the first key step to providing flexible learning entails modernizing Michigan’s Schools of Choice program.

Since 1996, Michigan has guaranteed that students have a limited right to enroll in nearby districts. Under Schools of Choice, a student’s resident district cannot prevent a student from enrolling in a nearby district and redirecting state funding to that district. Additionally, students must be accepted if space is available or participate in a random lottery if the number of applications exceeds the number of available spaces. Receiving districts may set a cap on a total number of SOC students, limit enrollments by grade level, building or program, however. And students are still limited geographically — they cannot enroll through SOC in districts outside of their neighboring intermediate school districts’ boundaries.²⁰

Parents clearly find value in the program. Demand for interdistrict choice has grown substantially over time. From 2007 to 2019, the number of students enrolled through Schools of Choice doubled to nearly 150,000, even as overall enrollment statewide fell.²¹ Nearly 50,000 public school students also cross district lines through similar local cooperative choice programs. Combined, about 15% of conventional district students attend a school outside their home district’s boundaries.²²

Additionally, districts should be permitted to provide instruction outside their recognized geographic boundaries, based on student demand. These two changes would give families more say and flexibility to find the educational path that works best for their children.

Expanding Course Access

The need for students to access courses beyond their home district is evident in the places where higher-level college prep courses are not available. In 2016, one in seven Michigan secondary students attended schools that did not offer a physics class. Twice as many could not take calculus at the school where they were enrolled. About one-fifth of high schoolers were without any Advanced Placement course options on campus. In all cases, low-income, minority and rural students were all significantly more likely to attend schools where these academic offerings were lacking.²³

But the need for virtual options is much broader than these advanced courses. During the pandemic, many families expressed a preference for caution in keeping their children home rather than returning them to their regular classrooms, even if the quality of learning was diminished. Other families, while seeing crucial advantages in preserving in-person instruction, nonetheless, discovered the benefit of greater flexibility in students taking some courses virtually. These trends are increasing demand for online options.

Since 2013, all Michigan students in grades six and higher have been eligible to take up to two tuition-free, online courses during any given academic term. The courses must count toward their graduation requirements. The district where a student is enrolled can deny a request if the course costs too much or if the student has failed a virtual course in the same subject area within the previous two years. Permission from the district of enrollment is needed for an elementary-level student to participate or for an older student to take additional courses.²⁴

Under current law, students may choose from a statewide catalog, to take courses from an intermediate school district, Michigan Virtual or a community college to provide dual-enrollment credit. These courses are paid for by the district where they are enrolled — the district that received state funding on behalf of the student. Policymakers should expand the list of eligible course providers to also include online programs that are available through public charter schools, particularly online schools, and public universities. The catalog should include both academic courses delivered virtually and in-person and hybrid offerings, as well as career and apprenticeship programs operated by a district or set up in partnership with one or more districts.

Since 2011, Utah has allowed its secondary students the same freedom to enroll in virtual programs. They currently may take up to six online credits in a given year.* Unlike in Michigan, the Utah Statewide Online Education Program affords students choices from a broad range of public school and higher education providers.²⁵ The state sets a few basic parameters for a formal agreement process by which a student's home district acknowledges credits received from the outside entity. The district can only reject a credit acknowledgment for a handful of specific reasons – mainly, that a course doesn't line up with the student's plans for college or career readiness or if the student is already taking a full load of six online credit hours.²⁶

Michigan's existing law provides a usable framework to expand the catalog of course options. A district should not be able to restrict from whom students can receive academic instruction.

* Utah Code § 53F.4.503. When the program began, the maximum online course load was two. Starting in 2013, the limit increased by one annually until reaching the current cap of six in 2016-17.

Students would still be limited to taking classes for which they have completed the prerequisites. All courses should bear credit toward completing the Michigan Merit Curriculum, or comprise eligible electives if the student is on track for graduation.* Credit recovery options should remain available for those who have fallen behind in meeting requirements.

