

1 HB41
2 173320-3
3 By Representative Chesteen
4 RFD: Ways and Means Education
5 First Read: 02-FEB-16
6 PFD: 01/29/2016

1
2 ENROLLED, An Act,

3 To amend Sections 16-16B-1 and 16-16B-2, Code of
4 Alabama 1975, relating to the Alabama Ahead Act; commencing
5 with the 2016-2017 school year, to delete the requirement that
6 tablets and mobile computers be pen-enabled; to delete the
7 phase-in provisions; to delete the reassignment provisions; to
8 delete the requirement for the establishment of an advisory
9 committee; to establish the Alabama Ahead Oversight Committee;
10 to make participation by local school systems voluntary; to
11 provide that funds be used to purchase and install, maintain
12 or upgrade a high-quality, standards-based, broadband Wi-Fi
13 infrastructure and mobile digital computing devices to enable
14 access to digital instructional materials in all public school
15 classrooms; and to amend Section 14 of Act 2012-560, 2012
16 Regular Session, to delete the requirement that implementation
17 of the act be contingent upon separate legislative enactment.
18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§16-16B-1.

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

24 "(b) (1) Commencing with the ~~2012-2013~~ 2016-2017
25 school year, students ~~in grades 9-12 shall~~ may be provided

1 textbooks in electronic format to the. Textbooks in electronic
2 format may be available to schools under the jurisdiction of
3 those local boards of education schools which choose to
4 participate in Alabama Ahead, to the extent practicable ~~and~~
5 ~~obtainable from the publisher, textbooks adopted pursuant to~~
6 ~~Article 3, commencing with Section 16-36-60, of Chapter 36 of~~
7 ~~Title 16 and other instructional materials through a phased-in~~
8 process. and funding is obtainable, to provide students with
9 resources in the following three areas:

10 "a. Wireless broadband access via high-quality WiFi
11 infrastructure in schools, as a first priority pursuant to
12 Section 2.

13 "b. Upgrades, expansions, and maintenance of
14 existing WiFi infrastructure.

15 "c. Devices, digital content, management systems,
16 debt service, or support.

17 "(2) Digital textbooks and or other instructional
18 materials provided in electronic format shall may also be
19 provided to students to support the appropriate course or
20 courses of study.

21 "(c) Where feasible, each public ninth grade student
22 and teacher will may be provided in lieu of or in addition to
23 hardbound textbooks and other instructional materials, in
24 whole or in part, a mobile digital computing device
25 ~~pen-enabled: tablet, mobile computer, or other similar~~

1 wireless electronic device for utilizing 21st Century
2 technology for storing, reading, accessing, exploring, and
3 interacting with digital textbooks and other instructional
4 materials. ~~Each student provided with a pen-enabled: tablet,~~
5 ~~mobile computer, or other similar wireless electronic device,~~
6 ~~and his or her parent or legal guardian, is responsible for~~
7 ~~maintaining the assigned device in good working order~~
8 ~~throughout the school year and for returning the device to the~~
9 ~~providing school at the end of the school year.~~ Local boards
10 of education that choose to participate in this plan shall
11 establish practices and policies to ensure the safe-keeping
12 and maintenance of such devices and conduct inventories to
13 account for them annually.

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 to~~

1 ~~fully implement this act. This plan shall include, but is not~~
2 ~~limited to, the following: Minimum specifications for devices;~~
3 ~~learning management system; maintenance and support~~
4 ~~requirements of the electronic devices authorized in this~~
5 ~~chapter; current readiness of participating schools' wireless~~
6 ~~networks; professional development for teachers; application~~
7 ~~process for school systems participating.~~

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

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

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

1 experience and knowledge in the administration and management
2 of school networks.

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

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

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

18 "§16-16B-2.

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

22 "(1) "1965 Act" means Act No. 243 enacted at the
23 1965 First Special Session of the Legislature, codified as
24 Title 16, Chapter 16.

1 "(2) "1971 Acts" means Act No. 94 enacted at the
2 1971 First Special Session of the Legislature, Act No. 2428
3 enacted at the 1971 Regular Session of the Legislature, and
4 Act No. 56 enacted at the 1971 Second Special Session of the
5 Legislature.

6 "(3) "1973 Act" means Act No. 1277 enacted at the
7 1973 Regular Session of the Legislature as amended by Act No.
8 73 enacted at the 1975 Third Special Session of the
9 Legislature and Act No. 1223 enacted at the 1975 Regular
10 Session of the Legislature.

11 "(4) "1978 Act" means Act No. 138 enacted at the
12 1978 Second Special Session of the Legislature, as amended by
13 Act No. 79-41 enacted at the 1979 Special Session of the
14 Legislature and Act No. 81-827 enacted at the 1981 Regular
15 Session of the Legislature.

16 "(5) "1985 Act" means Act No. 85-943 enacted at the
17 1985 Second Special Session of the Legislature.

18 "(6) "1990 Act" means Act No. 90-280 enacted at the
19 1990 Regular Session of the Legislature.

