

1 SB212
2 189215-3
3 By Senators Orr, Sanford, Scofield, Livingston, Holtzclaw,
4 Dial, Glover, Hightower, Shelnutt, Waggoner, Allen, Marsh and
5 Melson
6 RFD: Finance and Taxation Education
7 First Read: 23-JAN-18

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To create a program known as the Alabama School of
12 Cyber Technology and Engineering in Huntsville, Alabama; to
13 provide legislative intent; to provide definitions; to provide
14 for the membership, powers, compensation, and terms of a board
15 of trustees; to provide for programs and the operation of the
16 school; to provide for extracurricular activities; to
17 prescribe eligibility requirements; and to make a conditional
18 appropriation of \$1,500,000 from the Education Trust Fund to
19 the school for the fiscal year ending October 1, 2019.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. It is the intent of the Legislature to
22 establish an independent, residential school for academically
23 motivated and gifted Alabama students with educational
24 opportunities and experiences in the rapidly growing fields of
25 cyber and engineering and to assist teachers, administrators,
26 and superintendents across the state in replicating cyber and
27 engineering studies in their own schools.

1 Section 2. For the purposes of this act, the
2 following terms shall have the following meanings:

3 (1) DEPARTMENT. The State Department of Education.

4 (2) SCHOOL. The Alabama School of Cyber Technology
5 and Engineering.

6 (3) STATE BOARD. The State Board of Education.

7 (4) SUPERINTENDENT. The State Superintendent of
8 Education.

9 Section 3. (a) There is created a program to be
10 called the Alabama School of Cyber Technology and Engineering,
11 which shall be a residential institution located in Huntsville
12 in Madison County, at a site to be determined by the board of
13 trustees. The school shall open and formally begin operation
14 with the fall semester of 2020. The school shall be funded by
15 the state from monies appropriated for the school or grants,
16 donations, and funds from any other source including, but not
17 limited to, corporations, individuals, and foundations.

18 (b) The school shall be governed by a board of
19 trustees whose membership, powers, duties, and
20 responsibilities shall be as provided in this act.

21 (c) The school shall coordinate its programs and
22 curriculum with the department, but shall be independent of
23 the control of the superintendent, the state board, and any
24 local board of education except its board of trustees, unless
25 otherwise provided by this act.

1 Section 4. (a) There is created a board of trustees
2 for the school. The board of trustees shall be composed of the
3 following members:

4 (1) An assistant state superintendent in charge of
5 curriculum development with the department, or his or her
6 designee.

7 (2) The President of Auburn University, or his or
8 her designee.

9 (3) The President of the University of Alabama in
10 Huntsville, or his or her designee.

11 (4) The President of Alabama A&M University, or his
12 or her designee.

13 (5) The Chair of the Alabama School of Cyber and
14 Engineering Foundation.

15 (6) The Chair of the House Ways and Means Education
16 Committee, or his or her designee.

17 (7) The Chair of the Senate Finance and Taxation
18 Education Committee, or his or her designee.

19 (8) Eight members to be appointed by the Governor,
20 one member from each congressional district and one member
21 appointed at large, who shall be a resident of Madison County.
22 Five of the eight members appointed by the Governor shall have
23 a background in business. The other three members appointed by
24 the Governor may include appointees with backgrounds in
25 academia, government, or other career fields that provide a
26 strong basis for service. The Governor shall make his or her

1 appointments so that diversity of gender, race, and
2 geographical areas is reflective of the makeup of this state.

3 (b) The terms of the eight members appointed by the
4 Governor shall be for six years, except for original
5 appointees who shall serve staggered terms with three
6 appointees serving two years, three appointees serving four
7 years, and two appointees serving six years. The terms of the
8 initial members who are elected officials, or their respective
9 designees, shall commence with their appointment, run
10 concurrently with their terms of office, and shall end when
11 their successors take office. The terms of members who are not
12 serving by virtue of an elected office shall commence with
13 their appointment and shall end when their successor is
14 appointed. All members may succeed themselves. No member shall
15 be appointed for more than three consecutive full terms.

16 Section 5. (a) The board of trustees may perform the
17 following functions:

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

24 (2) Purchase or lease real estate and equipment and
25 make improvements to facilities necessary for the use of the
26 school, in accordance with applicable law.