Flex Learning: Two Possible Fiscal Approaches

Allowing students greater ability to customize their learning at the course level would necessitate new fiscal arrangements. State policymakers could consider one of two approaches: one that would maximize student freedom and prove more transformative, and one that would accomplish most of the same objectives through more conventional state oversight.

The first approach would entail enacting Flex Learning Accounts, which parents would oversee to direct funds among eligible providers to advance their child's education. A new statewide entity under the Department of Technology Management and Budget could operate strictly to administer the state-appropriated funds.†

The amount deposited in a student's Flex Learning Account should correspond with the basic foundation allowance amount approved by the Legislature for that year, currently a little more than \$8,000. Students eligible for federal lunch assistance due to low household income would receive an additional at-risk per-pupil amount recognized in statute: \$945 in 2019-20.‡ These amounts should stay tied to the Legislature's relevant appropriations for the foundation allowance and the per-pupil at-risk allocation, respectively. The Legislature should also work to incorporate a mechanism that redirects school aid dollars to extra support for participating students with disabilities.

From each Flex Learning Account, a small flat fee set as a percentage of minimum foundation allowance would stay with DTMB to offset costs for financial administration. An additional 3% of the allowance would automatically be directed to a student's primary enrolling district, the share equivalent to a public charter school's authorizer fee. This amount would be reserved to pay the

* This aligns with existing statewide graduation requirements, which include not only 18 specified credits but also permit "each school district to determine the number of electives offered to their students" and "provides students the flexibility to select additional electives." See "Michigan Merit Curriculum High School Graduation Requirements" (Michigan Department of Education, 2007), 3, <https://perma.cc/AWN4-2SNP>.

† Five other states allow parents of eligible students to apply for publicly funded Education Savings Accounts, which can be used to pay for private courses, services and other education-related expenses. See "School Choice in America Dashboard" (EdChoice, 2020), <https://perma.cc/ZS3V-BJXQ>. The chief difference for proposed Flex Learning Accounts in Michigan would be that funds could only purchase courses and services from public education agencies or providers sanctioned by these agencies. According to the Constitution of Michigan of 1963, Article VIII, § 2: "No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school."

‡ MCL § 388.1631a(4) and (19)(d). This figure is derived by multiplying .115 times the statewide weighted average foundation allowance, a figure calculated by the author as \$8,213.83 for Fiscal Year 2019-20. Flex Learning Accounts should fall under the last of four eligible purposes for designated At-Risk Funding: "ensuring that pupils are proficient in English language arts by the end of grade 3, that pupils are proficient in mathematics by the end of grade 8, that pupils are attending school regularly, that high school graduates are career and college ready." See MCL § 388.1631a(1).

district for the cost of maintaining student records and other accounting and counseling services. Using fiscal year 2020 rates, nearly \$245 would automatically flow from a student's account to the home district. Nearly \$7,900 would remain to the family's spending discretion. Low-income students would have nearly \$8,800.*

The second and less disruptive approach would be to fund customized course options and services through the foundation allowance received by a student's home district. For participating economically disadvantaged students, districts could also draw from a per-pupil share of state at-risk funding.

Course prices would be set by providers, whether they be school districts, charter schools or institutions of higher education. Since these entities will be competing to register students, prices will reflect demand, scarcity, quality of instruction and other associated expenses. The only requirement for setting the price of courses, either by districts or other public providers, is that those prices would be transparent and not discriminate between students. Standard community college or trade school tuition rates would apply for students who choose one of those respective routes.

Course providers would receive 50% of the fee up front, whether directed by families from an account or paid for by the district of enrollment according to recognized legal terms. In either case, the initial payment would become non-refundable following a brief drop period. A successfully completed course would deliver the remainder of the course fee to the provider. This approach is used in both Utah's Statewide Online Education Program and Louisiana's Course Choice Program.²⁷ Otherwise, the funds would revert to the primary enrolling district. This by itself would establish a higher level of accountability of effective use of taxpayers as school districts have always receive funding without any regard for student performance or course completion.

