

1 SB5
2 170635-1
3 By Senator Dial
4 RFD: Finance and Taxation Education
5 First Read: 02-FEB-16
6 PFD: 06/05/2015

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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, would delete the
26 requirement for the establishment of an advisory

1 committee and would establish the Alabama Ahead
2 Implementation Committee.

3 This bill would amend the Alabama Ahead Act
4 to provide that funds be used to purchase and
5 install, as a first priority, a high-quality
6 standards-based broadband Wi-Fi infrastructure in
7 every classroom in every public school; and use
8 other funds to purchase mobile digital resources.

9 This bill would provide local school systems
10 with the option of participating in the plan.

11 This bill would also make an appropriation
12 of up to \$75,000,000 from the Education Trust Fund
13 Budget Stabilization Fund and/or the Education
14 Trust Fund Capital Fund to the Alabama Public
15 School and College Authority for the purpose of
16 implementing the Alabama Ahead Act, for the fiscal
17 year ending September 30, 2016.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 To amend Sections 16-16B-1 and 16-16B-2, Code of
24 Alabama 1975, relating to the Alabama Ahead Act; commencing
25 with the 2015-2016 school year, to delete the requirement that
26 tablets and mobile computers be pen-enabled; to delete the
27 phase-in provisions; to delete the reassignment provisions; to

1 delete the requirement for the establishment of an advisory
2 committee; to establish the Alabama Ahead Implementation
3 Committee; to make participation by local school systems
4 voluntary; to provide that funds be used to purchase and
5 install a high-quality, standards-based, broadband Wi-Fi
6 infrastructure and mobile digital computing devices to enable
7 access to digital instructional materials in all public school
8 classrooms in the state in lieu of textbooks for public school
9 students; to make an appropriation of up to \$75,000,000 from
10 the Education Trust Fund Budget Stabilization Fund and/or the
11 Education Trust Fund Capital Fund to the Alabama Public School
12 and College Authority for the purpose of implementing the
13 Alabama Ahead Act for the fiscal year ending September 30,
14 2016; and to amend Section 14 of Act 2012-560, 2012 Regular
15 Session, to delete the requirement that implementation of the
16 act be contingent upon separate legislative enactment.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§16-16B-1.

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

23 "(b) (1) Commencing with the ~~2012-2013~~ 2015-2016
24 school year, students ~~in grades 9-12 shall~~ may be provided
25 textbooks in electronic format ~~to the~~. Textbooks in electronic
26 format may be available to schools under the jurisdiction of
27 those local boards of education ~~schools~~ which choose to

1 participate in Alabama Ahead, to the extent practicable and
2 ~~obtainable from the publisher,~~ to the extent the textbooks
3 adopted pursuant to Article 3, commencing with Section
4 16-36-60, of Chapter 36 of ~~Title 16~~ this title, and other
5 instructional materials ~~through a phased-in process.~~ and/or
6 funding is obtainable for the following three areas:

7 "a. Infrastructure readiness, as a first priority
8 pursuant to Section 2.

9 "b. Devices, digital content, management systems,
10 debt service, or support.

11 "c. Upgrades, expansions, and maintenance.

12 "(2) Digital textbooks and other instructional
13 materials provided in electronic format ~~shall~~ may also be
14 provided to students to support the appropriate course or
15 courses of study.

16 "(c) Where feasible, each ~~public ninth grade~~ student
17 and teacher ~~will~~ may be provided in lieu of or in addition to
18 hardbound textbooks and other instructional materials, in
19 whole or in part, a ~~pen-enabled:~~ tablet, mobile computer, or
20 other similar wireless electronic device for storing, reading,
21 accessing, exploring, and interacting with digital textbooks
22 and other instructional materials. Each student provided with
23 a ~~pen-enabled:~~ tablet, mobile computer, or other similar
24 wireless electronic device, and his or her parent or legal
25 guardian, is responsible for maintaining the assigned device
26 in good working order throughout the school year and for

1 returning the device to the providing school at the end of the
2 school year.

3 ~~"(d) The following school year, the providing school~~
4 ~~shall reassign the pen-enabled: tablet, mobile computer, or~~
5 ~~other similar wireless electronic device to the students in~~
6 ~~the tenth grade public school system while continuing to~~
7 ~~provide incoming ninth grade public school students with a~~
8 ~~pen-enabled: tablet, mobile computer, or other similar~~
9 ~~wireless electronic device. This process will be repeated in~~
10 ~~participating school systems to ensure a planned roll-over of~~
11 ~~devices and continued support.~~

12 ~~"(e) (d) (1) The Department of Education shall lead,~~
13 ~~implement, provide oversight, and administer this chapter and~~
14 ~~shall adopt such rules as necessary in accordance with an~~
15 ~~implementation plan submitted by the Alabama Ahead~~
16 ~~Implementation Committee created herein. This plan shall~~
17 ~~include, but is not limited to, the following: Minimum~~
18 ~~specifications for devices; learning management system;~~
19 ~~maintenance and support requirements of the electronic devices~~
20 ~~authorized in this chapter; current readiness of participating~~
21 ~~schools' wireless networks; professional development for~~
22 ~~teachers; application process for school systems~~
23 ~~participating. The plan shall provide funding in the following~~
24 ~~three areas:~~

25 ~~"a. Infrastructure readiness, as a first priority~~
26 ~~pursuant to Section 2.~~

1 "b. Devices, digital content, management systems,
2 debt service, or support.

