

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

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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 act 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.

18 This bill, commencing with the 2013-2014
19 school year, would delete the requirement that the
20 tablets and mobile computers be pen-enabled, would
21 delete the phase-in provisions, would delete the
22 reassignment provisions, and would revise the
23 composition of the advisory committee.

24 This bill would provide local school systems
25 with the option of participating in the plan, and
26 would require participating systems to contribute
27 25 percent of the funding from local school system

1 funds, unless the requirement is waived or reduced
2 by the State Department of Education.

3 This bill would also amend the contingent
4 implementation act provided in the originating act.

5 Amendment 621 of the Constitution of Alabama
6 of 1901, now appearing as Section 111.05 of the
7 Official Recompilation of the Constitution of
8 Alabama of 1901, as amended, prohibits a general
9 law whose purpose or effect would be to require a
10 new or increased expenditure of local funds from
11 becoming effective with regard to a local
12 governmental entity without enactment by a 2/3 vote
13 unless: it comes within one of a number of
14 specified exceptions; it is approved by the
15 affected entity; or the Legislature appropriates
16 funds, or provides a local source of revenue, to
17 the entity for the purpose.

18 The purpose or effect of this bill would be
19 to require a new or increased expenditure of local
20 funds within the meaning of the amendment. However,
21 the bill does not require approval of a local
22 governmental entity or enactment by a 2/3 vote to
23 become effective because it comes within one of the
24 specified exceptions contained in the amendment.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Sections 1 and 2 of Act 2012-560, 2012
4 Regular Session, now appearing as Sections 16-16B-1 and
5 16-16B-2, Code of Alabama 1975, relating to the Alabama Ahead
6 Act; commencing with the 2013-2014 school year, to delete the
7 requirement that tablets and mobile computers be pen-enabled;
8 to delete the phase-in provisions; to delete the reassignment
9 provisions; to revise the composition of the advisory
10 committee; to make participation by local school systems
11 voluntary; to require participating systems to contribute 25
12 percent of the funding from local school system funds, unless
13 the requirement is waived or reduced by the State Department
14 of Education; to amend Section 14 of Act 2012-560, 2012
15 Regular Session, to delete the requirement that implementation
16 of the act be contingent upon separate legislative enactment;
17 and in connection therewith would have as its purpose or
18 effect the requirement of a new or increased expenditure of
19 local funds within the meaning of Amendment 621 of the
20 Constitution of Alabama of 1901, now appearing as Section
21 111.05 of the Official Recompilation of the Constitution of
22 Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 1 and 2 of Act 2012-560, 2012
25 Regular Session, now appearing as Sections 16-16B-1 and
26 16-16B-2 of the Code of Alabama 1975, are amended to read as
27 follows:

1 "§16-16B-1.

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

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

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

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

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

21 ~~"a. Infrastructure readiness.~~

22 ~~"b. Devices, digital content, management systems,~~
23 ~~debt service, and support.~~

24 ~~"c. Upgrades, expansions, and maintenance.~~

25 ~~"(2) The plan shall provide that any system that~~
26 ~~chooses to participate in Alabama Ahead shall submit an~~
27 ~~application to the State Department of Education. Each~~

1 participating system shall provide 25 percent local funding
2 from funds available within the local system. The State
3 Department of Education may waive or reduce the 25 percent
4 requirement based on the financial condition of the local
5 school system.

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

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

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

24 "(e) There is created the Alabama Ahead Advisory
25 Committee. The committee shall consist of the Chair of the
26 House of Representatives Education Finance Committee, the
27 Chair of the Senate Education Finance Committee, a member

1 appointed by the Speaker of the House of Representatives, a
2 member appointed by the President Pro Tempore of the Senate,
3 the State Superintendent of Education, or his or her designee,
4 the Coordinator of Technology Initiative of the State
5 Department of Education, the Chief of Staff, Policy, and
6 Budget of the State Department of Education, and the Assistant
7 Superintendent of Education. The committee shall assist and
8 oversee the implementation of the Alabama Ahead Act.

9 "§16-16B-2.

10 "Wherever used in this chapter, the following terms
11 shall have the following meanings unless the context clearly
12 indicates otherwise:

13 "(1) "1965 Act" means Act No. 243 enacted at the
14 1965 First Special Session of the Legislature, codified as
15 Title 16, Chapter 16.

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

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

26 "(4) "1978 Act" means Act No. 138 enacted at the
27 1978 Second Special Session of the Legislature, as amended by

1 Act No. 79-41 enacted at the 1979 Special Session of the
2 Legislature and Act No. 81-827 enacted at the 1981 Regular
3 Session of the Legislature.

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

6 "(6) "1990 Act" means Act No. 90-280 enacted at the
7 1990 Regular Session of the Legislature.

8 "(7) "1995 Act" means Act No. 95-752 enacted at the
9 1995 Regular Session of the Legislature.

10 "(8) "1998 Act" means Act No. 98-373 enacted at the
11 1998 Regular Session of the Legislature.

12 "(9) "1999 Act" means Act No. 99-348 enacted at the
13 1999 Regular Session of the Legislature.

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

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

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

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

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

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

24 "(20) "Permitted investments" means (i) Government
25 Securities; (ii) bonds, debentures, notes or other evidences
26 of indebtedness issued by any of the following agencies: Bank
27 for Cooperatives; Federal Intermediate Credit Banks; Federal

1 Financing Bank; Federal Home Loan Banks; Federal Farm Credit
2 Bank; Export-Import Bank of the United States; Federal Land
3 Banks; or Farmers Home Administration or any other agency or
4 corporation which has been or may hereafter be created by or
5 pursuant to an act of the Congress of the United States as an
6 agency or instrumentality thereof; (iii) bonds, notes, pass
7 through securities or other evidences of indebtedness of
8 Government National Mortgage Association and participation
9 certificates of Federal Home Loan Mortgage Corporation; (iv)
10 full faith and credit obligations of any state, provided that
11 at the time of purchase such obligations are rated at least
12 "AA" by Standard & Poor's Ratings Group and at least "Aa" by
13 Moody's Investors Service; (v) public housing bonds issued by
14 public agencies or municipalities and fully secured as to the
15 payment of both principal and interest by contracts with the
16 United States of America, or temporary notes, preliminary
17 notes or project notes issued by public agencies or
18 municipalities, in each case fully secured as to the payment
19 to both principal and interest by a requisition or payment
20 agreement with the United States of America; (vi) time
21 deposits evidenced by certificates of deposit issued by banks
22 or savings and loan associations which are members of the
23 Federal Deposit Insurance Corporation, provided that, to the
24 extent such time deposits are not covered by federal deposit
25 insurance, such time deposits (including interest thereon) are
26 fully secured by a pledge of obligations described in clauses
27 (i), (ii), (iii), and (v) above, which at all times have a

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

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

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

24 "(23) "Trust fund" means the Education Trust Fund,
25 formerly designated as the Alabama Special Educational Trust
26 Fund, the name of which was changed to the Education Trust

1 Fund, effective October 1, 1996, pursuant to Act No. 95-264
2 enacted at the 1995 Regular Session of the Legislature.

3 "Nouns and pronouns when used in this chapter shall
4 be deemed to include both singular and plural and all
5 applicable genders."

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

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

14 Section 3. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill requires expenditures only by a school board.

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