20 "(7) "1995 Act" means Act No. 95-752 enacted at the
21 1995 Regular Session of the Legislature.

22 "(8) "1998 Act" means Act No. 98-373 enacted at the
23 1998 Regular Session of the Legislature.

24 "(9) "1999 Act" means Act No. 99-348 enacted at the
25 1999 Regular Session of the Legislature.

1 "(10) "2001 Act" means Act No. 2001-668 enacted at
2 the 2001 Regular Session of the Legislature.

3 "(11) "2002 Act" means Act No. 2002-240 enacted at
4 the 2002 Regular Session of the Legislature.

5 "(12) "2003 Act" means Act No. 2003-436 enacted at
6 the 2003 Second Special Session of the Legislature.

7 "(13) "2007 Act" means Act No. 2007-414 enacted at
8 the 2007 Regular Session of the Legislature.

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

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

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

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

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

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

15 "~~(19)~~(20) "Legislature" means the Legislature of
16 Alabama.

17 "~~(22)~~(21) "State" means the State of Alabama.

18 "~~(23)~~(22) "Trust fund" means the Education Trust
19 Fund, formerly designated as the Alabama Special Educational
20 Trust Fund, the name of which was changed to the Education
21 Trust Fund, effective October 1, 1996, pursuant to Act No.
22 95-264 enacted at the 1995 Regular Session of the Legislature.

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

1 "(24) "WIRED" means Wireless Infrastructure
2 Renovation for Education plan, the approved standards-based
3 funding model developed by the Alabama Educational Technology
4 Association (AETA), and endorsed Plan funding model developed
5 Plan, the approved standards-based funding model developed by
6 the Alabama Educational Technology Association (AETA), and
7 endorsed by the State Board of Education, which shall be the
8 minimum requirement for all school systems.

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

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

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

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

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

23 a. Wireless infrastructure: The first priority for
24 the expenditure of Alabama Ahead Act funds is the
25 establishment of a high-quality, standards-based wireless

1 local area network (WLAN) infrastructure capable of providing
2 all teachers and students with sufficient WiFi broadband
3 access in all classrooms and common areas of schools, where
4 feasible as described in WIRED.

5 b. Standards: Local school systems shall use
6 applicable funds to install wireless networks or upgrade
7 existing networks to satisfy Alabama Educational Technology
8 Association (AET) standards that include high-quality,
9 enterprise level networking equipment.

10 Each regular classroom shall be equipped with
11 high-quality wireless access for 30 to 40 devices
12 simultaneously. Each specialty classroom, that routinely
13 serves groups of less than 20 people, may satisfy a lesser
14 standard.

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

17 Each library media center shall be equipped with
18 high quality wireless access for at minimum one-third of the
19 capacity of the library media center.

20 Each administrative and noninstructional area of a
21 school shall have coverage, however, high density coverage is
22 not required in these areas.

23 c. Upon installation and approval of the
24 standards-based wireless infrastructure, or upgrades of
25 existing wireless infrastructure, local school systems may use

1 the remaining funds available to those local school systems
2 for the purposes established pursuant to the provisions of
3 this act. To expend these funds, an application shall be
4 submitted to the Educational Technology Department of the
5 State Department of Education.

6 d. Other network technology: If the wireless
7 networks of a local school system satisfy the requirements of
8 the Oversight Committee, funds may be spent to further enhance
9 digital learning environments within the schools of that
10 school system and may include technologies such as:

11 1. Support and warranty services.

12 2. Optional hardware and software to manage or
13 enhance the digital learning environment.

14 e. Network debt. Funds may be used for retiring debt
15 for a network brought into compliance with the standards; or,
16 for networks previously installed that satisfy the standards
17 established by the Oversight Committee.

18 (b) Any application for funds shall be submitted and
19 signed by the technology coordinator, the superintendent, and
20 the chief school financial officer of the local school system.
21 The application shall include a component for the professional
22 development of teachers.

23 (c) Implementation plan: School systems shall apply
24 for their portion of the Alabama Ahead Act funding through the

1 State Department of Education. Applications for funding shall
2 include all of the following:

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

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

10 c.1. Accountability in the use of funds: At least
11 every six months until the project is complete, the State
12 Department of Education shall provide a report to the
13 Oversight Committee detailing the progress of local school
14 systems in meeting the 24-month goal of a statewide
15 implementation.

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

19 Section 3. Section 14 of Act 2012-560, 2012 Regular
20 Session, is amended to read as follows:

21 "Section 14. This act shall become effective on the
22 first day of the ~~third~~ second month following its passage and
23 approval by the Governor, or its otherwise becoming law.

24 Sections 2 to 12, inclusive, shall be implemented only upon

1 separate legislative enactment providing a specific date for
2 implementation."

3 Section 4. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

16
17
18
19

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-FEB-16 and was passed again as
amended by Executive Amendment 08-MAR-16, Yeas 103, Nays 1.

Jeff Woodard
Clerk

Senate	03-MAR-16	Passed
Senate	05-APR-16	Passed, as amended by Executive Amendment
		Yeas 29, Nays 2, Ab- stains 0