HB41
173320-3
By Representative Chesteen
RFD: Ways and Means Education
First Read: 02-FEB-16
PFD: 01/29/2016
ENROLLED, An Act,

To amend Sections 16-16B-1 and 16-16B-2, Code of Alabama 1975, relating to the Alabama Ahead Act; commencing with the 2016-2017 school year, to delete the requirement that tablets and mobile computers be pen-enabled; to delete the phase-in provisions; to delete the reassignment provisions; to delete the requirement for the establishment of an advisory committee; to establish the Alabama Ahead Oversight Committee; to make participation by local school systems voluntary; to provide that funds be used to purchase and install, maintain or upgrade a high-quality, standards-based, broadband Wi-Fi infrastructure and mobile digital computing devices to enable access to digital instructional materials in all public school classrooms; and to amend Section 14 of Act 2012-560, 2012 Regular Session, to delete the requirement that implementation of the act be contingent upon separate legislative enactment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"$16-16B-1.

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

"(b)(1) Commencing with the 2012-2013 2016-2017 school year, students in grades 9-12 shall may be provided
textbooks in electronic format to the. Textbooks in electronic format may be available to schools under the jurisdiction of those local boards of education schools which choose to participate in Alabama Ahead, to the extent practicable and obtainable from the publisher, textbooks adopted pursuant to Article 3, commencing with Section 16-36-60, of Chapter 36 of Title 16 and other instructional materials through a phased-in process, and funding is obtainable, to provide students with resources in the following three areas:

"a. Wireless broadband access via high-quality WiFi infrastructure in schools, as a first priority pursuant to Section 2.

"b. Upgrades, expansions, and maintenance of existing WiFi infrastructure.

"c. Devices, digital content, management systems, debt service, or support.

"(2) Digital textbooks and or other instructional materials provided in electronic format shall may also be provided to students to support the appropriate course or courses of study.

"(c) Where feasible, each public ninth-grade student and teacher will may be provided in lieu of or in addition to hardbound textbooks and other instructional materials, in whole or in part, a mobile digital computing device pen-enabled. tablet, mobile computer, or other similar
wireless electronic device for utilizing 21st Century
technology for storing, reading, accessing, exploring, and
interacting with digital textbooks and other instructional
materials. Each student provided with a pen-enabled tablet,
mobile computer, or other similar wireless electronic device,
and his or her parent or legal guardian, is responsible for
maintaining the assigned device in good working order
throughout the school year and for returning the device to the
providing school at the end of the school year. Local boards
of education that choose to participate in this plan shall
establish practices and policies to ensure the safe-keeping
and maintenance of such devices and conduct inventories to
account for them annually.

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

"(e) (d) (1) The Department of Education shall lead,
implement, provide oversight, and administer this chapter and
shall adopt such rules as necessary in accordance with an-to
fully implement this act. This plan shall include, but is not limited to, the following: Minimum specifications for devices, learning management system, maintenance and support requirements of the electronic devices authorized in this chapter, current readiness of participating schools' wireless networks, professional development for teachers, application process for school systems participating.

"(2) Any system that chooses to participate in Alabama Ahead shall submit an application to the State Department of Education, a copy of which shall be provided to the Alabama Ahead Oversight Committee.

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

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

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

"(e) There is created the Alabama Ahead Oversight
Committee. The Oversight Committee shall consist of the Chair
of the House Ways and Means Education Committee or designee,
the Chair of the Senate Finance and Taxation Education
Committee or designee, two members appointed by the Speaker of
the House of Representatives, two members appointed by the
President Pro Tempore of the Senate, the Director of the
Governor's Broadband Initiative Office, the State
Superintendent of Education or designee, and an appointee of
the School Superintendents of Alabama. The oversight provided
by the Oversight Committee shall include, but not be limited
to: (1) evaluating and confirming the appropriateness of
applications submitted to the State Department of Education
and (2) providing oversight and administration of
implementation.

"(f) Ex officio members of the Oversight Committee
shall include a representative of: the Alabama Technology
Network, the Alabama Virtual Library, the Alabama
Supercomputer Authority, Alabama Public Television, and the
Alabama Educational Technology Association (AETA) who have
experience and knowledge in the administration and management of school networks.

"(g) With the exception of those members serving on the committee by virtue of their respective offices, each member must have proven experience in the areas of instructional technology, network design, public school business practices and/or public school administration or other similar experience commensurate with the duties and responsibilities of the proper knowledge of the implementation of this project.

(h) Appointed members shall not be entitled to receive any direct or indirect personal gain from this assignment. The members shall serve without compensation for their services.

"(i) The membership of the Committee shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state."

"$16-16B-2.

"(a) Wherever used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

"(1) "1965 Act" means Act No. 243 enacted at the 1965 First Special Session of the Legislature, codified as Title 16, Chapter 16.
'(2) "1971 Acts" means Act No. 94 enacted at the 1971 First Special Session of the Legislature, Act No. 2428 enacted at the 1971 Regular Session of the Legislature, and Act No. 56 enacted at the 1971 Second Special Session of the Legislature.

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

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

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


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


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

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

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

"(17) "Digital textbooks" means an interactive, multimedia electronic book or digital resources that can be used creatively by learners.
"(18) "Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

"(19) "Infrastructure" means the hardware and software resources that enable network connectivity, communication, operations, and management.

