

1 HB293
2 147436-4
3 By Representative McClendon
4 RFD: Ways and Means Education
5 First Read: 19-FEB-13

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 1 and 2 of Act 2012-560, 2012
3 Regular Session, now appearing as Sections 16-16B-1 and
4 16-16B-2 of the Code of Alabama 1975, are amended to read as
5 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~~ 2013-2014 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 of Representatives Education Finance Committee House
4 Ways and Means Education Committee, the Chair of the Senate
5 Education Finance Committee Senate Finance and Taxation
6 Education Committee, a member appointed by the Speaker of the
7 House of Representatives, a member appointed by the President
8 Pro Tempore of the Senate, the State Superintendent of
9 Education, or his or her designee, the Coordinator of
10 Technology Initiative of the State Department of Education,
11 the Chief of Staff, Policy, and Budget of the State Department
12 of Education, and the Assistant Superintendent of Education.
13 The committee shall assist and oversee the implementation of
14 the Alabama Ahead Act.

15 "§16-16B-2.

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

19 "(1) "1965 Act" means Act No. 243 enacted at the
20 1965 First Special Session of the Legislature, codified as
21 Title 16, Chapter 16.

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

1 "(3) "1973 Act" means Act No. 1277 enacted at the
2 1973 Regular Session of the Legislature as amended by Act No.
3 73 enacted at the 1975 Third Special Session of the
4 Legislature and Act No. 1223 enacted at the 1975 Regular
5 Session of the Legislature.

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

11 "(5) "1985 Act" means Act No. 85-943 enacted at the
12 1985 Second Special Session of the Legislature.

13 "(6) "1990 Act" means Act No. 90-280 enacted at the
14 1990 Regular Session of the Legislature.

15 "(7) "1995 Act" means Act No. 95-752 enacted at the
16 1995 Regular Session of the Legislature.

17 "(8) "1998 Act" means Act No. 98-373 enacted at the
18 1998 Regular Session of the Legislature.

19 "(9) "1999 Act" means Act No. 99-348 enacted at the
20 1999 Regular Session of the Legislature.

21 "(10) "2001 Act" means Act No. 2001-668 enacted at
22 the 2001 Regular Session of the Legislature.

23 "(11) "2002 Act" means Act No. 2002-240 enacted at
24 the 2002 Regular Session of the Legislature.

25 "(12) "2003 Act" means Act No. 2003-436 enacted at
26 the 2003 Second Special Session of the Legislature.

1 "(13) "2007 Act" means Act No. 2007-414 enacted at
2 the 2007 Regular Session of the Legislature.

3 "(14) "Authority" means Alabama Public School and
4 College Authority.

5 "(15) "Bonds" (except where that word is used with
6 reference to bonds issued under another act) means those
7 bonds, other than Refunding Bonds, issued under the provisions
8 of this chapter.

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

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

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

1 in specified portions thereof (which may consist of the
2 principal thereof or the interest thereon).

3 "(19) "Legislature" means the Legislature of
4 Alabama.

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

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

1 Poor's Ratings Group and at least "Aa" by Moody's Investors
2 Service.

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

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

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

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

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

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

22 Section 3. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompile of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill requires expenditures only by a school board.

3 Section 4. 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.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Ways and Means
Education..... 19-FEB-13

Read for the second time and placed
on the calendar 1 amendment 25-APR-13

Read for the third time and passed
as amended..... 02-MAY-13

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk