

2016 Regular Session

HOUSE BILL NO. 887

BY REPRESENTATIVES STEVE CARTER, CARMODY, DAVIS, EDMONDS,  
FALCONER, FOIL, GISCLAIR, GLOVER, GUINN, HILFERTY, JAMES,  
LOPINTO, MACK, MARCELLE, PRICE, RICHARD, SCHRODER, SMITH,  
STOKES, TALBOT, THIBAUT, AND ZERINGUE

1 AN ACT

2 To enact Part II-D of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 17:1971 through 1976, and R.S. 36:651(D)(9), to create a  
4 residential school for certain at-risk students; to provide for a board of directors and  
5 a school director; to provide for the powers, duties, and responsibilities of such board  
6 and director; to provide for board membership, terms, and compensation; to provide  
7 for funding; to provide for definitions; to provide for legislative intent; to provide for  
8 effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part II-D of Chapter 8 of Title 17 of the Louisiana Revised Statutes of  
11 1950, to be comprised of R.S. 17:1971 through 1976, is hereby enacted to read as follows:

12 PART II-D THRIVE ACADEMY

13 §1971. Legislative intent

14 A. It is the intent of the legislature to establish an independent, residential,  
15 public school as a pilot school for certain at-risk students in grades six through  
16 twelve with the express purpose of providing a more challenging educational  
17 experience to develop students to their full potential through high expectations,  
18 personal support, and educationally enriching activities.

19 B. The legislature finds that an independent, residential school for at-risk  
20 students of this age can be an important cost-saving measure for the state because  
21 research shows that investing in education for at-risk students in this kind of setting  
22 can lead to greater academic success which can strengthen the future economy if

1 those students avoid dropping out of high school, resulting in less likelihood of  
2 unemployment, reliance on social-welfare programs, and imprisonment.

3 §1972. Definitions

4 As used in this Part, the following words, terms, and phrases shall have the  
5 meanings ascribed to them in this Section, except when the context clearly indicates  
6 a different meaning:

7 (1) "At-risk student" means a student who meets at least one of the following  
8 criteria:

9 (a) Is eligible for health benefits under Medicaid.

10 (b) Is in the eighth grade or below and is reading two or more grade levels  
11 below grade level as determined by any of the tests required pursuant to R.S.  
12 17:24.4.

13 (c) Has a documented history of truancy.

14 (d) Is in foster care pursuant to placement through the Department of  
15 Children and Family Services.

16 (e) Meets the criteria for a homeless student as defined in the federal  
17 McKinney-Vento Homeless Assistance Act.

18 (f) Is referred by a teacher, counselor, or principal.

19 (2) "Department" means the state Department of Education.

20 (3) "School" means the Thrive Academy.

21 (4) "State board" means the State Board of Elementary and Secondary  
22 Education.

23 (5) "State superintendent" means the state superintendent of education.

24 §1973. Thrive Academy; creation; location; governance

25 A. There is hereby created the Thrive Academy which shall be a residential,  
26 public school for certain at-risk students in grades six through twelve. The school  
27 shall be located in Baton Rouge. Except as provided in Subsection B of this Section,  
28 the school shall be independent of the control of the state superintendent and of all  
29 local and state education boards except its board of directors.

1           B. The school shall be subject to the same laws, rules, regulations, and other  
 2           requirements applicable to public schools as specifically provided for in R.S.  
 3           17:3996.

4           §1974. Board of directors; creation; membership; terms; powers; voting;  
 5           compensation

6           A. There is hereby created a board of directors for the school, hereinafter in  
 7           this Part referred to as the "board". The board shall be composed of nine members  
 8           as follows:

9                     (1) A member selected by the state superintendent of education.

10                    (2) The superintendent of schools for East Baton Rouge Parish or his  
 11                    designee.

12                    (3) The chairman of the House Committee on Education or his designee.

13                    (4) The chairman of the Senate Committee on Education or his designee.

14                    (5) One member who shall be appointed by the governor.

15                    (6) One teacher who shall be a member of the faculty of the school and who  
 16                    shall be elected by the members of the faculty.

17                    (7) The secretary of the Department of Children and Family Services or his  
 18                    designee.

19                    (8) The president of the Louisiana Association of School Superintendents or  
 20                    his designee.

21                    (9) The district attorney of East Baton Rouge Parish or his designee.

22           B. The terms of the members of the board shall be four years.

23           C. Six members of the board shall constitute a quorum for the transaction of  
 24           business, and all official action of the board shall require the favorable vote of a  
 25           majority of those members present and voting.

26           D. The board may:

27                    (1) Accept donations, bequests, or other forms of financial assistance for  
 28                    educational purposes from any public or private person or agency and comply with  
 29                    rules and regulations governing grants from the federal government or from any  
 30                    other person or agency, which are not in contravention of the constitution and laws.

1                   (2) Purchase land and equipment and make improvements to facilities  
 2                   necessary for the use of the school, in accordance with applicable law.

3                   (3) Lease land or other property belonging to it or to the school, subject to  
 4                   approval of the commissioner of administration and in accordance with law.

