

1 SB351
2 175499-2
3 By Senators McClendon and Dial
4 RFD: Education and Youth Affairs
5 First Read: 15-MAR-16

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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 2016-2017 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 delete the requirement for the establishment of an advisory
17 committee; to establish the Alabama Ahead Oversight Committee;
18 to make participation by local school systems voluntary; to
19 provide that funds be used to purchase and install, maintain
20 or upgrade a high-quality, standards-based, broadband Wi-Fi
21 infrastructure and mobile digital computing devices to enable
22 access to digital instructional materials in all public school
23 classrooms; and to amend Section 14 of Act 2012-560, 2012
24 Regular Session, to delete the requirement that implementation
25 of the act be contingent upon separate legislative enactment.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§16-16B-1.

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

6 "(b) (1) Commencing with the 2012-2013 2016-2017
7 school year, students in grades 9-12 shall may be provided
8 textbooks in electronic format to the. Textbooks in electronic
9 format may be available to schools under the jurisdiction of
10 those local boards of education schools which choose to
11 participate in Alabama Ahead, to the extent practicable and
12 obtainable from the publisher, textbooks adopted pursuant to
13 Article 3, commencing with Section 16-36-60, of Chapter 36 of
14 Title 16 and other instructional materials through a phased-in
15 process. and funding is obtainable, to provide students with
16 resources in the following three areas:

17 "a. Wireless broadband access via high-quality WiFi
18 infrastructure in schools, as a first priority pursuant to
19 Section 2.

20 "b. Upgrades, expansions, and maintenance of
21 existing WiFi infrastructure.

22 "c. Devices, digital content, management systems,
23 debt service, or support.

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

1 "(c) Where feasible, each ~~public ninth grade~~ student
2 and teacher ~~will~~ may be provided in lieu of or in addition to
3 hardbound textbooks and other instructional materials, in
4 whole or in part, a mobile digital computing device
5 ~~pen-enabled: tablet, mobile computer,~~ or other similar
6 wireless electronic device for utilizing 21st Century
7 technology for storing, reading, accessing, exploring, and
8 interacting with digital textbooks and other instructional
9 materials. ~~Each student provided with a pen-enabled: tablet,~~
10 ~~mobile computer, or other similar wireless electronic device,~~
11 ~~and his or her parent or legal guardian, is responsible for~~
12 ~~maintaining the assigned device in good working order~~
13 ~~throughout the school year and for returning the device to the~~
14 ~~providing school at the end of the school year. Local boards~~
15 ~~of education that choose to participate in this plan shall~~
16 ~~establish practices and policies to ensure the safe-keeping~~
17 ~~and maintenance of such devices and conduct inventories to~~
18 ~~account for them annually.~~

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

1 ~~"(e) (d) (1) The Department of Education shall lead,~~
2 ~~implement, provide oversight, and administer this chapter and~~
3 ~~shall adopt such rules as necessary in accordance with an to~~
4 ~~fully implement this act.This plan shall include, but is not~~
5 ~~limited to, the following: Minimum specifications for devices;~~
6 ~~learning management system; maintenance and support~~
7 ~~requirements of the electronic devices authorized in this~~
8 ~~chapter; current readiness of participating schools' wireless~~
9 ~~networks; professional development for teachers; application~~
10 ~~process for school systems participating.~~

11 ~~"(2) Any system that chooses to participate in~~
12 ~~Alabama Ahead shall submit an application to the State~~
13 ~~Department of Education, a copy of which shall be provided to~~
14 ~~the Alabama Ahead Oversight Committee.~~

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

21 ~~"(g) The State Department of Education shall~~
22 ~~establish an advisory committee to assist in the~~
23 ~~implementation of this chapter. The membership of the~~
24 ~~committee shall include, but not be limited to, the House of~~
25 ~~Representatives and Senate sponsors of the primary legislation~~
26 ~~establishing the Alabama Ahead Act, a member of the House of~~
27 ~~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 Oversight
7 Committee. The Oversight Committee shall consist of the Chair
8 of the House Ways and Means Education Committee or designee,
9 the Chair of the Senate Finance and Taxation Education
10 Committee or designee, two members appointed by the Speaker of
11 the House of Representatives, two members appointed by the
12 President Pro Tempore of the Senate, the Director of the
13 Governor's Broadband Initiative Office, the State
14 Superintendent of Education or designee, and an appointee of
15 the School Superintendents of Alabama. The oversight provided
16 by the Oversight Committee shall include, but not be limited
17 to: (1) evaluating and confirming the appropriateness of
18 applications submitted to the State Department of Education
19 and (2) providing oversight and administration of
20 implementation.