1 (3) Lease land or other property belonging to the
2 board of trustees or to the school.

3 (4) Sell or exchange land or other real property not
4 needed for school purposes, but only when specifically
5 authorized by law and then only in accordance with the
6 procedures provided for the sale of unused school lands. The
7 sale shall be authorized by resolution adopted by the board of
8 trustees, and the act of sale shall be signed by the president
9 of the board of trustees or such other person to whom the
10 signing may be delegated by the board of trustees in the
11 authorizing resolution.

12 (5) Adopt, amend, or repeal rules, regulations, and
13 policies necessary or proper for the conduct of the business
14 of the board of trustees.

15 (6) Award certificates and issue diplomas for
16 successful completion of programs of study. All certificates
17 and diplomas shall be in addition to a regular high school
18 diploma which shall be issued by the state board in accordance
19 with state law to any student who successfully completes the
20 program of study adopted by the board of trustees.

21 (7) Enter into contracts and agreements which have
22 been recommended by the director, in accordance with
23 applicable law, and to the extent that funds are specifically
24 appropriated therefor, with other public agencies with respect
25 to cooperative enterprises and undertakings related to or
26 associated with an educational purpose or program affecting
27 education in the school. This shall not preclude the board of

1 trustees from entering into other contracts and agreements
2 that the board of trustees may deem necessary to carry out the
3 duties and functions of the board of trustees.

4 (8) Perform such other functions as are necessary to
5 the supervision and control of those phases of education under
6 the board of trustees.

7 (b) The board of trustees shall delegate to the
8 executive director those powers and duties the board of
9 trustees deems appropriate to aid the director in the
10 efficient administration of his or her responsibility for the
11 implementation of the policies of the board of trustees.

12 (c) In addition to the authorities granted in this
13 act and any powers, duties, and responsibilities vested by any
14 other applicable laws, the board of trustees shall perform all
15 of the following duties:

16 (1) Adopt rules, regulations, and policies necessary
17 for the efficient operation of the school.

18 (2) Establish criteria to be used in determining
19 eligibility of applicants for enrollment.

20 (3) Determine subjects and extracurricular
21 activities to be offered. Subjects shall initially be subject
22 to approval by the state board, and thereafter, changes in the
23 subjects shall be subject to approval by the state board.

24 (4) Select a director who shall be the chief
25 administrative officer of the school and who shall administer
26 the rules, regulations, and policies adopted by the board of
27 trustees pursuant to this act. The director shall also be the

1 chief administrative officer of the board of trustees and
2 shall be responsible for all the administrative functions,
3 duties, and needs of the board of trustees. Until such time as
4 the board of trustees selects a director, the superintendent
5 shall serve as the chief administrative officer of the board
6 of trustees and shall be responsible for the duties of the
7 director as they relate to the board of trustees. The
8 superintendent shall relinquish administrative duties to the
9 director when the director officially assumes his or her
10 duties with the board of trustees.

11 (5) Determine faculty and staff positions necessary
12 for the efficient operation of the school and select personnel
13 for those positions.

14 (6) Prepare and adopt an annual budget necessary for
15 the continued operation of the school.

16 (7) Pay the expenses, per diem, and travel expenses
17 of the board of trustees and its members, which shall be the
18 same as allowed state employees when the board member is
19 traveling on board business. The board shall also pay the
20 salaries and expenses including, but not limited to,
21 facilities, equipment, and supplies of the faculty and staff
22 of the school out of funds appropriated or otherwise made
23 available for the operating and administrative expenses of the
24 board of trustees and the school.

25 (8) Exercise budgetary responsibility and allocate
26 for expenditure by the school and programs under its
27 jurisdiction all monies appropriated or otherwise made

1 available for purposes of the board of trustees and of the
2 school and programs.

3 (9) Prescribe and select for use in the school free
4 textbooks and other materials of instruction for students
5 enrolled in the school and programs under its jurisdiction for
6 which the Legislature provides funds. Wherever practical, the
7 board of trustees shall select the same textbooks and other
8 materials of instruction as are adopted by the state board.

