

1 SB212
2 189215-2
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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8 SYNOPSIS: This bill would create a program known as
9 the Alabama School for Cyber Technology and
10 Engineering in Huntsville, Alabama, as an
11 independent, residential school for academically
12 motivated and gifted Alabama students with
13 educational opportunities and experiences in the
14 rapidly growing fields of cyber and engineering.

15 This bill would provide for the membership,
16 powers, compensation, and terms of a board of
17 trustees for the school.

18 This bill would provide for the programs
19 offered by the school and for the general operation
20 of the school.

21 This bill would provide for extracurricular
22 activities and eligibility requirements for
23 students.

24 This bill would also make a conditional
25 appropriation of \$1,500,000 from the Education
26 Trust Fund to the school for the fiscal year ending
27 October 1, 2019.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To create a program known as the Alabama School of
7 Cyber Technology and Engineering in Huntsville, Alabama; to
8 provide legislative intent; to provide definitions; to provide
9 for the membership, powers, compensation, and terms of a board
10 of trustees; to provide for programs and the operation of the
11 school; to provide for extracurricular activities; to
12 prescribe eligibility requirements; and to make a conditional
13 appropriation of \$1,500,000 from the Education Trust Fund to
14 the school for the fiscal year ending October 1, 2019.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. It is the intent of the Legislature to
17 establish an independent, residential school for academically
18 motivated and gifted Alabama students with educational
19 opportunities and experiences in the rapidly growing fields of
20 cyber and engineering.

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

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

24 (2) SCHOOL. The Alabama School of Cyber Technology
25 and Engineering.

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

1 (4) SUPERINTENDENT. The State Superintendent of
2 Education.

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

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

15 (c) The school shall coordinate its programs and
16 curriculum with the department, but shall be independent of
17 the control of the superintendent, the state board, and any
18 local board of education except its board of trustees, unless
19 otherwise provided by this act.

20 Section 4. (a) There is created a board of trustees
21 for the school. The board of trustees shall be composed of the
22 following members:

23 (1) An assistant state superintendent in charge of
24 curriculum development with the department, or his or her
25 designee.

26 (2) The President of Auburn University, or his or
27 her designee.

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

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

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

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

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

11 (8) Eight members to be appointed by the Governor,
12 one member from each congressional district and one member
13 appointed at large, who shall be a resident of Madison or
14 Limestone County, all of whom shall be from business and
15 industry.

16 (b) The terms of the eight members appointed by the
17 Governor shall be for six years, except for original
18 appointees who shall serve staggered terms with three
19 appointees serving two years, three appointees serving four
20 years, and two appointees serving six years. The terms of the
21 initial members who are elected officials, or their respective
22 designees, shall commence with their appointment, run
23 concurrently with their terms of office, and shall end when
24 their successors take office. The terms of members who are not
25 serving by virtue of an elected office shall commence with
26 their appointment and shall end when their successor is
27 appointed. All members may succeed themselves.

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

3 (1) Accept donations, bequests, or other forms of
4 financial assistance for educational purposes from any public
5 or private person or agency and comply with rules and
6 regulations governing grants from the federal government or
7 from any other person or agency, which are not in
8 contravention of the constitution and laws.

9 (2) Purchase land and equipment and make
10 improvements to facilities necessary for the use of the
11 school, in accordance with applicable law.

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

14 (4) Sell or exchange land or other real property not
15 needed for school purposes, but only when specifically
16 authorized by law and then only in accordance with the
17 procedures provided for the sale of unused school lands. The
18 sale shall be authorized by resolution adopted by the board of
19 trustees, and the act of sale shall be signed by the president
20 of the board of trustees or such other person to whom the
21 signing may be delegated by the board of trustees in the
22 authorizing resolution.

23 (5) Adopt, amend, or repeal rules, regulations, and
24 policies necessary or proper for the conduct of the business
25 of the board of trustees.

26 (6) Award certificates and issue diplomas for
27 successful completion of programs of study. All certificates

1 and diplomas shall be in addition to a regular high school
2 diploma which shall be issued by the state board in accordance
3 with state law to any student who successfully completes the
4 program of study adopted by the board of trustees.

5 (7) Enter into contracts and agreements which have
6 been recommended by the director, in accordance with
7 applicable law, and to the extent that funds are specifically
8 appropriated therefor, with other public agencies with respect
9 to cooperative enterprises and undertakings related to or
10 associated with an educational purpose or program affecting
11 education in the school. This shall not preclude the board of
12 trustees from entering into other contracts and agreements
13 that the board of trustees may deem necessary to carry out the
14 duties and functions of the board of trustees.

15 (8) Perform such other functions as are necessary to
16 the supervision and control of those phases of education under
17 the board of trustees.

18 (b) The board of trustees shall delegate to the
19 executive director those powers and duties the board of
20 trustees deems appropriate to aid the director in the
21 efficient administration of his or her responsibility for the
22 implementation of the policies of the board of trustees.

23 (c) In addition to the authorities granted in this
24 act and any powers, duties, and responsibilities vested by any
25 other applicable laws, the board of trustees shall perform all
26 of the following duties:

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

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

5 (3) Determine subjects and extracurricular
6 activities to be offered. Subjects shall initially be subject
7 to approval by the state board, and thereafter, changes in the
8 subjects shall be subject to approval by the state board.

