SB224
147436-3
By Senators Dial and Pittman
RFD: Finance and Taxation Education
First Read: 19-FEB-13
SYNOPSIS: Under existing law, the Alabama Ahead Act, commencing with the 2012-2013 school year, phased in the provision of textbooks and other instructional materials to students and teachers in electronic format through pen-enabled tablets and mobile computers. The act provides for the reassignment of the tablets and mobile computers to students, requires the State Department of Education to establish an advisory committee, and provides for a bond issue.

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

This bill would provide local school systems with the option of participating in the plan, and would require participating systems to contribute 25 percent of the funding from local school system
funds, unless the requirement is waived or reduced by the State Department of Education.

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

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

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

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 1 and 2 of Act 2012-560, 2012
Regular Session, now appearing as Sections 16-16B-1 and
16-16B-2, Code of Alabama 1975, relating to the Alabama Ahead
Act; commencing with the 2013-2014 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 revise the composition of the advisory
committee; to make participation by local school systems
voluntary; to require participating systems to contribute 25
percent of the funding from local school system funds, unless
the requirement is waived or reduced by the State Department
of Education; 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;
and in connection therewith would have as its purpose or
effect the requirement of a new or increased expenditure of
local funds within the meaning of Amendment 621 of the
Constitution of Alabama of 1901, now appearing as Section
111.05 of the Official Recompilation of the Constitution of
Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 1 and 2 of Act 2012-560, 2012
Regular Session, now appearing as 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) Commencing with the 2012-2013 2013-2014 school year, students in grades 9-12 shall be provided in electronic format to the 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. Digital textbooks and other instructional materials provided in electronic format shall support the appropriate course or courses of study.

"(c) Where feasible, each public ninth grade student and teacher will be provided in lieu of or in addition to hardbound textbooks and other instructional materials, in whole or in part, a pen-enabled: tablet, mobile computer, or other similar wireless electronic device 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.
"(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 implementation plan. 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. The plan shall provide funding in the following three areas:

"a. Infrastructure readiness.

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

"c. Upgrades, expansions, and maintenance.

"(2) The plan shall provide that any system that chooses to participate in Alabama Ahead shall submit an 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.

"(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 Advisory
Committee. The committee shall consist of the Chair of the
House of Representatives Education Finance Committee, the
Chair of the Senate Education Finance Committee, a member
appointed by the Speaker of the House of Representatives, a
member appointed by the President Pro Tempore of the Senate,
the State Superintendent of Education, or his or her designee,
the Coordinator of Technology Initiative of the State
Department of Education, the Chief of Staff, Policy, and
Budget of the State Department of Education, and the Assistant
Superintendent of Education. The committee shall assist and
oversee the implementation of the Alabama Ahead Act.

"§16-16B-2.

"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.


"(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) "Legislature" means the Legislature of Alabama.

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

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Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks; or Farmers Home Administration or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof; (iii) bonds, notes, pass through securities or other evidences of indebtedness of Government National Mortgage Association and participation certificates of Federal Home Loan Mortgage Corporation; (iv) full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Ratings Group and at least "Aa" by Moody's Investors Service; (v) public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes, preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment to both principal and interest by a requisition or payment agreement with the United States of America; (vi) time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not covered by federal deposit insurance, such time deposits (including interest thereon) are fully secured by a pledge of obligations described in clauses (i), (ii), (iii), and (v) above, which at all times have a
market value not less than the amount of such bank time deposits required to be so secured and which meet the greater of 100 percent collateralization or the "AA" collateral levels established by Standard & Poor's Ratings Group for structured financings; (vii) repurchase agreements for obligations of the type specified in clauses (i), (ii), (iii), and (v) above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value at least equal to the purchase price of such repurchase agreements which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100 percent collateralization or the "AA" collateral levels established by Standard & Poor's Ratings Group for structured financings; and (viii) uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Ratings Group and at least "Aa" by Moody's Investors Service.

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

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

"(23) "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.

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

Section 2. 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 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 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill requires expenditures only by a school board.

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