

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

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.

A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(1) DEPARTMENT. The State Department of Education.

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

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

(4) SUPERINTENDENT. The State Superintendent of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Award certificates and issue diplomas for 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) Adopt rules, regulations, and policies necessary for the efficient operation of the school.

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

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

(4) Select a director who shall be the chief administrative officer of the school and who shall administer the rules, regulations, and policies adopted by the board of trustees pursuant to this act. The director shall also be the chief administrative officer of the board of trustees and shall be responsible for all the administrative functions, duties, and needs of the board of trustees. Until such time as the board of trustees selects a director, the superintendent shall serve as the chief administrative officer of the board of trustees and shall be responsible for the duties of the director as they relate to the board of trustees. The superintendent shall relinquish administrative duties to the director when the director officially assumes his or her duties with the board of trustees.

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

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

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

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

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

(10) Prepare and adopt or approve programs of study and rules, bylaws, and regulations for the discipline of students and for the government of the school and programs under its jurisdiction, which may not be inconsistent with law and which shall be enforced by the staff and faculty of the school. Programs of study shall initially be subject to 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.

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. It is not the intent of this Legislature to conflict with existing or future programs of the Alabama 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.