9 (10) Prepare and adopt or approve programs of study
10 and rules, bylaws, and regulations for the discipline of
11 students and for the government of the school and programs
12 under its jurisdiction, which may not be inconsistent with law
13 and which shall be enforced by the staff and faculty of the
14 school. Programs of study shall initially be subject to
15 approval by the state board, and thereafter, any changes in
16 programs of study shall be subject to approval by the state
17 board.

18 (11) Any provision of law to the contrary
19 notwithstanding, prescribe the qualifications of teachers at
20 the school, provided that any teacher employed at the school,
21 who does not hold certification, shall hold an advanced degree
22 in his or her field of instruction.

23 (12) Develop and adopt a formula or system under
24 which students shall be admitted. The formula or system shall
25 be sufficient to insure that at least one qualified applicant
26 for admission from within the geographical boundaries of each
27 city and county public school system in the state shall be

1 eligible for admission to the school each year. If no
2 qualified applicant from a city or county public school system
3 applies for admission, then the slots available to that school
4 system shall be lost to that system for that school year and
5 shall be reallocated by the board of trustees to provide for
6 the admission of qualified applicants from other public school
7 systems. Any provision of this subdivision to the contrary
8 notwithstanding, the board of trustees shall admit additional
9 students, utilizing admission criteria provided by the adopted
10 formula or system and as resources and facilities allow, by
11 also taking into consideration the enrollment size of the city
12 or county public school system of the student applicant.

13 (13) Assist teachers, administrators, and
14 superintendents across the state in replicating cyber and
15 engineering best practices in their own schools. Assistance
16 shall include, but not be limited to, classroom observations,
17 workshops, and fostering communities of practice in the areas
18 of cyber and engineering.

19 (14) Adopt rules and regulations to provide for the
20 evaluation of any applicant who has not been evaluated but who
21 satisfies all other criteria for participation in the program.

22 (d) Eight members of the board of trustees shall
23 constitute a quorum for the transaction of business, and all
24 official action of the board of trustees shall require the
25 favorable vote of a majority of those members present and
26 voting.

1 (e) Members of the board of trustees shall be
2 compensated for all actual vouchered expenses incurred in the
3 performance of their duties and functions as required by this
4 act. Expenses shall be paid by the director from funds
5 appropriated therefor by the Legislature and upon the warrant
6 of the board of trustees.

7 (f) The board of trustees shall serve as the local
8 educational agency for the school.

9 Section 6. (a) The school, at the discretion of the
10 board of trustees, shall operate on the same school year basis
11 as all other public schools in the state. Full-time students
12 shall be enrolled for the entire school year and may enroll in
13 the summer program.

14 (b) A summer program shall be offered for full-time
15 students and for students who qualify to attend the school
16 during that period.

17 (c) The school shall also offer short courses,
18 workshops, seminars, weekend instructional programs, and other
19 innovative programs which may be used to offer instruction to
20 students not enrolled as full-time students in the school.

21 (d) The school, at the discretion of the board of
22 trustees, may provide extension courses and campuses on the
23 campuses of other schools, colleges, and universities within
24 the state.

25 Section 7. Whenever possible, the school shall offer
26 such extracurricular activities as may be found in any public
27 secondary school in the state.

1 Section 8. There is appropriated the sum of one
2 million five hundred thousand dollars (\$1,500,000) from the
3 Education Trust Fund to the Alabama School of Cyber and
4 Engineering Foundation in Huntsville, Alabama, for the fiscal
5 year ending October 1, 2019.

6 Section 9. Nothing in this act shall be so construed
7 as to prohibit or prevent the board of trustees from accepting
8 federal funds or monies from any corporation or other private
9 contributor for use in operating the school or providing
10 programs by the school.

11 Section 10. It is not the intent of this Legislature
12 to conflict with existing or future programs of the Alabama
13 High School of Mathematics and Science, Chapter 26A of Title
14 16, Code of Alabama 1975, or the Alabama School of Fine Arts,
15 Chapter 26B of Title 19, Code of Alabama 1975.

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

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Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation Education 23-JAN-18

Read for the second time and placed on the calen-
dar 2 amendments..... 01-FEB-18

Read for the third time and passed as amended 22-FEB-18

Yeas 30
Nays 0

Patrick Harris,
Secretary.