

1 SB212
2 189215-4
3 By Senators Orr, Sanford, Scofield, Livingston, Holtzclaw,
4 Dial, Glover, Hightower, Shelnutt, Waggoner, Allen, Marsh and
5 Melson
6 RFD: Finance and Taxation Education
7 First Read: 23-JAN-18



1 SB212

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4 ENROLLED, An Act,

5 To create a program known as the Alabama School of
6 Cyber Technology and Engineering in Huntsville, Alabama; to
7 provide legislative intent; to provide definitions; to provide
8 for the membership, powers, compensation, and terms of a board
9 of trustees; to provide for programs and the operation of the
10 school; to provide for extracurricular activities; and to
11 prescribe eligibility requirements.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. It is the intent of the Legislature to
14 establish an independent, residential school for academically
15 motivated and gifted Alabama students with educational
16 opportunities and experiences in the rapidly growing fields of
17 cyber and engineering and to assist teachers, administrators,
18 and superintendents across the state in replicating cyber and
19 engineering studies in their own schools.

20 Section 2. For the purposes of this act, the
21 following terms shall have the following meanings:

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

23 (2) SCHOOL. The Alabama School of Cyber Technology
24 and Engineering.

25 (3) STATE BOARD. The State Board of Education.

1 (4) SUPERINTENDENT. The State Superintendent of
2 Education.

3 Section 3. (a) There is created a program to be
4 called the Alabama School of Cyber Technology and Engineering,
5 which shall be a residential institution located in Huntsville
6 in Madison County, at a site to be determined by the board of
7 trustees. The school may open and formally begin operation
8 with the fall semester of 2020. The school shall be funded by
9 the state from monies appropriated for the school and grants,
10 donations, and funds from any other source including, but not
11 limited to, corporations, individuals, and foundations.

12 (b) The school shall be governed by a board of
13 trustees whose membership, powers, duties, and
14 responsibilities shall be as provided in this act.

15 (c) The school shall coordinate its programs and
16 curriculum with the department, but shall be independent of
17 the control of the superintendent, the state board, and any
18 local board of education except its board of trustees, unless
19 otherwise provided by this act.

20 Section 4. (a) There is created a board of trustees
21 for the school. The board of trustees shall be composed of the
22 following members:

23 (1) An assistant state superintendent in charge of
24 curriculum development with the department, or his or her
25 designee.

1 (2) The President of Auburn University, or his or
2 her designee.

3 (3) The President of the University of Alabama in
4 Huntsville, or his or her designee.

5 (4) The President of Alabama A&M University, or his
6 or her designee

7 (5) The President of Tuskegee University, or his or
8 her designee.

9 (6) The President of the University of South
10 Alabama, or his or her designee.

11 (7) The President of the University of Alabama, or
12 his or her designee.

13 (8) The Chair of the Alabama School of Cyber and
14 Engineering Foundation.

15 (9) The Chair of the House Ways and Means Education
16 Committee, or his or her designee.

17 (10) The Chair of the Senate Finance and Taxation
18 Education Committee, or his or her designee.

19 (11) The Chancellor of the Alabama Community College
20 System, or his or her designee.

21 (12) Eight members to be appointed by the Governor,
22 one member from each congressional district and one member
23 appointed at large, who shall be a resident of Madison County.
24 Five of the eight members appointed by the Governor shall have
25 a background in business. The other three members appointed by

1 the Governor may include appointees with backgrounds in
2 academia, government, or other career fields that provide a
3 strong basis for service. The Governor shall make his or her
4 appointments so that diversity of gender, race, and
5 geographical areas is reflective of the makeup of this state.

6 (b) The terms of the eight members appointed by the
7 Governor shall be for six years, except for original
8 appointees who shall serve staggered terms with three
9 appointees serving two years, three appointees serving four
10 years, and two appointees serving six years. The terms of the
11 initial members who are elected officials, or their respective
12 designees, shall commence with their appointment, run
13 concurrently with their terms of office, and shall end when
14 their successors take office. The terms of members who are not
15 serving by virtue of an elected office shall commence with
16 their appointment and shall end when their successor is
17 appointed. All members may succeed themselves. No member shall
18 be appointed for more than three consecutive full terms.

19 Section 5. (a) The board of trustees may perform the
20 following functions:

21 (1) Accept donations, bequests, or other forms of
22 financial assistance for educational purposes from any public
23 or private person or agency and comply with rules and
24 regulations governing grants from the federal government or

1 from any other person or agency, which are not in
2 contravention of the constitution and laws.

