

1 SB1
2 163933-1
3 By Senators Dial and McClendon
4 RFD: Finance and Taxation Education
5 First Read: 03-MAR-15
6 PFD: 01/15/2015

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8 SYNOPSIS: Under existing law, the Alabama Ahead Act,
9 commencing with the 2012-2013 school year, phased
10 in the provision of textbooks and other
11 instructional materials to students and teachers in
12 electronic format through pen-enabled tablets and
13 mobile computers. The law provides for the
14 reassignment of the tablets and mobile computers to
15 students, requires the State Department of
16 Education to establish an advisory committee, and
17 provides for a bond issue. The law authorizes the
18 Alabama Public School and College Authority to
19 issue bonds for the purposes of the law contingent
20 upon a separate legislative enactment.

21 This bill, commencing with the 2015-2016
22 school year, would delete the requirement that the
23 tablets and mobile computers be pen-enabled, would
24 delete the phase-in provisions, would delete the
25 reassignment provisions, and would revise the
26 composition of the advisory committee.

1 This bill would provide local school systems
2 with the option of participating in the plan, and
3 would require participating systems to contribute
4 25 percent of the funding from local school system
5 funds, unless the requirement is waived or reduced
6 by the State Department of Education.

7 This bill would also amend the contingent
8 implementation act provided in the originating act
9 in order to allow bonds to be issued by the Alabama
10 Public School and College Authority.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Sections 16-16B-1 and 16-16B-2, Code of
17 Alabama 1975, relating to the Alabama Ahead Act; commencing
18 with the 2015-2016 school year, to delete the requirement that
19 tablets and mobile computers be pen-enabled; to delete the
20 phase-in provisions; to delete the reassignment provisions; to
21 revise the composition of the advisory committee; to make
22 participation by local school systems voluntary; to require
23 participating systems to contribute 25 percent of the funding
24 from local school system funds, unless the requirement is
25 waived or reduced by the State Department of Education; and to
26 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 be provided
11 textbooks in electronic format to the. Textbooks in electronic
12 format shall 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, and 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, and 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. Each~~
14 ~~participating system shall provide 25 percent local funding~~
15 ~~from funds available within the local system. The State~~
16 ~~Department of Education may waive or reduce the 25 percent~~
17 ~~requirement based on the financial condition of the local~~
18 ~~school system.~~

19 ~~"(f) On or before October 1, 2012, and prior to~~
20 ~~implementation of this section, the State Department of~~
21 ~~Education shall provide a copy of the proposed implementation~~
22 ~~plan to the Chair of the Senate Education Policy Committee and~~
23 ~~the Chair of the House of Representatives Education Policy~~
24 ~~Committee.~~

25 ~~"(g) The State Department of Education shall~~
26 ~~establish an advisory committee to assist in the~~
27 ~~implementation of this chapter. The membership of the~~

1 ~~committee shall include, but not be limited to, the House of~~
2 ~~Representatives and Senate sponsors of the primary legislation~~
3 ~~establishing the Alabama Ahead Act, a member of the House of~~
4 ~~Representatives as appointed by the Speaker of the House of~~
5 ~~Representatives, and a member of the Senate as appointed by~~
6 ~~the President Pro Tempore of the Senate.~~

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

10 "(e) There is created the Alabama Ahead Advisory
11 Committee. The committee shall consist of the Chair of the
12 House Ways and Means Education Committee, the Chair of the
13 Senate Finance and Taxation Education Committee, two members
14 appointed by the Speaker of the House of Representatives, two
15 members appointed by the President Pro Tempore of the Senate,
16 the Secretary of Information Technology, the State
17 Superintendent of Education, or his or her designee, the
18 Coordinator of Technology Initiative of the State Department
19 of Education, the Chief of Staff, Policy, and Budget of the
20 State Department of Education, and the Assistant
21 Superintendent of Education. The committee shall assist and
22 oversee the implementation of the Alabama Ahead Act.

23 "(f) Ex officio members of the advisory committee
24 shall include representatives of the Alabama Technology
25 Network, the Alabama Virtual Library, the Alabama
26 Supercomputer Authority, and Alabama Public Television.

27 "§16-16B-2.

1 "Wherever used in this chapter, the following terms
2 shall have the following meanings unless the context clearly
3 indicates otherwise:

4 "(1) "1965 Act" means Act No. 243 enacted at the
5 1965 First Special Session of the Legislature, codified as
6 Title 16, Chapter 16.

7 "(2) "1971 Acts" means Act No. 94 enacted at the
8 1971 First Special Session of the Legislature, Act No. 2428
9 enacted at the 1971 Regular Session of the Legislature, and
10 Act No. 56 enacted at the 1971 Second Special Session of the
11 Legislature.

12 "(3) "1973 Act" means Act No. 1277 enacted at the
13 1973 Regular Session of the Legislature as amended by Act No.
14 73 enacted at the 1975 Third Special Session of the
15 Legislature and Act No. 1223 enacted at the 1975 Regular
16 Session of the Legislature.

17 "(4) "1978 Act" means Act No. 138 enacted at the
18 1978 Second Special Session of the Legislature, as amended by
19 Act No. 79-41 enacted at the 1979 Special Session of the
20 Legislature and Act No. 81-827 enacted at the 1981 Regular
21 Session of the Legislature.