5                   (4) Sell or exchange land or other real property not needed for school  
 6                   purposes, but only when specifically authorized by law and then only in accordance  
 7                   with the procedures provided in R.S. 41:892 for the sale of unused school lands. The  
 8                   sale shall be authorized by resolution adopted by the board, and the act of sale shall  
 9                   be signed by the president of the board or such other person to whom the signing  
 10                  may be delegated by the board in the authorizing resolution.

11                  (5) Adopt rules, regulations, and policies necessary or proper for the conduct  
 12                  of the business of the board.

13                  (6) Award certificates and issue diplomas for successful completion of  
 14                  programs of study. All such certificates and diplomas shall be in addition to a  
 15                  regular high school diploma which shall be issued by the state board in accordance  
 16                  with the provisions of R.S. 17:6(A)(11) to any student who successfully completes  
 17                  the program of study adopted by the board.

18                  (7) Enter into contracts and agreements which have been recommended by  
 19                  the director, in accordance with applicable law, and to the extent that funds are  
 20                  specifically appropriated therefor, with other public agencies with respect to  
 21                  cooperative enterprises and undertakings related to or associated with an educational  
 22                  purpose or program affecting education in the school. This shall not preclude the  
 23                  board from entering into other such contracts and agreements that it deems necessary  
 24                  to carry out its duties and functions.

25                  (8) Perform such other functions as are necessary for the supervision and  
 26                  control of the school.

27                  E. In addition to the authorities granted by this Section and any powers,  
 28                  duties, and responsibilities vested by any other applicable laws, the board shall:

29                  (1) Adopt rules, regulations, and policies, including a student handbook, that  
 30                  are necessary for the efficient operation of the school.

1           (2) Establish criteria to be used in determining eligibility of applicants for  
2           enrollment. In enrolling students, preference shall be given to students with the  
3           greatest need based on the criteria specified in R.S. 17:1972(1) as determined by the  
4           board. No student shall be enrolled without the written consent of the student's  
5           parent or legal guardian.

6           (3) Prescribe and select for use in the school free textbooks and other  
7           materials of instruction for children enrolled in the school and programs under its  
8           jurisdiction.

9           (4) Enter into an agreement, as recommended by the director, with a city,  
10          parish, and other local public school system for the enrollment of a student who  
11          otherwise would have attended school in the local public school system.

12          (5) Select a director who shall be the chief administrative officer of the  
13          school and who shall administer the rules, regulations, and policies adopted by the  
14          board. The board shall delegate to the director such of its powers and duties as it  
15          deems appropriate to aid the director in the efficient administration of his  
16          responsibility for the implementation of the policies of the board. The director shall  
17          be responsible for all the administrative functions, duties, and needs of the board  
18          including but not limited to the following:

19               (a) Preparing an annual budget necessary for the continued operation of the  
20               school and submitting such budget to the board for adoption.

21               (b) Paying the expenses of the board and its members and the salaries and  
22               expenses, including but not restricted to facilities, equipment, and supplies of the  
23               faculty and staff of the school out of funds appropriated or otherwise made available  
24               for the operating and administrative expenses of the board and the school.

25               (c) Exercising budgetary responsibility and allocating for expenditure by the  
26               school all monies appropriated or otherwise made available for purposes of the board  
27               and the school.

28               (d) Developing and annually updating a student handbook including but not  
29               limited to all rules, regulations, and policies for the disciplining of students and

1 submitting such handbook to the board for adoption as provided in Paragraph (1) of  
 2 this Subsection.

3 (e) Determining faculty and staff positions necessary for the efficient  
 4 operation of the school and selecting personnel for such positions.

5 (6) Create an advisory panel consisting of a representative from each city,  
 6 parish, and other local public school system that has entered into an agreement with  
 7 the board for the enrollment of a student who otherwise would have attended school  
 8 in the local public school system. The representative shall be selected by the local  
 9 superintendent of the system. The advisory panel shall advise and provide assistance  
 10 to the board on matters affecting the school as determined by the board.

11 F. Members of the board shall not receive any compensation for their  
 12 service as members.

13 G. The school shall act as its own local education agency.

14 §1975. Extracurricular activities

15 A. Whenever possible, the school shall offer such extracurricular activities  
 16 as may be found in other public schools in the state. The East Baton Rouge Parish  
 17 public school system shall, to the extent practicable, allow the students of the school  
 18 to participate in any extracurricular activities the system offers at other schools  
 19 which the school does not offer, particularly music and varsity athletics.

20 B. Any student attending the school shall be eligible to participate in any  
 21 extracurricular activity at any nonpublic school that is located within the attendance  
 22 zone of the school if such nonpublic school is approved by the State Board of  
 23 Elementary and Secondary Education pursuant to R.S. 17:11 and is in compliance  
 24 with the criteria set forth in Brumfield, et al. v. Dodd, et al., 425 F. Supp. 528 (E.D.  
 25 La. 1977).

26 §1976. Funding; inclusion in the minimum foundation program formula; other  
 27 appropriated state funds

28 A. The board of directors of the school annually shall prepare and adopt a  
 29 recommended budget to adequately fund the educational programs at the school. The  
 30 budget shall have as its goal to provide state funding for the school which shall not