3 (2) Purchase or lease real estate and equipment and
4 make improvements to facilities necessary for the use of the
5 school, in accordance with applicable law.

6 (3) Lease land or other property belonging to the
7 board of trustees or to the school.

8 (4) Sell or exchange land or other real property not
9 needed for school purposes, but only when specifically
10 authorized by law and then only in accordance with the
11 procedures provided for the sale of unused school lands. The
12 sale shall be authorized by resolution adopted by the board of
13 trustees, and the act of sale shall be signed by the president
14 of the board of trustees or such other person to whom the
15 signing may be delegated by the board of trustees in the
16 authorizing resolution.

17 (5) Adopt, amend, or repeal rules, regulations, and
18 policies necessary or proper for the conduct of the business
19 of the board of trustees.

20 (6) Award certificates and issue diplomas for
21 successful completion of programs of study. All certificates
22 and diplomas shall be in addition to a regular high school
23 diploma which shall be issued by the state board in accordance
24 with state law to any student who successfully completes the
25 program of study adopted by the board of trustees.

1 (7) Enter into contracts and agreements which have
2 been recommended by the director, in accordance with
3 applicable law, and to the extent that funds are specifically
4 appropriated therefor, with other public agencies with respect
5 to cooperative enterprises and undertakings related to or
6 associated with an educational purpose or program affecting
7 education in the school. This shall not preclude the board of
8 trustees from entering into other contracts and agreements
9 that the board of trustees may deem necessary to carry out the
10 duties and functions of the board of trustees.

11 (8) Perform such other functions as are necessary to
12 the supervision and control of those phases of education under
13 the board of trustees.

14 (b) The board of trustees shall delegate to the
15 executive director those powers and duties the board of
16 trustees deems appropriate to aid the director in the
17 efficient administration of his or her responsibility for the
18 implementation of the policies of the board of trustees.

19 (c) In addition to the authorities granted in this
20 act and any powers, duties, and responsibilities vested by any
21 other applicable laws, the board of trustees shall perform all
22 of the following duties:

23 (1) Adopt rules, regulations, and policies necessary
24 for the efficient operation of the school.

1 (2) Establish criteria to be used in determining
2 eligibility of applicants for enrollment.

3 (3) Determine subjects and extracurricular
4 activities to be offered. Subjects shall initially be subject
5 to approval by the state board, and thereafter, changes in the
6 subjects shall be subject to approval by the state board.

7 (4) Select a director who shall be the chief
8 administrative officer of the school and who shall administer
9 the rules, regulations, and policies adopted by the board of
10 trustees pursuant to this act. The director shall also be the
11 chief administrative officer of the board of trustees and
12 shall be responsible for all the administrative functions,
13 duties, and needs of the board of trustees. Until such time as
14 the board of trustees selects a director, the superintendent
15 shall serve as the chief administrative officer of the board
16 of trustees and shall be responsible for the duties of the
17 director as they relate to the board of trustees. The
18 superintendent shall relinquish administrative duties to the
19 director when the director officially assumes his or her
20 duties with the board of trustees.

21 (5) Determine faculty and staff positions necessary
22 for the efficient operation of the school and select personnel
23 for those positions.

24 (6) Prepare and adopt an annual budget necessary for
25 the continued operation of the school.

1 (7) Pay the expenses, per diem, and travel expenses
2 of the board of trustees and its members, which shall be the
3 same as allowed state employees when the board member is
4 traveling on board business. The board shall also pay the
5 salaries and expenses including, but not limited to,
6 facilities, equipment, and supplies of the faculty and staff
7 of the school out of funds appropriated or otherwise made
8 available for the operating and administrative expenses of the
9 board of trustees and the school.

10 (8) Exercise budgetary responsibility and allocate
11 for expenditure by the school and programs under its
12 jurisdiction all monies appropriated or otherwise made
13 available for purposes of the board of trustees and of the
14 school and programs.

15 (9) Prescribe and select for use in the school free
16 textbooks and other materials of instruction for students
17 enrolled in the school and programs under its jurisdiction for
18 which the Legislature provides funds. Wherever practical, the
19 board of trustees shall select the same textbooks and other
20 materials of instruction as are adopted by the state board.

