

1 HB456
2 156544-4
3 By Representatives Payne and McClurkin
4 RFD: Education Policy
5 First Read: 11-FEB-14

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8 SYNOPSIS: This bill would provide for the
9 establishment of the Alabama School of Cyber
10 Security and Information Technology.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 To establish the Alabama School of Cyber Security
17 and Information Technology; and to provide for the board of
18 directors and the operation of the school.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. It is the intent of the Legislature to
21 establish an independent, partially residential school, in
22 which to provide a more challenging educational experience for
23 talented and gifted students to develop their full potential
24 in Cyber Security and Information Technology. The Legislature
25 finds that there is a great need in our country to encourage,
26 educate, and train students in Cyber Security and Information
27 Technology particularly in light of the cyber threat to our

1 nation's economic and national security. The Legislature
2 further recognizes that education in Cyber Security and
3 Information Technology is unique and the Legislature desires
4 to position our state to be on the forefront of providing a
5 vigorous curriculum for qualified and highly motivated
6 students in advanced informational technologies and cyber
7 securities.

8 Section 2. For the purposes of this act, the
9 following words shall have the following meanings:

10 (1) DEPARTMENT. The State Department of Education.

11 (2) SCHOOL. The Alabama School of Cyber Security and
12 Information Technology.

13 (3) SCHOOL BOARD. Board of Trustees of the Alabama
14 School of Cyber Security and Information Technology.

15 (4) STATE BOARD. The State Board of Education.

16 (5) STATE SUPERINTENDENT. The State Superintendent
17 of Education.

18 Section 3. (a) There is created the Alabama School
19 of Cyber Security and Information Technology. The school shall
20 have a main campus, which shall be a residential and commuter
21 institution, and may have branch campuses. The school shall be
22 funded by legislative appropriations and by grants, donations,
23 and funds from other sources, including the public and private
24 sector.

25 (b) The school shall be governed by a board of
26 trustees as provided in Section 4.

1 (c) The administration and faculty of the school may
2 identify certain talented and gifted students whose career
3 interests lie in Cyber Security and Information Technology and
4 with appropriate counseling may enter into a contract with the
5 student and his or her parents, or his or her guardian, to
6 allow the student to be exempted from up to three Carnegie
7 units of study from the state's required curriculum for high
8 school graduation. Upon approval of the exemption by the
9 school, notice of the exemption shall be filed with the State
10 Department of Education.

11 Section 4. (a) There is created a board of trustees
12 for the school, which shall serve as the local educational
13 agency for the school. The initial board shall consist of the
14 following members:

15 (1) Four members appointed by the Speaker of the
16 Alabama House of Representatives.

17 (2) Four members appointed by the President Pro
18 Tempore of the Alabama Senate.

19 (3) Four members appointed by the Governor.

20 (4) Two members appointed by the board.

21 (5) One non-voting member appointed by the Alabama
22 Cyber Research Consortium.

23 (6) One non-voting member appointed by the
24 Chancellor of the Department of Postsecondary Education.

25 (7) One non-voting member appointed by the Adjutant
26 General, Alabama National Guard.

1 (8) One member appointed by the Secretary of the
2 Alabama Law Enforcement Agency.

3 (9) The Alabama Chief Technology Officer, who shall
4 serve as an ex officio member.

5 (b) The members of the board shall serve terms of
6 four years. Notwithstanding the foregoing, the initial members
7 of the board shall take office upon appointment and taking the
8 oath of office and shall serve until June 30, 2018. The term
9 of the members appointed thereafter shall commence on July 1,
10 2018, and on July 1 every four years thereafter. The members
11 may be reappointed for additional terms.

12 (c) In the event of a vacancy on the board or at the
13 expiration of the term of a member, the position shall be
14 filled by the appointing authority above or as provided
15 herein. For all other board positions, the board shall appoint
16 a nominating committee to recommend not less than three
17 nominees to the appointing authority for appointment to serve
18 at the expiration of the term of a member or in the event of a
19 vacancy.

20 (d) Members shall serve until a successor is
21 appointed and qualified. A member appointed to fill a vacancy
22 shall serve for the remainder of the term of the member whose
23 position the member is filling. The membership of the board
24 shall be inclusive and shall reflect the racial, gender,
25 geographic, urban/rural, and economic diversity of the state.

26 (e) The State Superintendent shall set the first
27 meeting of the board. The board shall meet within the first 90

1 days after the effective date of this act. At that meeting,
2 the board shall select a chair and a vice chair. The vice
3 chair shall serve in the absence of the chair. The board may
4 select other officers at the discretion of the board.

5 Section 5. The school board may do all of the
6 following:

7 (1) Accept donations, grants, bequests, or other
8 forms of financial assistance for educational purposes from
9 any public or private source and comply with rules and
10 regulations governing grants from the federal government or
11 from any other source, which are not in contravention of the
12 Constitution of Alabama of 1901.

13 (2) Purchase, lease, or accept land, facilities, and
14 equipment and make improvements to land, facilities, and
15 equipment necessary for the use of the school, in accordance
16 with applicable law.

17 (3) Lease land or other property belonging to it or
18 to the school and accept rents and other payments.