21 "(f) Ex officio members of the Oversight Committee
22 shall include a representative of: the Alabama Technology
23 Network, the Alabama Virtual Library, the Alabama
24 Supercomputer Authority, Alabama Public Television, and the
25 Alabama Educational Technology Association (AETA) who have
26 experience and knowledge in the administration and management
27 of school networks.

1 "(g) With the exception of those members serving on
2 the committee by virtue of their respective offices, each
3 member must have proven experience in the areas of
4 instructional technology, network design, public school
5 business practices and/or public school administration or
6 other similar experience commensurate with the duties and
7 responsibilities of the proper knowledge of the implementation
8 of this project.

9 ~~"(g)~~ (h) Appointed members shall not be entitled to
10 receive any direct or indirect personal gain from this
11 assignment. The members shall serve without compensation for
12 their services.

13 ~~"(h)~~ (i) The membership of the Committee shall be
14 inclusive and reflect the racial, gender, geographic,
15 urban/rural, and economic diversity of the state."

16 "§16-16B-2.

17 "(a) Wherever used in this chapter, the following
18 terms shall have the following meanings unless the context
19 clearly indicates otherwise:

20 "(1) "1965 Act" means Act No. 243 enacted at the
21 1965 First Special Session of the Legislature, codified as
22 Title 16, Chapter 16.

23 "(2) "1971 Acts" means Act No. 94 enacted at the
24 1971 First Special Session of the Legislature, Act No. 2428
25 enacted at the 1971 Regular Session of the Legislature, and
26 Act No. 56 enacted at the 1971 Second Special Session of the
27 Legislature.

1 "(3) "1973 Act" means Act No. 1277 enacted at the
2 1973 Regular Session of the Legislature as amended by Act No.
3 73 enacted at the 1975 Third Special Session of the
4 Legislature and Act No. 1223 enacted at the 1975 Regular
5 Session of the Legislature.

6 "(4) "1978 Act" means Act No. 138 enacted at the
7 1978 Second Special Session of the Legislature, as amended by
8 Act No. 79-41 enacted at the 1979 Special Session of the
9 Legislature and Act No. 81-827 enacted at the 1981 Regular
10 Session of the Legislature.

11 "(5) "1985 Act" means Act No. 85-943 enacted at the
12 1985 Second Special Session of the Legislature.

13 "(6) "1990 Act" means Act No. 90-280 enacted at the
14 1990 Regular Session of the Legislature.

15 "(7) "1995 Act" means Act No. 95-752 enacted at the
16 1995 Regular Session of the Legislature.

17 "(8) "1998 Act" means Act No. 98-373 enacted at the
18 1998 Regular Session of the Legislature.

19 "(9) "1999 Act" means Act No. 99-348 enacted at the
20 1999 Regular Session of the Legislature.

21 "(10) "2001 Act" means Act No. 2001-668 enacted at
22 the 2001 Regular Session of the Legislature.

23 "(11) "2002 Act" means Act No. 2002-240 enacted at
24 the 2002 Regular Session of the Legislature.

25 "(12) "2003 Act" means Act No. 2003-436 enacted at
26 the 2003 Second Special Session of the Legislature.

1 "(13) "2007 Act" means Act No. 2007-414 enacted at
2 the 2007 Regular Session of the Legislature.

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

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

9 "(16) "Computer equipment and software" means
10 ~~pen-enabled:~~ tablets, mobile computers, or similar wireless
11 electronic devices for storing, reading, accessing, exploring,
12 and interacting with digital textbooks and other instructional
13 material as well as software necessary for such equipment,
14 learning management system, and equipment necessary to support
15 wireless local area networks.

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

19 "(18) "Government securities" means any bonds or
20 other obligations which as to principal and interest
21 constitute direct obligations of, or are unconditionally
22 guaranteed by, the United States of America, including
23 obligations of any federal agency to the extent such
24 obligations are unconditionally guaranteed by the United
25 States of America and any certificates or any other evidences
26 of an ownership interest in such obligations of, or
27 unconditionally guaranteed by, the United States of America or

1 in specified portions thereof (which may consist of the
2 principal thereof or the interest thereon).

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

6 ~~"(19)~~ (20) "Legislature" means the Legislature of
7 Alabama.

