

1 SB1
2 165052-3
3 By Senators Dial and McClendon
4 RFD: Finance and Taxation Education
5 First Read: 03-MAR-15
6 PFD: 01/15/2015

1 SB1

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To amend Sections 16-16B-1 and 16-16B-2, Code of
12 Alabama 1975, relating to the Alabama Ahead Act; commencing
13 with the 2015-2016 school year, to delete the requirement that
14 tablets and mobile computers be pen-enabled; to delete the
15 phase-in provisions; to delete the reassignment provisions; to
16 revise the composition of the advisory committee; to make
17 participation by local school systems voluntary; to provide
18 that funds be used to purchase and install a high-quality,
19 standards-based, broadband Wi-Fi infrastructure and mobile
20 digital computing devices to enable access to digital
21 instructional materials in all public school classrooms, where
22 feasible, in the state in lieu of textbooks for public school
23 students; to make an appropriation of \$110,000,000 from the
24 Education Trust Fund to the Alabama Public School and College
25 Authority for the purpose of implementing the Alabama Ahead
26 Act, for the fiscal year ending September 30, 2016; and to
27 amend Section 14 of Act 2012-560, 2012 Regular Session, to

1 delete the requirement that implementation of the act be
2 contingent upon separate legislative enactment.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 16-16B-1 and 16-16B-2 of the
5 Code of Alabama 1975, are amended to read as follows:

6 "§16-16B-1.

7 "(a) This chapter shall be known and may be cited as
8 the Alabama Ahead Act.

9 "(b) (1) Commencing with the ~~2012-2013~~ 2015-2016
10 school year, students ~~in grades 9-12 shall~~ may be provided
11 textbooks in electronic format ~~to the~~. Textbooks in electronic
12 format may be available to schools under the jurisdiction of
13 those local boards of education ~~schools~~ which choose to
14 participate in Alabama Ahead, to the extent practicable and
15 ~~obtainable from the publisher,~~ to the extent the textbooks
16 adopted pursuant to Article 3, commencing with Section
17 16-36-60, of Chapter 36 of ~~Title 16~~ this title, and other
18 instructional materials ~~through a phased-in process.~~ and/or
19 funding is obtainable for the following three areas:

20 "a. Infrastructure readiness.

21 "b. Devices, digital content, management systems,
22 debt service, or support.

23 "c. Upgrades, expansions, and maintenance.

24 "(2) Digital textbooks and other instructional
25 materials provided in electronic format shall also be provided
26 to students to support the appropriate course or courses of
27 study.

1 "(c) Where feasible, each ~~public ninth grade~~ student
2 and teacher will be provided in lieu of or in addition to
3 hardbound textbooks and other instructional materials, in
4 whole or in part, a ~~pen-enabled:~~ tablet, mobile computer, or
5 other similar wireless electronic device for storing, reading,
6 accessing, exploring, and interacting with digital textbooks
7 and other instructional materials. Each student provided with
8 a ~~pen-enabled:~~ tablet, mobile computer, or other similar
9 wireless electronic device, and his or her parent or legal
10 guardian, is responsible for maintaining the assigned device
11 in good working order throughout the school year and for
12 returning the device to the providing school at the end of the
13 school year.

14 "~~(d) The following school year, the providing school~~
15 ~~shall reassign the pen-enabled: tablet, mobile computer, or~~
16 ~~other similar wireless electronic device to the students in~~
17 ~~the tenth grade public school system while continuing to~~
18 ~~provide incoming ninth grade public school students with a~~
19 ~~pen-enabled: tablet, mobile computer, or other similar~~
20 ~~wireless electronic device. This process will be repeated in~~
21 ~~participating school systems to ensure a planned roll-over of~~
22 ~~devices and continued support.~~

23 "~~(e) (d) (1)~~ The Department of Education shall lead,
24 implement, provide oversight, and administer this chapter and
25 shall adopt such rules as necessary in accordance with an
26 implementation plan. ~~This plan shall include, but is not~~
27 ~~limited to, the following: Minimum specifications for devices;~~