Students with multiple incompletions in a given school year should be restricted from participating in the Flex Learning program for the following year. On the other hand, a student who successfully graduates early, the remaining foundation allowance dollars that would have been paid out on a normal four-year high school schedule should be evenly divided between the enrolling district and a scholarship in the student's name to pay for postsecondary education.[†]

Flex Learning should enable the opportunity to "purchase" not only individual courses, but also additional education-related expenses and services, from different providers. This could include reimbursements for transportation to a nonresident school or career program. It could also pay for internet devices or services needed to access virtual courses. By rededicating funds to solve transportation or internet service problems, this would allow more students – particularly rural students – to take advantage of a broader selection of learning opportunities.

* The 2019-20 minimum foundation allowance is \$8,111. The 0.5% fee to DTMB would round to \$41 per student account, and the 3% enrolling district fee would total \$243. Subtracting the combined \$284 from the standard allowance would leave \$7,827 in the account; for economically disadvantaged students who receive the additional \$945, the remainder would total \$8,772.

† This differs slightly from Idaho's Advanced Opportunities program, which gives each student an \$1,800 scholarship for each year they are able to skip. Scholarships can be used at any in-state public postsecondary institution. See "Advanced Opportunities" (Idaho State Department of Education), <https://perma.cc/97GL-HE5R>.

Other allowable expenses would include special education therapies, tutoring, remedial services or outside educational coaching and guidance from any district or charter school. A statewide online exchange where districts post service availability would help parents find the precise services their children need. In typical cases, career counseling and other academic guidance services would continue to be provided by a student's home district. But families could also choose to undertake a fully self-directed, blended learning experience and shop around for guidance services. Still, in any case, students enrolled in Flex Learning would retain their status as a public school student.

School districts could benefit financially from Flex Learning arrangements for multiple reasons:

- ♦ All districts would have the opportunity to grow revenue by receiving funds as a course or service provider.
- ♦ Some smaller districts might be able to better allocate resources by not having to dedicate resources to lightly enrolled courses that could effectively be outsourced to another district or provider that specializes in that area.
- ♦ Districts would retain a small share of the basic foundation allowance amount for students who enrolled in courses elsewhere. All districts receive significant funding in addition to the minimum foundation allowance, and some of this funding is not tied to enrollment levels.* Districts would retain this extra money to cover the minimal impact on their fixed costs, which they should constantly be striving to reduce.

Educational Development Plans

A framework exists to help guide secondary students set an academic trajectory and select relevant courses that would help facilitate Flex Learning. In 2006, the Michigan Legislature established Educational Development Plans. School districts and charter schools are obligated to give every seventh grader the opportunity to create an individual plan that focuses on developing career goals and selecting courses and experiences that lead to those goals. With help from counseling staff, each student is expected to complete their EDP before starting high school. A student may revise and update the plan each year before graduation.²⁸

Current law sets basic graduation requirements through the Michigan Merit Curriculum. Basic competencies in math, English language arts, science and social studies remain an essential core of all successful high school careers. But the law also recognizes the need for some individual variations. A student can, following their EDP, pursue a personal curriculum that deviates from the standard in certain prescribed ways.²⁹

For students with disabilities, the EDP is complemented by the Individualized Education Program, which the law says is to be developed with input from parents. By the time a student reaches age 16, the IEP should detail the extra supports and services a student needs to make the

* "2019-2020 School District Foundation Amounts" (Michigan Department of Education, 2020), <https://perma.cc/AA9T-LWRG>. In 2018, 36.4% of all combined Michigan school district and charter school revenues came from outside the foundation allowance. Author's calculations made from National Public Education Financial Survey and Center for Educational Performance and Information data.

transition from school to the workforce or postsecondary education.³⁰ Under Flex Learning, IEP students and their families could have more leverage to set the expectations and course of preparation. However, many of them may need the state to make funds for special education services more portable in order to reap the full benefit. Such a system should include a student's district of enrollment retaining a small fee to administer the IEP.*

In recent years, the Legislature has also taken modest steps to build broader flexibility into how students may meet the state's graduation requirements. For example, a 2020 law makes permanent the option to substitute career-tech program completion or an arts course for a second year of foreign language in the Michigan Merit Curriculum.³¹ Further flexibility would enhance the effect of Flex Learning plans and opportunities.