8 ~~"(22)~~ (21) "State" means the State of Alabama.

9 ~~"(23)~~ (22) "Trust fund" means the Education Trust
10 Fund, formerly designated as the Alabama Special Educational
11 Trust Fund, the name of which was changed to the Education
12 Trust Fund, effective October 1, 1996, pursuant to Act No.
13 95-264 enacted at the 1995 Regular Session of the Legislature.

14 "(23) "Wi-Fi" means a wireless networking technology
15 that allows computers and other devices to communicate over a
16 wireless signal.

17 "(24) "WIRED" means Wireless Infrastructure
18 Renovation for Education Plan, the approved standards-based
19 funding model approved by the Alabama Ahead Oversight
20 Committee, and endorsed by the State Board of Education, which
21 shall be the minimum requirement for all school systems.

22 "(25) "WLAN" means a wireless local area network.

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

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

1 (a) (1) Contingent on funding, during the 2016-2017
2 school year, local school systems may begin installing
3 sufficient, high-quality standards-based broadband WiFi
4 infrastructure and, where possible, mobile digital devices to
5 enable access to digital instructional materials and, to the
6 extent practicable, textbooks in electronic format.

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

9 a. Wireless infrastructure: The first priority for
10 the expenditure of Alabama Ahead Act funds is the
11 establishment of a high-quality, standards-based wireless
12 local area network (WLAN) infrastructure capable of providing
13 all teachers and students with sufficient WiFi broadband
14 access in all classrooms and common areas of schools, where
15 feasible as described in WIRED.

16 b. Standards: Local school systems shall use
17 applicable funds to install wireless networks or upgrade
18 existing networks to satisfy Alabama Educational Technology
19 Association (AET) standards that include high-quality,
20 enterprise level networking equipment.

21 Each regular classroom shall be equipped with
22 high-quality wireless access for 30 to 40 devices
23 simultaneously. Each specialty classroom, that routinely
24 serves groups of less than 20 people, may satisfy a lesser
25 standard.

26 Each cafeteria shall have sufficient wireless access
27 for one-third of the then current enrollment of the school.

1 Each library media center shall be equipped with
2 high quality wireless access for at minimum one-third of the
3 capacity of the library media center.

4 Each administrative and noninstructional area of a
5 school shall have coverage, however, high density coverage is
6 not required in these areas.

7 c. Upon installation and approval of the
8 standards-based wireless infrastructure, or upgrades of
9 existing wireless infrastructure, local school systems may use
10 the remaining funds available to those local school systems
11 for the purposes established pursuant to the provisions of
12 this act. To expend these funds, an application shall be
13 submitted to the Educational Technology Department of the
14 State Department of Education.

15 d. Other network technology: If the wireless
16 networks of a local school system satisfy the requirements of
17 the Oversight Committee, funds may be spent to further enhance
18 digital learning environments within the schools of that
19 school system and may include technologies such as:

20 1. Support and warranty services.

21 2. Optional hardware and software to manage or
22 enhance the digital learning environment.

23 e. Network debt. Funds may be used for retiring debt
24 for a network brought into compliance with the standards; or,
25 for networks previously installed that satisfy the standards
26 established by the Oversight Committee.

1 (b) Any application for funds shall be submitted and
2 signed by the technology coordinator, the superintendent, and
3 the chief school financial officer of the local school system.
4 The application shall include a component for the professional
5 development of teachers.

6 (c) Implementation plan: School systems shall apply
7 for their portion of the Alabama Ahead Act funding through the
8 State Department of Education. Applications for funding shall
9 include all of the following:

10 a. Technology plan: An approved technology plan as
11 required of all school systems as part of the Foundation
12 Program.

13 b. Infrastructure readiness report: School systems
14 shall provide an infrastructure readiness report describing
15 each school's WLAN as well as the systems used to manage these
16 networks.

17 c.1. Accountability in the use of funds: At least
18 every six months until the project is complete, the State
19 Department of Education shall provide a report to the
20 Oversight Committee detailing the progress of local school
21 systems in meeting the 24-month goal of a statewide
22 implementation.

23 2. The State Department of Education shall include
24 WLAN infrastructure functionality in its monitoring standards
25 as part of the ongoing accountability of this investment.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Education and Youth Affairs 15-MAR-16

Read for the second time and placed on the calen-
dar 1 amendment..... 22-MAR-16

Read for the third time and passed as amended 19-APR-16

Yeas 28
Nays 0

Patrick Harris
Secretary