

2016 Regular Session

HOUSE BILL NO. 887

BY REPRESENTATIVE STEVE CARTER

SCHOOLS: Creates a residential school for certain at-risk students in grades six through twelve

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; and to  
8 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 school as a pilot school for certain at-risk students in grades six through twelve with  
16 the express purpose of providing a more challenging educational experience to  
17 develop students to their full potential through high expectations, personal support,  
18 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

1 research shows that investing in education for at-risk students in this kind of setting  
2 can lead to greater academic success which can strengthen the future economy if  
3 those students avoid dropping out of high school, resulting in less likelihood of  
4 unemployment, reliance on social-welfare programs, and imprisonment.

5 §1972. Definitions

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

9 (1) "At-risk student" means a student who meets at least one of the  
10 following:

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

12 (b) Is in the eighth grade or below and is reading two or more grade levels  
13 below grade level as determined by any of the tests required pursuant to R.S.  
14 17:24.4.

15 (c) Has a documented history of truancy.

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

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

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

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

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

23 (4) "State Board" means the State Board of Elementary and Secondary  
24 Education.

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

26 §1973. Thrive Academy; creation; location; governance

27 A. There is hereby created the Thrive Academy which shall be a residential  
28 school for certain at-risk students in grades six through twelve. The school shall be  
29 located in Baton Rouge. Except as provided in Subsection B of this Section, the

1 school shall be independent of the control of the state superintendent and of all local  
2 and state education boards except its board of directors.

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

6 §1974. Board of directors; creation; membership; terms; powers; voting;  
7 compensation

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

11 (1) The state superintendent of education or his designee.

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

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

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

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

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

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

21 (8) The president of the Louisiana Association of School Superintendents or  
22 his designee.

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

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

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

28 D. The board is hereby authorized to:

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

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

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

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

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

17          (6) Award certificates and issue diplomas for successful completion of  
18          programs of study.

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

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

1           (9) The board shall delegate to the director such of its powers and duties as  
2           it deems appropriate to aid the director in the efficient administration of his  
3           responsibility for the implementation of the policies of the board.

4           E. In addition to the authorities granted herein and any powers, duties, and  
5           responsibilities vested by any other applicable laws, the board shall:

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

8           (2) Establish criteria to be used in determining eligibility of applicants for  
9           enrollment.

10          (3) Prescribe and select for use in the school free textbooks and other  
11          materials of instruction for children enrolled in the school and programs under its  
12          jurisdiction for which the legislature provides funds.

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

16          (5) Select a director who shall be the chief administrative officer of the  
17          school and who shall administer the rules, regulations, and policies adopted by the  
18          board. The director shall be responsible for all the administrative functions, duties,  
19          and needs of the board including but not limited to the following:

20          (a) Prepare an annual budget necessary for the continued operation of the  
21          school and submit such budget to the board for adoption.

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

27          (c) Exercise budgetary responsibility and allocate for expenditure by the  
28          school all monies appropriated or otherwise made available for purposes of the board  
29          and the school.

1           (d) Develop and annually update a student handbook including but not  
2           limited to all rules, regulations, and policies for the disciplining of students and  
3           submit such handbook to the board for adoption as provided in Paragraph (1) of this  
4           Subsection.

5           (e) Determine faculty and staff positions necessary for the efficient operation  
6           of the school and select personnel for such positions.

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

13          F. Members of the board shall not receive any compensation for their  
14          duties as members.

15          G. The board of directors shall serve as the local educational agency for the  
16          school.

17          §1975. Extracurricular activities

18          A. Whenever possible, the school shall offer such extracurricular activities  
19          as may be found in other public schools in the state. The East Baton Rouge Parish  
20          public school system shall, to the extent practicable, allow the students of the school  
21          to participate in any extracurricular activities the system may offer which the school  
22          cannot, particularly music and varsity athletics.

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

1        §1976. Funding; inclusion in the minimum foundation program formula; other  
2                    appropriated state funds

3                    A.(1) The board of directors of the school annually shall prepare and adopt  
4                    a recommended formula to adequately fund the educational programs at the school.  
5                    The formula shall have as its goal to provide state funding for the school which shall  
6                    not be less than the average funding on a per student basis at peer institutions in other  
7                    states having similar programs and enrollments and may provide for achieving its  
8                    goal over a multi-year period. The recommended formula shall be submitted to the  
9                    division of administration as the total budget request for the school.