"(19)-(20) "Legislature" means the Legislature of Alabama.

"(21)-(22) "State" means the State of Alabama.

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

"(23) "Wi-Fi" means a wireless networking technology that allows computers and other devices to communicate over a wireless signal."
"(24) "WIRED" means Wireless Infrastructure
Renovation for Education plan, the approved standards-based
funding model developed by the Alabama Educational Technology
Association (AETA), and endorsed Plan funding model developed
Plan, the approved standards-based funding model developed by
the Alabama Educational Technology Association (AETA), and
endorsed by the State Board of Education, which shall be the
minimum requirement for all school systems.

"(25) "WLAN" means a wireless local area network.

(b) Nouns and pronouns when used in this chapter
shall be deemed to include both singular and plural and all
applicable genders."

Section 2. Section 16-16B-2.1 is added to the Code
of Alabama 1975, to read as follows:

(a)(1) Contingent on funding, during the 2016-2017
school year, local school systems may begin installing
sufficient, high-quality standards-based broadband WiFi
infrastructure and, where possible, mobile digital devices to
enable access to digital instructional materials and, to the
extent practicable, textbooks in electronic format.

(2) In order to accomplish subdivision (1), the
following priorities are established:

a. Wireless infrastructure: The first priority for
the expenditure of Alabama Ahead Act funds is the
establishment of a high-quality, standards-based wireless
local area network (WLAN) infrastructure capable of providing all teachers and students with sufficient WiFi broadband access in all classrooms and common areas of schools, where feasible as described in WIRED.

b. Standards: Local school systems shall use applicable funds to install wireless networks or upgrade existing networks to satisfy Alabama Educational Technology Association (AET) standards that include high-quality, enterprise level networking equipment.

Each regular classroom shall be equipped with high-quality wireless access for 30 to 40 devices simultaneously. Each specialty classroom, that routinely serves groups of less than 20 people, may satisfy a lesser standard.

Each cafeteria shall have sufficient wireless access for one-third of the then current enrollment of the school.

Each library media center shall be equipped with high quality wireless access for at minimum one-third of the capacity of the library media center.

Each administrative and noninstructional area of a school shall have coverage, however, high density coverage is not required in these areas.

c. Upon installation and approval of the standards-based wireless infrastructure, or upgrades of existing wireless infrastructure, local school systems may use
the remaining funds available to those local school systems for the purposes established pursuant to the provisions of this act. To expend these funds, an application shall be submitted to the Educational Technology Department of the State Department of Education.

d. Other network technology: If the wireless networks of a local school system satisfy the requirements of the Oversight Committee, funds may be spent to further enhance digital learning environments within the schools of that school system and may include technologies such as:

1. Support and warranty services.

2. Optional hardware and software to manage or enhance the digital learning environment.

e. Network debt. Funds may be used for retiring debt for a network brought into compliance with the standards; or, for networks previously installed that satisfy the standards established by the Oversight Committee.

(b) Any application for funds shall be submitted and signed by the technology coordinator, the superintendent, and the chief school financial officer of the local school system. The application shall include a component for the professional development of teachers.

(c) Implementation plan: School systems shall apply for their portion of the Alabama Ahead Act funding through the
State Department of Education. Applications for funding shall include all of the following:

a. Technology plan: An approved technology plan as required of all school systems as part of the Foundation Program.

b. Infrastructure readiness report: School systems shall provide an infrastructure readiness report describing each school's WLAN as well as the systems used to manage these networks.

c.1. Accountability in the use of funds: At least every six months until the project is complete, the State Department of Education shall provide a report to the Oversight Committee detailing the progress of local school systems in meeting the 24-month goal of a statewide implementation.

2. The State Department of Education shall include WLAN infrastructure functionality in its monitoring standards as part of the ongoing accountability of this investment.

Section 3. Section 14 of Act 2012-560, 2012 Regular Session, is amended to read as follows:

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

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

Section 4. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.
Speaker of the House of Representatives

Kay Ivey

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 23-FEB-16 and was passed again as amended by Executive Amendment 08-MAR-16, Yeas 103, Nays 1.

Jeff Woodard
Clerk

Senate 03-MAR-16

Passed
Passed, as amended by Executive Amendment Yeas 29, Nays 2, Abstains 0

Senate 05-APR-16

APPROVED 4-11-16

TIME 3:30 PM

GOVERNOR

Alabama Secretary Of State
Act Num....: 2016-139
Bill Num....: H-41
Recv'd 04/12/16 09:16amSLF
REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on W+ME was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be passed w/amend(s) w/sub this 11 day of February 20, 10.

Chairperson

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 41.

YEAS 33 NAYS 0

JEFF WOODARD, Clerk

This Bill was referred to the Standing Committee of the Senate on FATE and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 0 w/sub 0 w/eng sub 0 by a vote of 10 yeas 0 nays 0 abstain 0 this 24th day of February 20, 10.

Chairperson

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 41.

YEAS 33 NAYS 0

PATRICK HARRIS, Secretary

And was ordered returned forthwith to the House

PATRICK HARRIS, Secretary

RECONSIDERED