

1 HB1  
2 153989-2  
3 By Representative McClendon  
4 RFD: Ways and Means Education  
5 First Read: 14-JAN-14  
6 PFD: 10/02/2013

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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 2014-2015  
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, and would revise the  
26 composition of the advisory committee.

1                   This bill would provide local school systems  
2                   with the option of participating in the plan, and  
3                   would require participating systems to contribute  
4                   25 percent of the funding from local school system  
5                   funds, unless the requirement is waived or reduced  
6                   by the State Department of Education.

7                   This bill would also amend the contingent  
8                   implementation act provided in the originating act  
9                   in order to allow bonds to be issued by the Alabama  
10                  Public School and College Authority.

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12                                   A BILL  
13                                   TO BE ENTITLED  
14                                   AN ACT  
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16                   To amend Sections 16-16B-1 and 16-16B-2, Code of  
17                   Alabama 1975, relating to the Alabama Ahead Act; commencing  
18                   with the 2014-2015 school year, to delete the requirement that  
19                   tablets and mobile computers be pen-enabled; to delete the  
20                   phase-in provisions; to delete the reassignment provisions; to  
21                   revise the composition of the advisory committee; to make  
22                   participation by local school systems voluntary; to require  
23                   participating systems to contribute 25 percent of the funding  
24                   from local school system funds, unless the requirement is  
25                   waived or reduced by the State Department of Education; and to  
26                   amend Section 14 of Act 2012-560, 2012 Regular Session, to

1 delete the requirement that implementation of the act be  
2 contingent upon separate legislative enactment.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§16-16B-1.

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

9 "(b) Commencing with the ~~2012-2013~~ 2014-2015 school  
10 year, students ~~in grades 9-12~~ shall be provided in electronic  
11 format to the local boards of education schools which choose  
12 to participate in Alabama Ahead, to the extent practicable and  
13 obtainable from the publisher, textbooks adopted pursuant to  
14 Article 3, commencing with Section 16-36-60, of Chapter 36 ~~of~~  
15 ~~Title 16~~, and other instructional materials ~~through a~~  
16 ~~phased-in process~~. Digital textbooks and other instructional  
17 materials provided in electronic format shall support the  
18 appropriate course or courses of study.

19 "(c) Where feasible, each ~~public ninth grade~~ student  
20 and teacher will be provided in lieu of or in addition to  
21 hardbound textbooks and other instructional materials, in  
22 whole or in part, a ~~pen-enabled:~~ tablet, mobile computer, or  
23 other similar wireless electronic device for storing, reading,  
24 accessing, exploring, and interacting with digital textbooks  
25 and other instructional materials. Each student provided with  
26 a ~~pen-enabled:~~ tablet, mobile computer, or other similar  
27 wireless electronic device, and his or her parent or legal

1 guardian, is responsible for maintaining the assigned device  
2 in good working order throughout the school year and for  
3 returning the device to the providing school at the end of the  
4 school year.

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

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

25 ~~"a. Infrastructure readiness.~~

26 ~~"b. Devices, digital content, management systems,~~  
27 ~~debt service, and support.~~

1           "c. Upgrades, expansions, and maintenance.

2           "(2) The plan shall provide that any system that  
3 chooses to participate in Alabama Ahead shall submit an  
4 application to the State Department of Education. Each  
5 participating system shall provide 25 percent local funding  
6 from funds available within the local system. The State  
7 Department of Education may waive or reduce the 25 percent  
8 requirement based on the financial condition of the local  
9 school system.

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

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

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

1           "(e) There is created the Alabama Ahead Advisory  
2           Committee. The committee shall consist of the Chair of the  
3           House Ways and Means Committee, the Chair of the Senate  
4           Finance and Taxation Education Committee, a member appointed  
5           by the Speaker of the House of Representatives, a member  
6           appointed by the President Pro Tempore of the Senate, the  
7           State Superintendent of Education, or his or her designee, the  
8           Coordinator of Technology Initiative of the State Department  
9           of Education, the Chief of Staff, Policy, and Budget of the  
10           State Department of Education, and the Assistant  
11           Superintendent of Education. The committee shall assist and  
12           oversee the implementation of the Alabama Ahead Act.

13           "§16-16B-2.

14           "Wherever used in this chapter, the following terms  
15 shall have the following meanings unless the context clearly  
16 indicates otherwise:

17           "(1) "1965 Act" means Act No. 243 enacted at the  
18 1965 First Special Session of the Legislature, codified as  
19 Title 16, Chapter 16.

20           "(2) "1971 Acts" means Act No. 94 enacted at the  
21 1971 First Special Session of the Legislature, Act No. 2428  
22 enacted at the 1971 Regular Session of the Legislature, and  
23 Act No. 56 enacted at the 1971 Second Special Session of the  
24 Legislature.

25           "(3) "1973 Act" means Act No. 1277 enacted at the  
26 1973 Regular Session of the Legislature as amended by Act No.  
27 73 enacted at the 1975 Third Special Session of the

1 Legislature and Act No. 1223 enacted at the 1975 Regular  
2 Session of the Legislature.

3 "(4) "1978 Act" means Act No. 138 enacted at the  
4 1978 Second Special Session of the Legislature, as amended by  
5 Act No. 79-41 enacted at the 1979 Special Session of the  
6 Legislature and Act No. 81-827 enacted at the 1981 Regular  
7 Session of the Legislature.