22 "(5) "1985 Act" means Act No. 85-943 enacted at the
23 1985 Second Special Session of the Legislature.

24 "(6) "1990 Act" means Act No. 90-280 enacted at the
25 1990 Regular Session of the Legislature.

26 "(7) "1995 Act" means Act No. 95-752 enacted at the
27 1995 Regular Session of the Legislature.

1 "(8) "1998 Act" means Act No. 98-373 enacted at the
2 1998 Regular Session of the Legislature.

3 "(9) "1999 Act" means Act No. 99-348 enacted at the
4 1999 Regular Session of the Legislature.

5 "(10) "2001 Act" means Act No. 2001-668 enacted at
6 the 2001 Regular Session of the Legislature.

7 "(11) "2002 Act" means Act No. 2002-240 enacted at
8 the 2002 Regular Session of the Legislature.

9 "(12) "2003 Act" means Act No. 2003-436 enacted at
10 the 2003 Second Special Session of the Legislature.

11 "(13) "2007 Act" means Act No. 2007-414 enacted at
12 the 2007 Regular Session of the Legislature.

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

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

19 "(16) "Computer equipment and software" means
20 ~~pen-enabled:~~ tablets, mobile computers, or similar wireless
21 electronic devices for storing, reading, accessing, exploring,
22 and interacting with digital textbooks and other instructional
23 material as well as software necessary for such equipment,
24 learning management system, and equipment necessary to support
25 wireless local area networks.

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

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

15 "(19) "Legislature" means the Legislature of
16 Alabama.

17 "(20) "Permitted investments" means (i) Government
18 Securities; (ii) bonds, debentures, notes or other evidences
19 of indebtedness issued by any of the following agencies: Bank
20 for Cooperatives; Federal Intermediate Credit Banks; Federal
21 Financing Bank; Federal Home Loan Banks; Federal Farm Credit
22 Bank; Export-Import Bank of the United States; Federal Land
23 Banks; or Farmers Home Administration or any other agency or
24 corporation which has been or may hereafter be created by or
25 pursuant to an act of the Congress of the United States as an
26 agency or instrumentality thereof; (iii) bonds, notes, pass
27 through securities or other evidences of indebtedness of

1 Government National Mortgage Association and participation
2 certificates of Federal Home Loan Mortgage Corporation; (iv)
3 full faith and credit obligations of any state, provided that
4 at the time of purchase such obligations are rated at least
5 "AA" by Standard & Poor's Ratings Group and at least "Aa" by
6 Moody's Investors Service; (v) public housing bonds issued by
7 public agencies or municipalities and fully secured as to the
8 payment of both principal and interest by contracts with the
9 United States of America, or temporary notes, preliminary
10 notes or project notes issued by public agencies or
11 municipalities, in each case fully secured as to the payment
12 to both principal and interest by a requisition or payment
13 agreement with the United States of America; (vi) time
14 deposits evidenced by certificates of deposit issued by banks
15 or savings and loan associations which are members of the
16 Federal Deposit Insurance Corporation, provided that, to the
17 extent such time deposits are not covered by federal deposit
18 insurance, such time deposits (including interest thereon) are
19 fully secured by a pledge of obligations described in clauses
20 (i), (ii), (iii), and (v) above, which at all times have a
21 market value not less than the amount of such bank time
22 deposits required to be so secured and which meet the greater
23 of 100 percent collateralization or the "AA" collateral levels
24 established by Standard & Poor's Ratings Group for structured
25 financings; (vii) repurchase agreements for obligations of the
26 type specified in clauses (i), (ii), (iii), and (v) above,
27 provided such repurchase agreements are fully collateralized

1 and secured by such obligations which have a market value at
2 least equal to the purchase price of such repurchase
3 agreements which are held by a depository satisfactory to the
4 State Treasurer in such manner as may be required to provide a
5 perfected security interest in such obligations, and which
6 meet the greater of 100 percent collateralization or the "AA"
7 collateral levels established by Standard & Poor's Ratings
8 Group for structured financings; and (viii) uncollateralized
9 investment agreements with, or certificates of deposit issued
10 by, banks or bank holding companies, the senior long-term
11 securities of which are rated at least "AA" by Standard &
12 Poor's Ratings Group and at least "Aa" by Moody's Investors
13 Service.

14 "(21) "Refunding bonds" means those refunding bonds
15 issued under the provisions of this chapter.

16 "(22) "State" means the State of Alabama.

17 "(23) "Trust fund" means the Education Trust Fund,
18 formerly designated as the Alabama Special Educational Trust
19 Fund, the name of which was changed to the Education Trust
20 Fund, effective October 1, 1996, pursuant to Act No. 95-264
21 enacted at the 1995 Regular Session of the Legislature.

22 "Nouns and pronouns when used in this chapter shall
23 be deemed to include both singular and plural and all
24 applicable genders."

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

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

7 Section 3. Bonds issued pursuant to this act shall
8 be issued incrementally based on projected need and approval
9 of the State Finance Director.

10 Section 4. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.