The existing framework prepares students, parents and counselors to take advantage of even greater flexibility to complete graduation requirements. Because of the framework's current design, it makes the greatest sense to limit Flex Learning eligibility to middle and high school students. The process of creating an EDP facilitates thinking about career goals and interests, and the steps needed to reach those goals. † With Flex Learning, that experience could bring greater focus to the importance of a larger menu of course options.

As part of the EDP process, districts and charter schools would have to give timely notification to the families of all students in grades seven through 11 of the opportunity to participate in Flex Learning, regardless of the funding mechanism used. That would mean either notification about the chance to apply for a Flex Learning Account for the following academic year or introducing them and providing guidance to the expanded course catalog.

While career motivations should not be the sole determinant of secondary courses and experiences, the ability of students to establish and update their plans should be supported by current government agency collection and reporting of job market information. During the creation and revision of EDPs, students should be presented with information on various types of careers, average salary earnings and degree or licensing requirements, as well as employer demand for different industry certifications.‡ Though economic conditions can change over time, that information could enable students and families to better weigh their future prospects and evaluate the labor market. Having both better information and greater latitude to chart a path to graduation may especially benefit secondary students otherwise lacking direction.

* Large shares of Michigan special education dollars are collected and controlled by the state's 56 intermediate school districts. See the author's chapter on "Funding for Special Education" from Ben DeGrow, "How School Funding Works in Michigan," Mackinac Center for Public Policy, July 19, 2017), <https://www.mackinac.org/23790>.

† "EDP Fundamentals" (Michigan Department of Education), <https://perma.cc/QEU4-543M>. There is no specified format or template to the EDPs, but each is supposed to contain a few core elements, including career goals and plan of action.

‡ Examples of common industry-recognized certifications attainable by K-12 students include credentials for software skills (Microsoft Office Specialist, Adobe Certified Associate), automotive mechanics (Automotive Service Excellence Certification) and construction (NCCER – Core Curriculum). See "Credentials Matter Phase 2: A 2020 Update on Credential Attainment and Workforce Demand in America" (ExcelinEd; Burning Glass Technologies, Sept. 2020), 13, <https://perma.cc/LV52-ERDM>. While Michigan develops and maintains a list of approved industry credentials, data gaps need to be resolved for both student attainment and employer demand. See "State Summary: Michigan" (CredentialsMatter, 2020), <https://perma.cc/L8BV-ZXV9>.

Students could be encouraged to set an early graduation trajectory in their EDPs by taking courses beyond the standard load for a given term, provided the student demonstrates an ability to complete the extra courses. This would resemble an approach Idaho has taken since 2016. Through its Advanced Opportunities Program, high school students can elect to receive up to \$4,125 per year in state funds to fund their own assortment of Advanced Placement, overload and dual-enrollment courses, as well as postsecondary workforce training.³²

Diversifying Pathways to a Diploma

The Flex Learning program would make it easier for students to take courses they need to advance toward graduation. All college-prep, dual-enrollment and career-technical offerings would be fully accessible, as long as they were provided directly by, or through partnership with, a school district, charter public school, community college or public university. This could include learning opportunities provided by private businesses or nonprofit community organizations, as long as they are sanctioned by one of these public education agencies. Student selections would be supported by funds, where needed, to provide internet connections to virtual content or underwrite transportation costs needed to access educational opportunities in person.

