

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; 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

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 public school for certain at-risk students in grades six through twelve. The school
29 shall be located in Baton Rouge. Except as provided in Subsection B of this Section,

1 the school shall be independent of the control of the state superintendent and of all
2 local 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 public schools as specifically provided for in R.S.
5 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) A member selected by the state superintendent of education.

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.

1 D. The board may:

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

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

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

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

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

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

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

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

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

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

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

10 (2) Establish criteria to be used in determining eligibility of applicants for
11 enrollment. In enrolling students, preference shall be given to students with the
12 greatest need based on the criteria specified in R.S. 17:1972(1) as determined by the
13 board.

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

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

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

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

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

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

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

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

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

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

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

19 §1975. Extracurricular activities

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

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

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 Engrossed

2016 Regular Session

Steve Carter

Abstract: Creates an independent, residential, public 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, public 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 with preference given to students with the greatest need, 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 or through funds appropriated for the minimum foundation program (MFP), or both. Permits the board to accept federal and private funds.

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 Bd. 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 public schools as specifically provided for in present law (relative to charter schools).

Effective July 1, 2017, except that proposed law relative to the creation and functions of the board of directors is effective October 1, 2016.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add that in enrolling students, preference shall be given to students with the greatest need based on the criteria specified in proposed law as determined by the board.
2. Add that certificates and diplomas awarded by the school shall be in addition to a regular high school diploma issued by the state board.
3. Delete provisions specifying that MFP funds shall be based on the school's enrollment and the amount allocated shall be equal to the MFP per pupil amount.
4. Make proposed law effective July 1, 2017, except proposed law relative to the creation and functions of the board of directors which is effective Oct. 1, 2016.