1 ~~learning management system; maintenance and support~~
2 ~~requirements of the electronic devices authorized in this~~
3 ~~chapter; current readiness of participating schools' wireless~~
4 ~~networks; professional development for teachers; application~~
5 ~~process for school systems participating. The plan shall~~
6 ~~provide funding in the following three areas:~~

7 ~~"a. Infrastructure readiness.~~

8 ~~"b. Devices, digital content, management systems,~~
9 ~~debt service, or support.~~

10 ~~"c. Upgrades, expansions, and maintenance.~~

11 ~~"(2) The plan shall provide that any system that~~
12 ~~chooses to participate in Alabama Ahead shall submit an~~
13 ~~application to the State Department of Education.~~

14 ~~"(f) On or before October 1, 2012, and prior to~~
15 ~~implementation of this section, the State Department of~~
16 ~~Education shall provide a copy of the proposed implementation~~
17 ~~plan to the Chair of the Senate Education Policy Committee and~~
18 ~~the Chair of the House of Representatives Education Policy~~
19 ~~Committee.~~

20 ~~"(g) The State Department of Education shall~~
21 ~~establish an advisory committee to assist in the~~
22 ~~implementation of this chapter. The membership of the~~
23 ~~committee shall include, but not be limited to, the House of~~
24 ~~Representatives and Senate sponsors of the primary legislation~~
25 ~~establishing the Alabama Ahead Act, a member of the House of~~
26 ~~Representatives as appointed by the Speaker of the House of~~

1 ~~Representatives, and a member of the Senate as appointed by~~
2 ~~the President Pro Tempore of the Senate.~~

3 ~~"(h) The membership shall be inclusive and shall~~
4 ~~reflect the racial, gender, geographic, urban/rural, and~~
5 ~~economic diversity of the state.~~

6 "(e) There is created the Alabama Ahead Advisory
7 Committee. The committee shall consist of the Chair of the
8 House Ways and Means Education Committee, the Chair of the
9 Senate Finance and Taxation Education Committee, two members
10 appointed by the Speaker of the House of Representatives, two
11 members appointed by the President Pro Tempore of the Senate,
12 the Secretary of Information Technology, the State
13 Superintendent of Education, or his or her designee, the
14 Coordinator of Technology Initiative of the State Department
15 of Education, and the President of the School Superintendents
16 of Alabama. The committee shall assist and oversee the
17 implementation of the Alabama Ahead Act.

18 "(f) Ex officio members of the advisory committee
19 shall include representatives of the Alabama Technology
20 Network, the Alabama Virtual Library, the Alabama
21 Supercomputer Authority, Alabama Public Television, select
22 members of the Alabama Educational Technology Association
23 (AETA) who have experience and knowledge in the administration
24 and management of school networks, and additional members who
25 have experience in school networks and technology
26 applications.

1 "(g) Under no circumstances shall any member of the
2 committee be entitled to receive funding from this chapter,
3 either as a grantee or a vendor."

4 "§16-16B-2.

5 "(a) Wherever used in this chapter, the following
6 terms shall have the following meanings unless the context
7 clearly indicates otherwise:

8 "(1) "1965 Act" means Act No. 243 enacted at the
9 1965 First Special Session of the Legislature, codified as
10 Title 16, Chapter 16.

11 "(2) "1971 Acts" means Act No. 94 enacted at the
12 1971 First Special Session of the Legislature, Act No. 2428
13 enacted at the 1971 Regular Session of the Legislature, and
14 Act No. 56 enacted at the 1971 Second Special Session of the
15 Legislature.

16 "(3) "1973 Act" means Act No. 1277 enacted at the
17 1973 Regular Session of the Legislature as amended by Act No.
18 73 enacted at the 1975 Third Special Session of the
19 Legislature and Act No. 1223 enacted at the 1975 Regular
20 Session of the Legislature.