A diverse set of learning pathways reflects parental choice and student agency. It also helps mitigate the limits of steering students into particular tracks through one-size-fits-all learning plans. The implementation of Flex Learning should scrupulously avoid the type of tracking mechanisms that predominated U.S. high schools in the first half of the 20th century, and that have continued in many ways to sort students by abilities real and presumed.*

A template for Flex Learning can be found in New Hampshire's newly enacted Learn Everywhere program. The innovative program essentially unbundles the accreditation process. New Hampshire goes beyond the usual practice of accrediting a school or district to determine individual academic progress and issue diplomas. Instead, its state education officials now also recognize credits students earn for individual courses completed outside the conventional school system. All public schools must allow students to earn as much as one-third of their graduation credits through Learn Everywhere, though local school officials may award diplomas for a student who completes all their credits through this non-traditional program.³³

In order to receive accreditation, a business or community organization applies to the New Hampshire Department of Education. The applicant must describe the project-based learning and how a student's performance is assessed, as well as share evidence of the instructor's qualifications. Traditional teacher certification is not required. But the applicant must provide assurances of liability insurance, a clean criminal background check and a nondiscrimination policy for student enrollment. The department performs an on-site visit and recommends favorable applications to the State Board of Education for a vote on an initial one-year

* Marc Tucker, "Student Tracking vs. Academic Pathways: Different...or the Same?" (Education Week, Oct. 15, 2015), <https://perma.cc/2S32-EBHK>. Tucker identified the potential danger of multiple high school pathways leading to more tracking and sorting.

authorization. Programs that follow the rules during this probationary period are then authorized for an additional five years.*

State law could require that participating private entities meet the basic assurances that New Hampshire applicants must provide. Michigan public education agencies that embrace this opportunity through Flex Learning could consider implementing other procedures like site visits to their approval processes. Getting funding for accredited coursework from a private provider would relax the requirement that instruction must come from a state-certified teacher.† However, nothing would prohibit agencies from mandating partners hire credentialed educators to differentiate themselves.

Following New Hampshire's example, students could continue to advance toward a diploma strictly through an established school program, but their schools would have to allow them the option to gain some course credit by participating in a community orchestra or theater program, for example, or by completing an apprenticeship with a private manufacturing company. Those recognized programs thus would be eligible for high school graduation credit, without the programs themselves having to be part of a school district. Learning opportunities are not restricted to a classroom nor to the direct control of school authorities, and Michigan's public school system should formally recognize this fact.

Rethinking Tests and Accountability

A system that entitles institutions to collect tax funds for the purpose of educating students should be held accountable for student progress towards common academic standards. That should also apply to Flex Learning, though the means of testing should look different. The expectation for accountability is entirely reasonable, given the program's tax-funded status. Some of the greatest support for test-based accountability comes from civil rights advocates who want to expose and reverse the subpar quality of education and academic achievement gaps that face lower-income and minority students.

Federal money comprises about 9% of all K-12 tax revenues in Michigan.³⁴ In order to receive these funds from D.C., states must test all third- through eighth-grade students in math and reading each year and once in science. Michigan administers these tests, as well as a social studies test, as part of the Michigan Student Test of Educational Progress, or M-STEP. To fulfill the federal requirement for high school assessments, the state's 11th graders take the SAT to measure college readiness in both math and writing, and the M-STEP for science and social studies.

* "Learn Everywhere Fact Sheet" (New Hampshire Department of Education, June 13, 2019), <https://perma.cc/LR9T-GWKP>; "Learn Everywhere Program Initial Application" (New Hampshire Department of Education), <https://perma.cc/SL7X-L7ZN>. The process is modeled after New Hampshire's process for state board authorization of public charter schools. "Charter School Authorization" (State of New Hampshire, 2020), <https://perma.cc/6UY5-E6AK>; Nathaniel Greene, administrator, Office of Academics and Professional Learning, New Hampshire Department of Education, telephone conversation with the author, Oct. 15, 2020. The initial application period was opened in September 2020. Department officials are hopeful that the first few applicants will go before the State Board for a vote before the end of the calendar year.

