

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

1 be less than the average funding on a per-student basis at peer institutions in other
2 states having similar programs and enrollments and may provide for achieving its
3 goal over a multi-year period. The recommended budget shall be submitted to the
4 division of administration as the total budget request for the school.

5 (B) THRIVE Academy shall be considered a public school for purposes of
6 receiving funding through the minimum foundation program of education, in the
7 same manner as for other public schools as contained in the minimum foundation
8 program budget letter approved by the State Board of Elementary and Secondary
9 Education. The school shall also be eligible to receive such other funding as may be
10 specifically appropriated by the legislature.

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

12 §651. Transfer of boards, commissions, departments, and agencies to Department
13 of Education; boards, commissions, and agencies within Department of
14 Education

15 * * *

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

18 * * *

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

20 * * *

21 Section 3. This Act shall become effective on July 1, 2017, except that the
22 provisions of R.S. 17:1974 as enacted by this Act relative to the creation and functions of
23 the board of directors shall become effective on October 1, 2016.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____