

HB439 ENROLLED



1 HB439
2 XHUCZEE-2
3 By Representatives Baker, Garrett, Collins
4 RFD: Education Policy
5 First Read: 09-Apr-24



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1 Enrolled, An Act,

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3 Relating to public K-12 education; to create the K-12
4 Technology and Cybersecurity Leadership Act; to rename the
5 position of technology coordinator to technology director; to
6 provide for the minimum qualifications of technology directors
7 for each school system; to provide a waiver process for
8 certain school systems; to require each individual serving in
9 the role of technology director to complete a training program
10 and continuing education instruction by the Alabama Leaders in
11 Educational Technology; to amend Section 29-4-51, Code of
12 Alabama 1975, regarding the K-12 Capital Grant Program Fund,
13 to provide that a recipient of K-12 Capital Grant funds must
14 return any unused grant funds to the state in certain
15 circumstances; to allow grant funds to be used for pay off
16 debt; to allow grant recipients to amend their grant proposal
17 to allow full utilization of funds for eligible purposes; and
18 to repeal Act 2023-560 of the 2023 Regular Session, now
19 appearing as Sections 16-65A-1 through 16-65A-7, inclusive,
20 Code of Alabama 1975, relating to the Distressed Institutions
21 of Higher Education Revolving Loan Program.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) This section shall be known and may be
24 cited as the K-12 Technology and Cybersecurity Leadership Act.

25 (b) (1) The position of technology coordinator in public
26 K-12 schools is renamed technology director and must be filled
27 by an employee of the local board of education on a 12-month
28 contract. Any reference to the term technology coordinator in



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29 this code or other document shall be interpreted as a
30 reference to a technology director. The position may not be
31 filled by a contractor nor the local superintendent of
32 education.

33 (2) The minimum qualifications for an individual hired
34 or assigned to serve as a technology director after October 1,
35 2024, shall include professional training and work experience
36 commensurate with the position's responsibilities, including:

37 a. A degree in a technology-related curriculum from a
38 regionally accredited two-year or four-year institution of
39 higher education; or

40 b. A degree in another field from a regionally
41 accredited two-year or four-year institution of higher
42 education and full-time work experience in a technology
43 support or management position; or

44 c. A diploma from a regionally accredited high school
45 with at least one current certification in industry recognized
46 technologies including, but not limited to, networking,
47 cybersecurity or data management, and full-time work
48 experience in a technology support or management position.

49 (3) School systems unable to fill the position with a
50 candidate meeting the minimum qualifications may request a
51 waiver from the State Superintendent of Education.

52 (c) (1) The Alabama Leaders in Educational Technology, a
53 professional organization, shall establish and administer a
54 professional development program for technology directors in
55 public K-12 school systems.

56 (2) The professional development program shall provide



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57 a mandatory orientation with the Chief Technology Officer
58 Academy and Continuing Education Units program established by
59 the Alabama Leaders in Educational Technology and shall
60 address all of the following:

- 61 a. Roles and responsibilities;
- 62 b. Laws, ethics, and policies;
- 63 c. Data management and governance;
- 64 d. Teaching and learning;
- 65 e. Information technology management and cybersecurity;

66 and

- 67 f. Technology planning and budgeting.

68 (3) The Alabama Leaders in Educational Technology shall
69 routinely review and update the program.

70 (d)(1) Technology directors shall satisfactorily
71 complete an orientation program and annual continuing
72 education units as follows:

73 a. Newly hired or appointed technology directors shall
74 complete the chief technology officer academy training program
75 within 24 months of beginning service in the position.

76 b. All other technology directors shall complete 12
77 in-person contact hours of continuing education unit credits
78 for each fiscal year.

79 (2) Continuing education unit hours shall be offered or
80 preapproved by the Alabama Leaders in Educational Technology
81 program.

82 (3) The Alabama Leaders in Educational Technology shall
83 maintain records for the professional development program and
84 verify completion annually to the State Department of



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85 Education.

86 Section 2. Section 29-4-51, Code of Alabama 1975, is
87 amended to read as follows:

88 "§29-4-51

89 (a) The following words and phrases, whenever used in
90 this section, have the following meanings:

91 (1) ELIGIBLE K-12 ENTITY. Any public school in
92 operation in the current fiscal year, the Alabama School of
93 Math and Science, the Alabama School of Fine Arts, the Alabama
94 School for Cyber Technology and Engineering, the portion of
95 the Alabama Institute for Deaf and Blind providing appropriate
96 elementary/secondary instruction, and may include the
97 Department of Youth Services School District.

98 (2) GRANT. The award by the Office of the Lieutenant
99 Governor of funds appropriated by the Legislature to an
100 eligible K-12 entity.

101 (3) GRANT PROPOSAL. A written plan for the expenditure
102 of funds by an eligible K-12 entity, which meets one or more
103 of the purposes outlined in subsection (c), subject to the
104 approval by the Office of the Lieutenant Governor and expended
105 under the direction of the head of the eligible K-12 entity.