3 "c. Upgrades, expansions, and maintenance.

4 "(2) The plan shall provide that any system that
5 chooses to participate in Alabama Ahead shall submit an
6 application to the State Department of Education, which shall
7 be forwarded to the Alabama Ahead Implementation Committee.

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

14 ~~"(g) The State Department of Education shall~~
15 ~~establish an advisory committee to assist in the~~
16 ~~implementation of this chapter. The membership of the~~
17 ~~committee shall include, but not be limited to, the House of~~
18 ~~Representatives and Senate sponsors of the primary legislation~~
19 ~~establishing the Alabama Ahead Act, a member of the House of~~
20 ~~Representatives as appointed by the Speaker of the House of~~
21 ~~Representatives, and a member of the Senate as appointed by~~
22 ~~the President Pro Tempore of the Senate.~~

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

26 "(e) There is created the Alabama Ahead
27 Implementation Committee. The Implementation Committee shall

1 consist of the Chair of the House Ways and Means Education
2 Committee, the Chair of the Senate Finance and Taxation
3 Education Committee, two members appointed by the Speaker of
4 the House of Representatives, two members appointed by the
5 President Pro Tempore of the Senate, the Secretary of
6 Information Technology, the State Superintendent of Education,
7 or his or her designee, the Coordinator of Technology
8 Initiatives of the State Department of Education, and the
9 President of the School Superintendents of Alabama. The
10 responsibility of the Implementation Committee shall be to
11 oversee the implementation of the Alabama Ahead Act. The
12 oversight provided by the Implementation Committee shall
13 include, but not be limited to: (1) confirming the
14 appropriateness of applications submitted to the State
15 Department of Education by evaluating the progress of each
16 applicant; (2) determining whether funds should be released to
17 or withheld from applicants; and (3) providing oversight and
18 administration of implementation.

19 "(f) Ex officio members of the Implementation
20 Committee shall include representatives of the Alabama
21 Technology Network, the Alabama Virtual Library, the Alabama
22 Supercomputer Authority, Alabama Public Television, select
23 members of the Alabama Educational Technology Association
24 (AETA) who have experience and knowledge in the administration
25 and management of school networks, and additional members who
26 have experience in school networks and technology
27 applications.

1 "(g) Under no circumstances shall any member of the
2 Implementation Committee be entitled to receive funding from
3 this chapter, either as a grantee or a vendor.

4 "(h) The membership of the Committee shall be
5 inclusive and reflect the racial, gender, geographic,
6 urban/rural, and economic diversity of the state."

7 "§16-16B-2.

8 "(a) Wherever used in this chapter, the following
9 terms shall have the following meanings unless the context
10 clearly indicates otherwise:

11 "(1) "1965 Act" means Act No. 243 enacted at the
12 1965 First Special Session of the Legislature, codified as
13 Title 16, Chapter 16.

14 "(2) "1971 Acts" means Act No. 94 enacted at the
15 1971 First Special Session of the Legislature, Act No. 2428
16 enacted at the 1971 Regular Session of the Legislature, and
17 Act No. 56 enacted at the 1971 Second Special Session of the
18 Legislature.

19 "(3) "1973 Act" means Act No. 1277 enacted at the
20 1973 Regular Session of the Legislature as amended by Act No.
21 73 enacted at the 1975 Third Special Session of the
22 Legislature and Act No. 1223 enacted at the 1975 Regular
23 Session of the Legislature.

24 "(4) "1978 Act" means Act No. 138 enacted at the
25 1978 Second Special Session of the Legislature, as amended by
26 Act No. 79-41 enacted at the 1979 Special Session of the

1 Legislature and Act No. 81-827 enacted at the 1981 Regular
2 Session of the Legislature.

3 "(5) "1985 Act" means Act No. 85-943 enacted at the
4 1985 Second Special Session of the Legislature.

5 "(6) "1990 Act" means Act No. 90-280 enacted at the
6 1990 Regular Session of the Legislature.

7 "(7) "1995 Act" means Act No. 95-752 enacted at the
8 1995 Regular Session of the Legislature.

9 "(8) "1998 Act" means Act No. 98-373 enacted at the
10 1998 Regular Session of the Legislature.

11 "(9) "1999 Act" means Act No. 99-348 enacted at the
12 1999 Regular Session of the Legislature.

13 "(10) "2001 Act" means Act No. 2001-668 enacted at
14 the 2001 Regular Session of the Legislature.

15 "(11) "2002 Act" means Act No. 2002-240 enacted at
16 the 2002 Regular Session of the Legislature.