21 "(4) "1978 Act" means Act No. 138 enacted at the
22 1978 Second Special Session of the Legislature, as amended by
23 Act No. 79-41 enacted at the 1979 Special Session of the
24 Legislature and Act No. 81-827 enacted at the 1981 Regular
25 Session of the Legislature.

26 "(5) "1985 Act" means Act No. 85-943 enacted at the
27 1985 Second Special Session of the Legislature.

1 "(6) "1990 Act" means Act No. 90-280 enacted at the
2 1990 Regular Session of the Legislature.

3 "(7) "1995 Act" means Act No. 95-752 enacted at the
4 1995 Regular Session of the Legislature.

5 "(8) "1998 Act" means Act No. 98-373 enacted at the
6 1998 Regular Session of the Legislature.

7 "(9) "1999 Act" means Act No. 99-348 enacted at the
8 1999 Regular Session of the Legislature.

9 "(10) "2001 Act" means Act No. 2001-668 enacted at
10 the 2001 Regular Session of the Legislature.

11 "(11) "2002 Act" means Act No. 2002-240 enacted at
12 the 2002 Regular Session of the Legislature.

13 "(12) "2003 Act" means Act No. 2003-436 enacted at
14 the 2003 Second Special Session of the Legislature.

15 "(13) "2007 Act" means Act No. 2007-414 enacted at
16 the 2007 Regular Session of the Legislature.

17 "(14) "Authority" means Alabama Public School and
18 College Authority.

19 "(15) "Bonds" (except where that word is used with
20 reference to bonds issued under another act) means those
21 bonds, other than Refunding Bonds, issued under the provisions
22 of this chapter.

23 "(16) "Computer equipment and software" means
24 ~~pen-enabled:~~ tablets, mobile computers, or similar wireless
25 electronic devices for storing, reading, accessing, exploring,
26 and interacting with digital textbooks and other instructional
27 material as well as software necessary for such equipment,

1 learning management system, and equipment necessary to support
2 wireless local area networks.

3 "(17) "Digital textbooks" means an interactive,
4 multimedia electronic book or digital resources that can be
5 used creatively by learners.

6 "(18) "Government securities" means any bonds or
7 other obligations which as to principal and interest
8 constitute direct obligations of, or are unconditionally
9 guaranteed by, the United States of America, including
10 obligations of any federal agency to the extent such
11 obligations are unconditionally guaranteed by the United
12 States of America and any certificates or any other evidences
13 of an ownership interest in such obligations of, or
14 unconditionally guaranteed by, the United States of America or
15 in specified portions thereof (which may consist of the
16 principal thereof or the interest thereon).

17 "(19) "Infrastructure" means the hardware and
18 software resources that enable network connectivity,
19 communication, operations, and management.

20 "~~(19)~~(20) "Legislature" means the Legislature of
21 Alabama.

22 "(21) "SEND" means the Smart Education Networks by
23 Design recommendations set out by the Consortium of School
24 Networking (CoSN) in 2014.

25 "~~(22)~~(22) "State" means the State of Alabama.

26 "~~(23)~~(23) "Trust fund" means the Education Trust
27 Fund, formerly designated as the Alabama Special Educational

1 Trust Fund, the name of which was changed to the Education
2 Trust Fund, effective October 1, 1996, pursuant to Act No.
3 95-264 enacted at the 1995 Regular Session of the Legislature.

4 "(24) "Wi-Fi" means a wireless networking technology
5 that allows computers and other devices to communicate over a
6 wireless signal.

7 "(25) "WIRED" means Wireless Infrastructure
8 Renovation for Education plan, the approved standards-based
9 funding model developed by AETA.

10 "(26) "WLAN" means a wireless local area network.

11 "(b) Nouns and pronouns when used in this chapter
12 shall be deemed to include both singular and plural and all
13 applicable genders."