10                    (2) Funding for the school shall be provided through legislative  
11                    appropriations made directly to the school from the state general fund and through  
12                    funds appropriated for the minimum foundation program and allocated to the school  
13                    by the department.

14                    B.(1) For the purposes of this Section, the school shall be considered a public  
15                    secondary school and, as such, shall be included by the state board in the minimum  
16                    foundation program formula required by Article VIII, Section 13 of the Constitution  
17                    of Louisiana.

18                    (2) Minimum foundation program funds allocated to the school shall be  
19                    based upon the school's enrollment, which shall be determined in the same manner  
20                    as for other public schools and the amount allocated shall be equal to the per pupil  
21                    amount provided through the minimum foundation program formula including both  
22                    the state and local per pupil weighted allocations based on student characteristics or  
23                    needs.

24                    C. The amount of funding for any budget request submitted as provided in  
25                    this Section that is not provided through the minimum foundation program formula  
26                    shall be determined by the legislature.

27        Section 2. R.S. 36:651(D)(9) is hereby enacted to read as follows:

1 §651. Transfer of boards, commissions, departments, and agencies to Department  
2 of Education; boards, commissions, and agencies within Department of  
3 Education

4 \* \* \*

5 D. The following agencies, as defined by R.S. 36:3, are transferred to and  
6 hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

7 \* \* \*

8 (9) The Thrive Academy and its board of directors (R.S. 17:1971 et seq.).

9 \* \* \*

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 887 Original

2016 Regular Session

Steve Carter

**Abstract:** Creates an independent, residential school (Thrive Academy) in Baton Rouge as a pilot school for certain at-risk students in grades six through 12; provides for a board of directors for the school; provides for funding.

Proposed law establishes an independent, residential school (Thrive Academy) in Baton Rouge as a pilot school for certain at-risk students in grades six through 12. Provides for the enrollment of "at-risk" students who meet at least one of the following:

- (1) Is eligible for health benefits under Medicaid.
- (2) Is in the eighth grade or below and is reading two or more grade levels below grade level as determined by any test required pursuant to present law.
- (3) Has a documented history of truancy.
- (4) Is in foster care pursuant to placement through the Dept. of Children and Family Services.
- (5) Meets the criteria for a homeless student as defined in the federal McKinney-Vento Homeless Assistance Act.
- (6) Is referred by a teacher, counselor, or principal.

Proposed law provides for a board of directors for the school and provides for membership and terms. Provides that the members shall not receive any compensation. Provides for powers and duties of the board including but not limited to adopting necessary rules, regulations, and policies for the operation of the school, annually preparing and adopting a formula to adequately fund the educational programs at the school, awarding certificates and issuing diplomas, determining student eligibility, and selecting a director for the school.



Proposed law provides that the director shall be the chief administrative officer and shall administer the rules, regulations, and policies adopted by the board. The director shall be responsible for all the administrative functions, duties, and needs of the board including but not limited to preparing an annual budget, exercising budgetary responsibility and allocating funds appropriated for the school, developing a student handbook, and determining faculty and staff positions.

Proposed law requires the board to create an advisory panel to advise and provide assistance to the board on matters affecting the school as determined by the board. Provides for panel membership to consist of a representative from each local public school system that has entered into an agreement with the board for the enrollment of a student who otherwise would have attended school in the local public school system.

Proposed law provides that funding for the school shall come from legislative appropriation made directly to the school from the state general fund and through funds appropriated for the minimum foundation program and allocated to the school by the state Dept. of Education. Permits the board to accept federal and private funds. Specifies that the minimum foundation program funds allocated to the school shall be based upon the school's enrollment, which shall be determined in the same manner as for other public schools and the amount allocated shall be equal to the per pupil amount provided through the minimum foundation program formula including both the state and local per pupil weighted allocations based on student characteristics or needs.

Proposed law provides that the school shall offer extracurricular activities. Provides that the East Baton Rouge Parish public school system shall, to the extent practicable, allow the students of the school to participate in any extracurricular activities the system may offer which the school cannot. Further provides that students shall be eligible to participate in any extracurricular activity at a nonpublic school that is located within the attendance zone of the school provided that such nonpublic school is approved by the State Board of Elementary and Secondary Education.

Proposed law provides that the school shall be subject to the same laws, rules, regulations, and other requirements applicable to charter schools and traditional public schools as specifically provided for in present law (relative to charter schools).

(Adds R.S. 17:1971-1976 and R.S. 36:651(D)(9))