

1 SB1  
2 153989-5  
3 By Senator Dial  
4 RFD: Finance and Taxation Education  
5 First Read: 14-JAN-14  
6 PFD: 05/21/2013

1 SB1

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Sections 16-16B-1 and 16-16B-2, Code of  
12 Alabama 1975, relating to the Alabama Ahead Act; commencing  
13 with the 2014-2015 school year, to delete the requirement that  
14 tablets and mobile computers be pen-enabled; to delete the  
15 phase-in provisions; to delete the reassignment provisions; to  
16 revise the composition of the advisory committee; to make  
17 participation by local school systems voluntary; to require  
18 participating systems to contribute 25 percent of the funding  
19 from local school system funds, unless the requirement is  
20 waived or reduced by the State Department of Education; and to  
21 amend Section 14 of Act 2012-560, 2012 Regular Session, to  
22 delete the requirement that implementation of the act be  
23 contingent upon separate legislative enactment.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§16-16B-1.

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

3           "(b) Commencing with the ~~2012-2013~~ 2014-2015 school  
4 year, students ~~in grades 9-12~~ shall be provided textbooks in  
5 electronic format. Textbooks in electronic format shall be  
6 available to schools under the jurisdiction of those ~~to the~~  
7 local boards of education ~~schools~~ which choose to participate  
8 in Alabama Ahead, to the extent practicable and ~~obtainable~~  
9 ~~from the publisher,~~ to the extent the textbooks adopted  
10 pursuant to Article 3, commencing with Section 16-36-60, of  
11 Chapter 36 of ~~Title 16~~ this title, and other instructional  
12 materials and/or funding is obtainable for the following three  
13 areas:

14           "a. Infrastructure readiness.

15           "b. Devices, digital content, management systems,  
16 debt service, and support.

17           "c. Upgrades, expansions, and maintenance.

18 ~~through a phased-in process.~~ Digital textbooks and other  
19 instructional materials provided in electronic format shall  
20 also be provided to students to support the appropriate course  
21 or courses of study.

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

1 and other instructional materials. Each student provided with  
2 a ~~pen-enabled:~~ tablet, mobile computer, or other similar  
3 wireless electronic device, and his or her parent or legal  
4 guardian, is responsible for maintaining the assigned device  
5 in good working order throughout the school year and for  
6 returning the device to the providing school at the end of the  
7 school year.

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

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

1           "a. Infrastructure readiness.

2           "b. Devices, digital content, management systems,  
3 debt service, and support.

4           "c. Upgrades, expansions, and maintenance.

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

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

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

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

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

17           Ex officio members of the advisory committee shall  
18 include representatives of the Alabama Technology Network, the  
19 Alabama Virtual Library, the Alabama Supercomputer Authority,  
20 and Alabama Public Television.

21           "§16-16B-2.

22           "Wherever used in this chapter, the following terms  
23 shall have the following meanings unless the context clearly  
24 indicates otherwise:

25           "(1) "1965 Act" means Act No. 243 enacted at the  
26 1965 First Special Session of the Legislature, codified as  
27 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.

26           "(10) "2001 Act" means Act No. 2001-668 enacted at  
27 the 2001 Regular Session of the Legislature.

1           "(11) "2002 Act" means Act No. 2002-240 enacted at  
2 the 2002 Regular Session of the Legislature.

3           "(12) "2003 Act" means Act No. 2003-436 enacted at  
4 the 2003 Second Special Session of the Legislature.

5           "(13) "2007 Act" means Act No. 2007-414 enacted at  
6 the 2007 Regular Session of the Legislature.

7           "(14) "Authority" means Alabama Public School and  
8 College Authority.

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

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

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

23           "(18) "Government securities" means any bonds or  
24 other obligations which as to principal and interest  
25 constitute direct obligations of, or are unconditionally  
26 guaranteed by, the United States of America, including  
27 obligations of any federal agency to the extent such



1 obligations are unconditionally guaranteed by the United  
2 States of America and any certificates or any other evidences  
3 of an ownership interest in such obligations of, or  
4 unconditionally guaranteed by, the United States of America or  
5 in specified portions thereof (which may consist of the  
6 principal thereof or the interest thereon).

7 "(19) "Legislature" means the Legislature of  
8 Alabama.

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

1 United States of America, or temporary notes, preliminary  
2 notes or project notes issued by public agencies or  
3 municipalities, in each case fully secured as to the payment  
4 to both principal and interest by a requisition or payment  
5 agreement with the United States of America; (vi) time  
6 deposits evidenced by certificates of deposit issued by banks  
7 or savings and loan associations which are members of the  
8 Federal Deposit Insurance Corporation, provided that, to the  
9 extent such time deposits are not covered by federal deposit  
10 insurance, such time deposits (including interest thereon) are  
11 fully secured by a pledge of obligations described in clauses  
12 (i), (ii), (iii), and (v) above, which at all times have a  
13 market value not less than the amount of such bank time  
14 deposits required to be so secured and which meet the greater  
15 of 100 percent collateralization or the "AA" collateral levels  
16 established by Standard & Poor's Ratings Group for structured  
17 financings; (vii) repurchase agreements for obligations of the  
18 type specified in clauses (i), (ii), (iii), and (v) above,  
19 provided such repurchase agreements are fully collateralized  
20 and secured by such obligations which have a market value at  
21 least equal to the purchase price of such repurchase  
22 agreements which are held by a depository satisfactory to the  
23 State Treasurer in such manner as may be required to provide a  
24 perfected security interest in such obligations, and which  
25 meet the greater of 100 percent collateralization or the "AA"  
26 collateral levels established by Standard & Poor's Ratings  
27 Group for structured financings; and (viii) uncollateralized

1 investment agreements with, or certificates of deposit issued  
2 by, banks or bank holding companies, the senior long-term  
3 securities of which are rated at least "AA" by Standard &  
4 Poor's Ratings Group and at least "Aa" by Moody's Investors  
5 Service.

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

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

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

14 "Nouns and pronouns when used in this chapter shall  
15 be deemed to include both singular and plural and all  
16 applicable genders."

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

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

22 ~~Sections 2 to 12, inclusive, shall be implemented only upon~~  
23 ~~separate legislative enactment providing a specific date for~~  
24 ~~implementation."~~

25 Section 3. Bonds issued pursuant to this act shall  
26 be issued incrementally based on projected need and approval  
27 of the State Finance Director.

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

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Senate

Read for the first time and referred to the Senate  
committee on Finance and Taxation Education ..... 14-JAN-14

Reported from Finance and Taxation Education as  
Favorable with 1 amendment..... 15-JAN-14

Read for the third time and passed as amended .... 06-MAR-14

Yeas 19  
Nays 11

Patrick Harris  
Secretary