17 "(12) "2003 Act" means Act No. 2003-436 enacted at
18 the 2003 Second Special Session of the Legislature.

19 "(13) "2007 Act" means Act No. 2007-414 enacted at
20 the 2007 Regular Session of the Legislature.

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

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

1 "(16) "Computer equipment and software" means
2 ~~pen-enabled~~; tablets, mobile computers, or similar wireless
3 electronic devices for storing, reading, accessing, exploring,
4 and interacting with digital textbooks and other instructional
5 material as well as software necessary for such equipment,
6 learning management system, and equipment necessary to support
7 wireless local area networks.

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

11 "(18) "Government securities" means any bonds or
12 other obligations which as to principal and interest
13 constitute direct obligations of, or are unconditionally
14 guaranteed by, the United States of America, including
15 obligations of any federal agency to the extent such
16 obligations are unconditionally guaranteed by the United
17 States of America and any certificates or any other evidences
18 of an ownership interest in such obligations of, or
19 unconditionally guaranteed by, the United States of America or
20 in specified portions thereof (which may consist of the
21 principal thereof or the interest thereon).

22 "(19) "Infrastructure" means the hardware and
23 software resources that enable network connectivity,
24 communication, operations, and management.

25 "~~(19)~~(20) "Legislature" means the Legislature of
26 Alabama.

1 "(21) "SEND" means the Smart Education Networks by
2 Design recommendations set out by the Consortium of School
3 Networking (CoSN) in 2014.

4 "~~(22)~~(22) "State" means the State of Alabama.

5 "~~(23)~~(23) "Trust fund" means the Education Trust
6 Fund, formerly designated as the Alabama Special Educational
7 Trust Fund, the name of which was changed to the Education
8 Trust Fund, effective October 1, 1996, pursuant to Act No.
9 95-264 enacted at the 1995 Regular Session of the Legislature.

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

13 "(25) "WIRED" means Wireless Infrastructure
14 Renovation for Education plan, the approved standards-based
15 funding model developed by the Alabama Educational Technology
16 Association (AETA), which shall be the minimum requirement for
17 all school systems.

18 "(26) "WLAN" means a wireless local area network.

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

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

24 (a) (1) Contingent on funding, during the 2015-2016
25 school year, local school systems shall begin installing
26 sufficient, high quality broadband WiFi infrastructure and,
27 where possible, mobile digital devices to enable access to

1 digital instructional materials and, to the extent
2 practicable, textbooks in electronic format.

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

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

12 b. Upon installation and approval of the
13 standards-based wireless infrastructure, local school systems
14 may use the remaining funds available to those local school
15 systems for the purposes established pursuant to the
16 provisions of this act. To expend these funds, an application
17 shall be submitted to the Educational Technology Department of
18 the State Department of Education.

19 c. Other network technology: If the wireless
20 networks of a local school system satisfy the requirements of
21 the Implementation Committee, funds shall be spent to further
22 enhance digital learning environments within the schools of
23 that school system and may include technologies such as:

- 24 1. Support and warranty services.
- 25 2. Optional hardware and software to manage or
26 enhance the digital learning environment.

1 d. Network debt. Funds may be used for retiring debt
2 for a network brought into compliance with the standards; or,
3 for networks previously installed that satisfy the standards
4 established by the Implementation Committee.

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

10 (c) Implementation plan: School systems shall apply
11 for their portion of the Alabama Ahead Act funding through the
12 State Department of Education. Applications for funding shall
13 include all of the following:

14 a. Technology plan: An approved technology plan as
15 required of all school systems as part of the Foundation
16 Program.

17 b. Infrastructure readiness report: School systems
18 shall provide an infrastructure readiness report describing
19 each school's WLAN as well as the systems used to manage these
20 networks.

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

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

4 Section 3. Notwithstanding the provisions of Section
5 29-9-5, Code of Alabama 1975, there is hereby appropriated an
6 amount up to \$75,000,000 from the Education Trust Fund Budget
7 Stabilization Fund and/or the Education Trust Fund Capital
8 Fund to the Alabama Public School and College Authority for
9 the purpose of implementing the Alabama Ahead Act, for the
10 fiscal year ending September 30, 2016. Funds shall be made
11 available on a per pupil basis pursuant to the ratio
12 prescribed by the State Department of Education.

13 Section 4. Section 14 of Act 2012-560, 2012 Regular
14 Session, is amended to read as follows:

15 "Section 14. This act shall become effective on the
16 first day of the ~~third~~ second month following its passage and
17 approval by the Governor, or its otherwise becoming law.
18 ~~Sections 2 to 12, inclusive, shall be implemented only upon~~
19 ~~separate legislative enactment providing a specific date for~~
20 ~~implementation."~~

21 Section 5. This act shall become effective on the
22 first day of the second month following its passage and
23 approval by the Governor, or its otherwise becoming law.
24 Section 3 shall become effective October 1, 2015, following
25 its passage and approval by the Governor, or its otherwise
26 becoming law.