† State law makes provision for students to test out of a subject and earn credits without sitting through any course instruction from a certified teacher. See "Testing-Out: Questions & Answers" (Michigan Department of Education), <https://perma.cc/X8TF-PM5L>.

Due to the timing of the pandemic's onset, the U.S. Department of Education granted waivers so states didn't have to administer their annual standardized achievement tests, typically taken in the springtime. An August 2020 deal approved by the Michigan Legislature required districts to conduct benchmark tests for returning students in order to measure the effects on learning from the governor's decision to close school buildings.³⁵

With the moment of emergency having passed, a subsequent waiver could provide a testing alternative to the standardized regimen for Flex Learning students in the upper grades. In her September 2020 letter denying a second consecutive automatic testing waiver, Secretary of Education Betsy DeVos nonetheless proposed this disruptive moment as an opportunity for testing innovation: "Now may be the perfect time for you to rethink assessment in your state, including considering competency and mastery-based assessments, to better gauge the learning and academic growth of your students."³⁶

A more flexible system calls for an exceptional kind of testing that would require a new U.S. Department of Education waiver in order to preserve federal funding. The proposed alternative assessment system could provide both needed public accountability and meaningful proof of student mastery. Adopting specific end-of-course exams could work for a core subject like mathematics. The sequential learning of math skills and concepts calls for a carefully tailored and standardized assessment at the course level.

But this approach may not be well suited for most Flex Learning courses. More broadly, each course should include some type of baseline and summative assessments that together provide a measuring stick of the knowledge and skills learners acquire. Mandated reporting of cumulative data at the course and provider level, in addition to an online user rating system, would provide meaningful information on the relative value of different offerings. The tests themselves would more often be aligned to an individual student's academic position and trajectory.

While protecting individual student privacy, additional data should link the completion of a specific prerequisite with performance in subsequent courses, attainment of a high school diploma or specific industry credentials, as well as to initial career placements and the need for remedial college courses. State analysts should translate this information into reportable metrics that students and their counselors could see as they review EDPs and consider their next educational steps.

Policymakers and other citizens also should be able to observe the aggregated data in a user-friendly online interface. Districts and other education providers could use this robust data to help determine merit-based bonuses or salary increases for instructors whose courses best promote student success. In all, the Flex Learning approach to testing would promote accountability at the ground level through a more relevant experience and transparent data that informs user decisions and broadly highlights paths to success.

Conclusion

The COVID-19 pandemic exposed, in plain view of many parents, the inability of Michigan's public education system to adapt and deliver enough meaningful opportunities for students. Lacking proper support, many of those young people may have their academic careers irreparably damaged. Rather than continue propelling all students through the same rigid factory-style apparatus, state leaders can give them more tools and resources to take charge of their learning.

The standard middle and high school experience, completed within the orbit of one campus and its menu of available classes, works well for some students. But others may excel when given different options and pathways to pursue, using digital courses and other less traditional means. Those more likely to embrace a viable, customizable alternative include rural and economically disadvantaged students, though others may benefit as well. And if widespread school closures happen again, these options will help the state offer a much more robust menu of options for parents and students.

Flex Learning provides an innovative answer for young people lacking the opportunity, intrinsic motivation or financial means to master academic content and skills, and ultimately to attain a diploma. The time has come for Michigan to take the lead in giving priority to the needs and potential of individual students. With a host of educational institutions and providers to call on, students should be able to take greater ownership of both their academic journey and their destination.

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Ben DeGrow is the Mackinac Center’s director of education policy. DeGrow joined the Center in 2015 after a long stint at Colorado’s Independence Institute, where he provided expert analysis on school choice, school finance, collective bargaining and education employment policies. He has authored numerous policy reports and articles for various publications, and has appeared regularly on radio and television and before legislative committees.



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