14 Section 2. Section 2. Section 16-16B-2.1 is added to
15 the Code of Alabama 1975, to read as follows:

16 (a) (1) Contingent on funding, during the 2015-2016
17 school year, local school systems shall begin installing
18 sufficient, high quality broadband WiFi infrastructure and,
19 where possible, mobile digital devices to enable access to
20 digital instructional materials and, to the extent
21 practicable, textbooks in electronic format.

22 (2) In order to accomplish subdivision (1), the
23 following priorities are established:

24 a. Wireless infrastructure: The first priority for
25 the expenditure of Alabama Ahead Act funds is the
26 establishment of a high-quality, standards-based wireless
27 local area network (WLAN) infrastructure capable of providing

1 all teachers and students with sufficient WiFi broadband
2 access in all classrooms and common areas of schools, where
3 feasible as described in WIRED.

4 b. Upon completion of the standards-based wireless
5 infrastructure, a local school system may use remaining funds
6 to provide students with mobile digital computing devices for
7 accessing, exploring, and interacting with digital resources.
8 To expend these funds, an application shall be submitted to
9 the Educational Technology Department of the State Department
10 of Education.

11 c. Other network technology: If the wireless
12 networks of a local school system satisfy the requirements of
13 the advisory committee, funds shall be spent to further
14 enhance digital learning environments within the schools of
15 that school system and may include technologies such as:

16 (i) Support and warranty services.

17 (ii) Optional hardware and software to manage or
18 enhance the digital learning environment.

19 d. Network debt. Funds may be used for retiring debt
20 for a network brought into compliance with the standards; or,
21 for networks previously installed that satisfy the standards
22 established by the advisory committee.

23 (b) Any application for funds shall be submitted and
24 signed by the technology coordinator, the superintendent, and
25 the chief school financial officer of the local school system.
26 The application shall include a component for the professional
27 development of teachers.

1 (c) Implementation plan: School systems shall apply
2 for their portion of the Alabama Ahead Act funding through the
3 State Department of Education. Applications for funding shall
4 include all of the following:

5 a. Technology plan: An approved technology plan as
6 required of all school systems as part of the Foundation
7 Program.

8 b. Infrastructure readiness report: School systems
9 shall provide an infrastructure readiness report describing
10 each school's WLAN as well as the systems used to manage these
11 networks.

12 c.1. Accountability in the use of funds: Every six
13 months until the project is complete, the State Department of
14 Education shall provide a report to the advisory committee
15 detailing the progress of local school systems in meeting the
16 24-month goal of a statewide implementation.

17 2. The State Department of Education shall include
18 WLAN infrastructure functionality in its monitoring standards
19 as part of the ongoing accountability of this investment.

20 Section 3. There is hereby appropriated the sum of
21 \$110,000,000 from the Education Trust Fund Budget
22 Stabilization Fund and/or the Capital Improvement Technology
23 Fund to the Alabama Public School and College Authority for
24 the purpose of implementing the Alabama Ahead Act, for the
25 fiscal year ending September 30, 2016. Funds shall be
26 distributed on a per pupil basis pursuant to a ratio
27 prescribed by the State Department of Education.

1 Section 4. Section 14 of Act 2012-560, 2012 Regular
2 Session, is amended to read as follows:

3 "Section 14. This act shall become effective on the
4 first day of the ~~third~~ second month following its passage and
5 approval by the Governor, or its otherwise becoming law.
6 ~~Sections 2 to 12, inclusive, shall be implemented only upon~~
7 ~~separate legislative enactment providing a specific date for~~
8 ~~implementation."~~

9 Section 5. This act shall become effective on the
10 first day of the second month following its passage and
11 approval by the Governor, or its otherwise becoming law.
12 Section 3 shall become effective October 1, 2015, following
13 its passage and approval by the Governor, or its otherwise
14 becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation Education 03-MAR-15

Read for the second time and placed on the calen-
dar with 1 substitute and 4 amendments 11-MAR-15

Read for the third time and passed as amended 17-MAR-15

Yeas 24
Nays 4

Patrick Harris
Secretary