9 (4) Select a director who shall be the chief
10 administrative officer of the school and who shall administer
11 the rules, regulations, and policies adopted by the board of
12 trustees pursuant to this act. The director shall also be the
13 chief administrative officer of the board of trustees and
14 shall be responsible for all the administrative functions,
15 duties, and needs of the board of trustees. Until such time as
16 the board of trustees selects a director, the superintendent
17 shall serve as the chief administrative officer of the board
18 of trustees and shall be responsible for the duties of the
19 director as they relate to the board of trustees. The
20 superintendent shall relinquish administrative duties to the
21 director when the director officially assumes his or her
22 duties with the board of trustees.

23 (5) Determine faculty and staff positions necessary
24 for the efficient operation of the school and select personnel
25 for those positions.

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

1 (7) Pay the expenses, per diem, and travel expenses
2 of the board of trustees and its members, which shall be the
3 same as allowed state employees when the board member is
4 traveling on board business. The board shall also pay the
5 salaries and expenses including, but not limited to,
6 facilities, equipment, and supplies of the faculty and staff
7 of the school out of funds appropriated or otherwise made
8 available for the operating and administrative expenses of the
9 board of trustees and the school.

10 (8) Exercise budgetary responsibility and allocate
11 for expenditure by the school and programs under its
12 jurisdiction all monies appropriated or otherwise made
13 available for purposes of the board of trustees and of the
14 school and programs.

15 (9) Prescribe and select for use in the school free
16 textbooks and other materials of instruction for students
17 enrolled in the school and programs under its jurisdiction for
18 which the Legislature provides funds. Wherever practical, the
19 board of trustees shall select the same textbooks and other
20 materials of instruction as are adopted by the state board.

21 (10) Prepare and adopt or approve programs of study
22 and rules, bylaws, and regulations for the discipline of
23 students and for the government of the school and programs
24 under its jurisdiction, which may not be inconsistent with law
25 and which shall be enforced by the staff and faculty of the
26 school. Programs of study shall initially be subject to
27 approval by the state board, and thereafter, any changes in

1 programs of study shall be subject to approval by the state
2 board.

3 (11) Any provision of law to the contrary
4 notwithstanding, prescribe the qualifications and provide for
5 the certification of teachers at the school.

6 (12) Any provision of law to the contrary
7 notwithstanding, adopt rules and regulations under which
8 faculty members may become permanent employees of the school.

9 (13) Develop and adopt a formula or system under
10 which students shall be admitted. The formula or system shall
11 be sufficient to insure that at least one qualified applicant
12 for admission from within the geographical boundaries of each
13 city and county public school system in the state shall be
14 eligible for admission to the school each year. If no
15 qualified applicant from a city or county public school system
16 applies for admission, then the slots available to that school
17 system shall be lost to that system for that school year and
18 shall be reallocated by the board of trustees to provide for
19 the admission of qualified applicants from other public school
20 systems. Any provision of this subdivision to the contrary
21 notwithstanding, the board of trustees shall admit additional
22 students, utilizing admission criteria provided by the adopted
23 formula or system and as resources and facilities allow, by
24 also taking into consideration the enrollment size of the city
25 or county public school system of the student applicant.

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

4 (d) Eight members of the board of trustees shall
5 constitute a quorum for the transaction of business, and all
6 official action of the board of trustees shall require the
7 favorable vote of a majority of those members present and
8 voting.

9 (e) Members of the board of trustees shall be
10 compensated for all actual vouchered expenses incurred in the
11 performance of their duties and functions as required by this
12 act. Expenses shall be paid by the director from funds
13 appropriated therefor by the Legislature and upon the warrant
14 of the board of trustees.

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

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

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

25 (c) The school shall also offer short courses,
26 workshops, seminars, weekend instructional programs, and other

1 innovative programs which may be used to offer instruction to
2 students not enrolled as full-time students in the school.

3 (d) The school, at the discretion of the board of
4 trustees, may provide extension courses and campuses on the
5 campuses of other colleges and universities within the state.

6 Section 7. Whenever possible, the school shall offer
7 such extracurricular activities as may be found in any public
8 secondary school in the state. The Huntsville City public
9 school system, to the extent practicable and allowable by law,
10 shall allow the students of the school to participate in any
11 extracurricular activities the system may offer which the
12 school is not able to offer.

13 Section 8. There is conditionally appropriated the
14 sum of one million five hundred thousand dollars (\$1,500,000)
15 from the Education Trust Fund to the Alabama School of Cyber
16 and Engineering Foundation in Huntsville, Alabama, for the
17 fiscal year ending October 1, 2019. The appropriation is
18 conditioned on the availability of funds in the Education
19 Trust Fund and the approval of the Governor.

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

25 Section 10. It is not the intent of this Legislature
26 to conflict with existing or future programs of the Alabama
27 High School of Mathematics and Science, Chapter 26A of Title

1 16, Code of Alabama 1975, or the Alabama School of Fine Arts,
2 Chapter 26B of Title 19, Code of Alabama 1975.

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