106 (b) There is created the Alabama K-12 Capital Grant
107 Program within the Office of the Lieutenant Governor to award
108 grants to local school systems to assist with capital project,
109 deferred maintenance, or technology needs of the school
110 systems. The Legislature may appropriate funds into the K-12
111 Capital Grant Program Fund which is established within the
112 State Treasury to facilitate the grant program. An amount



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113 determined necessary by the Office of the Lieutenant Governor,
114 but not to exceed ~~one-quarter of~~ one percent of the available
115 fund monies, may be used for the administrative costs of
116 implementing the grant program. No funds shall be withdrawn or
117 expended except as budgeted and allocated in accordance with
118 Article 4 of Chapter 4 of Title 41, and only in the amounts
119 provided by the Legislature in an appropriation bill. Any
120 unencumbered and unexpended balance of this fund remaining at
121 the end of any fiscal year shall not lapse or revert, but
122 shall be carried forward for the purposes of this section
123 until expended, or until the Legislature does not appropriate
124 funds for the program for two consecutive fiscal years. Any
125 unobligated funds remaining in the K-12 Capital Grant Program
126 Fund at the conclusion of the second consecutive fiscal year
127 without an appropriation shall revert to the Education Trust
128 Fund.

129 (c) K-12 Capital Grants shall be made to an eligible
130 K-12 entity for only the following purposes:

131 (1) To assist with the total cost of capital projects
132 that will enhance the educational environment of students,
133 including the construction, reconstruction, or renovation of
134 permanent buildings containing classrooms, offices, libraries,
135 laboratories, teaching facilities, training facilities,
136 cafeterias, alternative schools, physical education
137 facilities, including athletic facilities, facilities for the
138 performing arts and arts education, together with tangible
139 personal property that becomes a part of such facilities.

140 (2) To provide funds to assist with the payment of



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141 existing debt or debt service related to capital projects.

142 (3) To assist with the total cost of necessary deferred
143 maintenance for existing facilities.

144 (4) To assist with the total cost of projects that will
145 improve school security and safety.

146 (5) For technology and equipment for schools or
147 students that will provide access to expanded educational
148 opportunities.

149 (d) (1) The Office of the Lieutenant Governor shall
150 evaluate grant proposals based upon the following criteria:

151 a. The total amount of state funds available for
152 grants, with the maximum grant amount from state funds not to
153 exceed five million dollars (\$5,000,000) for any grant
154 proposal.

155 b. The purposes for which the grant funds are intended.

156 c. The availability of local matching funds, so long as
157 there is not a required match of more than 35% percent of the
158 total cost of the project.

159 d. The extent to which the grant proposals benefit
160 eligible K-12 entities in each geographic area of the state,
161 understanding the number of students and school systems
162 located within each geographic area vary throughout the state.

163 (2) All applications for grants shall be endorsed by a
164 member of the Senate and House of Representatives from the
165 affected delegation in order to be considered.

166 (3) The Office of the Lieutenant Governor shall utilize
167 a sliding scale of matching requirements for grant proposals,
168 taking into consideration the financial capacity of the



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169 eligible K-12 entity to provide matching funds. The office
170 shall ensure that grant proposals from eligible K-12 entities
171 with considerable populations of at-risk students receive
172 priority consideration for review.

173 (4) Any eligible K-12 entity receiving grant funds
174 pursuant to this section may amend their grant proposal once
175 within 12 months of receipt of the grant to allow funds to be
176 fully used by the K-12 entity for an eligible purpose. Any
177 eligible K-12 entity that does not file an amended grant
178 proposal within 12 months of receipt of the grant shall return
179 any unobligated grant funds to the Office of the Lieutenant
180 Governor.

181 ~~(4)~~ (5) Any eligible K-12 entity receiving grant funds
182 pursuant to this section shall file a report with the Office
183 of the Lieutenant Governor within one year following the
184 receipt of the funds. The report shall indicate that
185 expenditures are in accordance with the associated grant
186 proposal and other state laws. Upon a finding that grant
187 expenditures are not in accordance with these conditions, the
188 Office of the Lieutenant Governor shall suspend the release of
189 further grant funds to the entity.

190 ~~(5)~~ (6) The Department of ~~the~~ Examiners of Public
191 Accounts shall examine compliance of the recipient K-12
192 entities with the grant program.

193 ~~(6)~~ (7) The Office of the Lieutenant Governor shall
194 design and distribute a grant proposal instrument to the State
195 Department of Education to make available to eligible K-12
196 entities. The ~~Office~~ office shall maintain electronic records



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197 of all grant proposals for all grants currently in effect and
198 all completed grants and may adopt reasonable rules necessary
199 to implement the provisions of this section.

200 Section 3. (a) Act 2023-560 of the 2023 Regular
201 Session, now appearing as Sections 16-65A-1 through 16-65A-7,
202 inclusive, Code of Alabama 1975, establishing the Distressed
203 Institutions of Higher Education Revolving Loan Program, is
204 repealed.

205 (b) (1) Any funds in the Distressed Institutions of
206 Higher Education Loan Program Fund shall be transferred to the
207 Education Trust Fund within 30 days of the effective date of
208 this section.

209 (2) Notwithstanding any provision of law to the
210 contrary, funds transferred to the Education Trust Fund
211 pursuant to subdivision (1) shall be considered nonrecurring
212 revenue for purposes of Chapter 9 of Title 29, Code of Alabama
213 1975, and available for supplemental appropriation for the
214 fiscal year ending September 30, 2024.

215 Section 4. Section 1 of this act shall become effective
216 July 1, 2024. Sections 2 and 3 of this act shall become
217 effective immediately.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 25-Apr-24.

John Treadwell
Clerk

Senate

08-May-24

Amended and Passed

House

09-May-24

Concurred in Senate
Amendment