19 (4) Sell or exchange land or other real property not
20 needed for school purposes, if the sale or exchange is
21 specifically authorized by law and is in accordance with the
22 procedures provided for the sale of unused school lands under
23 Chapter 15, commencing with Section 9-15-1 of Title 9, Code of
24 Alabama 1975. The sale shall be authorized by resolution of
25 the school board. The contract of sale or exchange shall be
26 signed by the chair of the school board or any other person
27 designated by the school board in the authorizing resolution.

1 (5) Adopt, amend, and repeal rules and policies
2 necessary or proper for the conduct of the business of the
3 school board and the school.

4 (6) Award certificates and issue diplomas for the
5 successful completion of programs of study. All diplomas shall
6 be inclusive of the requirements for a regular school diploma
7 issued by the state board, in accordance with state law, to
8 any student who successfully completes the program of study
9 adopted by the school board. All certificates shall be
10 inclusive of the requirements of a specific program, such as,
11 but not restricted to, summer programs, short courses,
12 workshops, and seminars which fulfill the requirements of the
13 programs as set by the executive director and the school
14 board.

15 (7) Upon recommendation of the executive director,
16 enter into contracts and agreements in accordance with
17 applicable law with other public and private persons,
18 entities, or agencies for cooperative enterprises and
19 undertakings related to or associated with an educational
20 purpose or program affecting the school. This provision shall
21 not preclude the school board from entering into other
22 contracts and agreements that it may deem necessary to perform
23 its duties and functions.

24 (8) Employ an executive director who shall be the
25 chief administrative officer of the school and shall
26 administer the rules, regulations, and policies of the school.
27 The executive director shall also be the chief administrative

1 officer of the school board and shall be responsible for
2 administrative functions, duties, and needs of the school
3 board.

4 (9) Prescribe the qualifications and provide for the
5 certification of teachers.

6 (10) Adopt rules under which faculty members may
7 become permanent employees of the school.

8 (11) Appoint an advisory council to advise the board
9 on its curriculum and technology.

10 (12) By agreement with other schools or school
11 districts or other educational institutions and with approval
12 of the State Superintendent, allow students to take courses
13 offered by other school districts.

14 (13) Offer courses to students by electronic means.

15 (14) Allow students to attend or take courses
16 offered outside of this state and include the courses as a
17 part of the school's curriculum for graduation.

18 (15) Establish a tax exempt charitable organization
19 to receive and expend funds for the support of the school and
20 this act.

21 (16) The board shall encourage internships with
22 businesses, corporations, public utilities, governmental
23 agencies, universities, and others.

24 Section 6. (a) The board, its members, employees,
25 students, and agents of the board or school shall be immune
26 from any liability when acting in good faith and engaged in
27 carrying out their powers or duties authorized by this act.

1 (b) The board, its members, employees, students, and
2 agents of the board or school shall be immune from any
3 liability related to the delivery or use of intellectual
4 property arising out of or relating to the official business
5 of the board or the school.

6 (c) Any provider of intellectual property for the
7 use of the board or school shall be immune from any liability
8 related to the delivery or use of intellectual property to or
9 by the board, the school, or its students. Nothing in this
10 section shall shield a vendor from an intentional infringement
11 of intellectual property rights.

12 (d) The board or school may not enter into any
13 contract with a vendor for school or board business that does
14 not provide a complete indemnity and a defense for any claim,
15 loss, demand or legal action. The indemnity shall not be
16 limited to the face value of the contract, but shall include,
17 without limitation, any cost of defense and any losses,
18 payments, judgments, or settlements.

19 Section 7. (a) A majority of actively serving
20 members of the school board shall constitute a quorum for the
21 transaction of business. All official actions of the board
22 shall require that a quorum be present and that a favorable
23 vote of a majority of those members present and voting. The
24 board may provide for a member to be considered legally
25 present and participate in a meeting by electronic means.

26 (b) Members of the school board shall be compensated
27 for all actual vouchered expenses incurred in the performance

1 of their duties and functions as required by this act. The
2 expenses shall be paid by the executive director from funds
3 appropriated by the Legislature and upon the warrant of the
4 school board.

5 Section 8. (a) The school, at the discretion of the
6 school board, may operate on the same school year basis as all
7 other public schools in Alabama. Full-time students shall be
8 enrolled for the entire school year and may enroll in summer
9 programs.

10 (b) Summer programs may be offered for full-time
11 students and for students who qualify to attend the school
12 during summer periods.

13 (c) The school may offer short courses, workshops,
14 internships, seminars, weekend instructional programs, and
15 other innovative programs for students not enrolled as
16 full-time students in the school.

17 (d) The school, at the discretion of the school
18 board, may provide extension courses on the campuses of other
19 educational institutions within the state.

20 (e) The school shall admit students who meet the
21 qualifications and conditions set by the executive director
22 and approved by the school board. An applicant may be subject
23 to a background check as determined by the board. Any law
24 enforcement agency may cooperate in providing background check
25 information unless the information may not be disclosed by
26 federal law. The board may allow out-of-state students to

1 attend the school for a fee to be set by the board and
2 approved by the State Superintendent.

3 (f) Whenever possible, the school shall offer
4 extracurricular activities of the type found in public
5 secondary schools in the state. The board, by agreement with
6 the school districts, may allow students to participate in
7 extracurricular activities offered by other school districts.

8 Section 9. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.