8 "(5) "1985 Act" means Act No. 85-943 enacted at the  
9 1985 Second Special Session of the Legislature.

10 "(6) "1990 Act" means Act No. 90-280 enacted at the  
11 1990 Regular Session of the Legislature.

12 "(7) "1995 Act" means Act No. 95-752 enacted at the  
13 1995 Regular Session of the Legislature.

14 "(8) "1998 Act" means Act No. 98-373 enacted at the  
15 1998 Regular Session of the Legislature.

16 "(9) "1999 Act" means Act No. 99-348 enacted at the  
17 1999 Regular Session of the Legislature.

18 "(10) "2001 Act" means Act No. 2001-668 enacted at  
19 the 2001 Regular Session of the Legislature.

20 "(11) "2002 Act" means Act No. 2002-240 enacted at  
21 the 2002 Regular Session of the Legislature.

22 "(12) "2003 Act" means Act No. 2003-436 enacted at  
23 the 2003 Second Special Session of the Legislature.

24 "(13) "2007 Act" means Act No. 2007-414 enacted at  
25 the 2007 Regular Session of the Legislature.

26 "(14) "Authority" means Alabama Public School and  
27 College Authority.



1           "(15) "Bonds" (except where that word is used with  
2 reference to bonds issued under another act) means those  
3 bonds, other than Refunding Bonds, issued under the provisions  
4 of this chapter.

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

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

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

26           "(19) "Legislature" means the Legislature of  
27 Alabama.

1           "(20) "Permitted investments" means (i) Government  
2           Securities; (ii) bonds, debentures, notes or other evidences  
3           of indebtedness issued by any of the following agencies: Bank  
4           for Cooperatives; Federal Intermediate Credit Banks; Federal  
5           Financing Bank; Federal Home Loan Banks; Federal Farm Credit  
6           Bank; Export-Import Bank of the United States; Federal Land  
7           Banks; or Farmers Home Administration or any other agency or  
8           corporation which has been or may hereafter be created by or  
9           pursuant to an act of the Congress of the United States as an  
10          agency or instrumentality thereof; (iii) bonds, notes, pass  
11          through securities or other evidences of indebtedness of  
12          Government National Mortgage Association and participation  
13          certificates of Federal Home Loan Mortgage Corporation; (iv)  
14          full faith and credit obligations of any state, provided that  
15          at the time of purchase such obligations are rated at least  
16          "AA" by Standard & Poor's Ratings Group and at least "Aa" by  
17          Moody's Investors Service; (v) public housing bonds issued by  
18          public agencies or municipalities and fully secured as to the  
19          payment of both principal and interest by contracts with the  
20          United States of America, or temporary notes, preliminary  
21          notes or project notes issued by public agencies or  
22          municipalities, in each case fully secured as to the payment  
23          to both principal and interest by a requisition or payment  
24          agreement with the United States of America; (vi) time  
25          deposits evidenced by certificates of deposit issued by banks  
26          or savings and loan associations which are members of the  
27          Federal Deposit Insurance Corporation, provided that, to the

1 extent such time deposits are not covered by federal deposit  
2 insurance, such time deposits (including interest thereon) are  
3 fully secured by a pledge of obligations described in clauses  
4 (i), (ii), (iii), and (v) above, which at all times have a  
5 market value not less than the amount of such bank time  
6 deposits required to be so secured and which meet the greater  
7 of 100 percent collateralization or the "AA" collateral levels  
8 established by Standard & Poor's Ratings Group for structured  
9 financings; (vii) repurchase agreements for obligations of the  
10 type specified in clauses (i), (ii), (iii), and (v) above,  
11 provided such repurchase agreements are fully collateralized  
12 and secured by such obligations which have a market value at  
13 least equal to the purchase price of such repurchase  
14 agreements which are held by a depository satisfactory to the  
15 State Treasurer in such manner as may be required to provide a  
16 perfected security interest in such obligations, and which  
17 meet the greater of 100 percent collateralization or the "AA"  
18 collateral levels established by Standard & Poor's Ratings  
19 Group for structured financings; and (viii) uncollateralized  
20 investment agreements with, or certificates of deposit issued  
21 by, banks or bank holding companies, the senior long-term  
22 securities of which are rated at least "AA" by Standard &  
23 Poor's Ratings Group and at least "Aa" by Moody's Investors  
24 Service.

25           "(21) "Refunding bonds" means those refunding bonds  
26 issued under the provisions of this chapter.

27           "(22) "State" means the State of Alabama.

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

6           "Nouns and pronouns when used in this chapter shall  
7 be deemed to include both singular and plural and all  
8 applicable genders."

9           Section 2. Section 14 of Act 2012-560, 2012 Regular  
10 Session, is amended to read as follows:

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

17           Section 3. Bonds issued pursuant to this act shall  
18 be issued incrementally based on projected need and approval  
19 of the State Finance Director.

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