21 (10) Prepare and adopt or approve programs of study
22 and rules, bylaws, and regulations for the discipline of
23 students and for the government of the school and programs
24 under its jurisdiction, which may not be inconsistent with law
25 and which shall be enforced by the staff and faculty of the

1 school. Programs of study shall initially be subject to
2 approval by the state board, and thereafter, any changes in
3 programs of study shall be subject to approval by the state
4 board.

5 (11) Any provision of law to the contrary
6 notwithstanding, prescribe the qualifications of teachers at
7 the school, provided that any teacher employed at the school,
8 who does not hold certification, shall hold an advanced
9 degree, or be acknowledged by the board of trustees as an
10 expert, in his or her field of instruction.

11 (12) Develop and adopt a formula or system under
12 which students shall be admitted. The formula or system shall
13 be sufficient to insure that at least one qualified applicant
14 for admission from within the geographical boundaries of each
15 city and county public school system in the state shall be
16 eligible for admission to the school each year. If no
17 qualified applicant from a city or county public school system
18 applies for admission, then the slots available to that school
19 system shall be lost to that system for that school year and
20 shall be reallocated by the board of trustees to provide for
21 the admission of qualified applicants from other public school
22 systems. Any provision of this subdivision to the contrary
23 notwithstanding, the board of trustees shall admit additional
24 students, utilizing admission criteria provided by the adopted
25 formula or system and as resources and facilities allow, by

1 also taking into consideration the enrollment size of the city
2 or county public school system of the student applicant.

3 (13) Assist teachers, administrators, and
4 superintendents across the state in replicating cyber and
5 engineering best practices in their own schools. Assistance
6 shall include, but not be limited to, classroom observations,
7 workshops, and fostering communities of practice in the areas
8 of cyber and engineering.

9 (14) Adopt rules and regulations to provide for the
10 evaluation of any applicant who has not been evaluated but who
11 satisfies all other criteria for participation in the program.

12 (d) Nine members of the board of trustees shall
13 constitute a quorum for the transaction of business, and all
14 official action of the board of trustees shall require the
15 favorable vote of a majority of those members present and
16 voting.

17 (e) Members of the board of trustees shall be
18 compensated for all actual vouchered expenses incurred in the
19 performance of their duties and functions as required by this
20 act. Expenses shall be paid by the director from funds
21 appropriated therefor by the Legislature and upon the warrant
22 of the board of trustees.

23 (f) The board of trustees shall serve as the local
24 educational agency for the school.

1 Section 6. (a) The school, at the discretion of the
2 board of trustees, shall operate on the same school year basis
3 as all other public schools in the state. Full-time students
4 shall be enrolled for the entire school year and may enroll in
5 the summer program.

6 (b) A summer program may be offered for full-time
7 students and for students who qualify to attend the school
8 during that period.

9 (c) The school may also offer short courses,
10 workshops, seminars, weekend instructional programs, and other
11 innovative programs which may be used to offer instruction to
12 students not enrolled as full-time students in the school.

13 (d) The school, at the discretion of the board of
14 trustees, may provide extension courses and campuses on the
15 campuses of other schools, colleges, and universities within
16 the state.

17 Section 7. Whenever possible, the school may offer
18 such extracurricular activities as may be found in any public
19 secondary school in the state.

20 Section 8. Nothing in this act shall be so construed
21 as to prohibit or prevent the board of trustees from accepting
22 federal funds or monies from any corporation or other private
23 contributor for use in operating the school or providing
24 programs by the school.

1 Section 9. It is not the intent of this Legislature
2 to conflict with existing or future programs of the Alabama
3 High School of Mathematics and Science, Chapter 26A of Title
4 16, Code of Alabama 1975, or the Alabama School of Fine Arts,
5 Chapter 26B of Title 19, Code of Alabama 1975.

6 Section 10. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

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Del Mar

President and Presiding Officer of the Senate

Mac McClatchey

Speaker of the House of Representatives

SB212

Senate 22-FEB-18

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 21-MAR-18

Senate concurred in House amendment 22-MAR-18

APPROVED

4/2/18

TIME

1:32pm

By: Senator Orr

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2018-480
Bill Num...: S-212

HOUSE ACTION
(Continued)

HOUSE OF REPRESENTATIVES
R. 3 at length and passed
Yeas 91 Nays 0 Abs 1
Date 3-21-18
AS amended
JEFF WOODARD, Clerk