

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0440.02 Alana Rosen x2606

SENATE BILL 24-070

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

McLachlan and Pugliese,

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ALLOWING ONLINE EDUCATION PROGRAMS TO OFFER**
102 **REMOTE STATE ASSESSMENT TESTING TO STUDENTS WHO**
103 **ATTEND ONLINE EDUCATION PROGRAMS, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows online schools or online programs (online education program) to offer remote state assessment testing (testing) to students who attend an online education program in a setting that aligns

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
2nd Reading Unamended
May 3, 2024

SENATE
3rd Reading Unamended
March 13, 2024

SENATE
Amended 2nd Reading
March 12, 2024

with the student's regular educational instruction.

To offer remote testing, online education programs shall put the following procedures in place:

- A student must take the assessment at an assigned date and time;
- The student must attend a synchronous assessment session initiated and managed by online education program personnel;
- The student must take the state assessment using a device with a camera that is monitored by an assessment proctor via video for the duration of the state assessment or, if the assessment platform does not allow integrated camera proctoring, the student must use 2 devices, one to take the state assessment and one the assessment proctor uses to monitor the student;
- The online education program must maintain a ratio of no more than 10 students to one assessment proctor for the duration of the state assessment;
- The student must not exit the state assessment until instructed by the assessment proctor; and
- The assessment proctor shall verify the submission of each student's state assessment.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Currently, a student who attends an online education program
5 must travel to remote testing locations to participate in state assessments;

6 (b) For some families, traveling to remote testing locations
7 requires parents, guardians, or legal custodians to take time away from
8 work, drive long distances, and pay for overnight lodging and meals so
9 that the student can take the state assessment;

10 (c) As a result of the cost and time requirement to travel to remote
11 testing locations, some parents, guardians, or legal custodians decide to
12 excuse the student from participating in the state assessment; and

13 (d) When a parent, guardian, or legal custodian excuses the

1 student from participating in the state assessment, the state is unable to
2 measure the student's performance.

3 (2) The general assembly finds, therefore, that the state must
4 implement practices to allow a student to take state assessments remotely
5 and in a setting that aligns with the student's regular educational
6 instruction. Creating optional remote testing standards for online
7 education programs will allow students to take state assessments remotely
8 while ensuring the integrity and fairness of the testing process.

9 **SECTION 2.** In Colorado Revised Statutes, 22-7-1006.3, **amend**
10 **(1)(e)** as follows:

11 **22-7-1006.3. State assessments - administration - rules -**
12 **definitions.** (1) (e) (I) The department OF EDUCATION shall review and
13 update assessment administration and security policies as necessary to
14 maintain the integrity of the assessments.

15 (II) FOR ALL OR ANY PORTION OF A STATE ASSESSMENT
16 ADMINISTERED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION THAT
17 ALLOWS A STUDENT TO USE A COMPUTER, THE DEPARTMENT OF
18 EDUCATION SHALL DEVELOP, REVIEW, AND UPDATE STATE ASSESSMENT
19 ADMINISTRATION AND SECURITY POLICIES FOR HOME-BASED, VIRTUAL
20 ADMINISTRATION OF COMPUTER-BASED STATE ASSESSMENTS FOR
21 STUDENTS ENROLLED FULL TIME IN ONLINE SCHOOLS OR ONLINE
22 PROGRAMS, AS DEFINED IN SECTION 22-30.7-102. THE STATE ASSESSMENT
23 ADMINISTRATION AND SECURITY POLICIES MUST INCLUDE, BUT NOT BE
24 LIMITED TO:

25 (A) TESTING PERSONNEL QUALIFICATIONS;

26 (B) MAXIMUM RATIO OF STUDENTS TO VIRTUAL ADMINISTRATOR;

27 (C) TESTER VERIFICATION;

1 (D) REMOTE SETTING REQUIREMENTS, INCLUDING RESTRICTION TO
2 OTHER DEVICES OR PEOPLE WITH OR WITHOUT INTERNET CAPABILITIES;
3 (E) MONITORING OF THE TEST-TAKER AND TESTING ENVIRONMENT;
4 (F) DEVICE AND NETWORK REQUIREMENTS;
5 (G) PARENTAL CONSENT AGREEMENTS; AND
6 (H) ELIGIBILITY FOR SCHOOLS TO CONDUCT HOME-BASED, VIRTUAL
7 ADMINISTRATION OF STATE ASSESSMENTS.

8 (III) THE POLICIES ESTABLISHED PURSUANT TO SUBSECTION
9 (1)(e)(II) OF THIS SECTION MUST SUPPORT THE VALIDATION ACTIVITIES
10 NECESSARY FOR THE HOME-BASED, VIRTUAL ADMINISTRATION OF STATE
11 ASSESSMENTS IN THE 2024-25 SCHOOL YEAR, WITH THE EXPECTATION OF
12 FULL IMPLEMENTATION OF HOME-BASED, VIRTUAL ADMINISTRATION OF
13 STATE ASSESSMENTS NO LATER THAN THE 2025-26 SCHOOL YEAR THAT
14 RESULT IN VALID SCORES FOR THE PURPOSES DESCRIBED IN SUBSECTION
15 (7)(b) OF THIS SECTION.

16 (IV) TO ESTABLISH THE VALIDITY OF HOME-BASED, VIRTUALLY
17 ADMINISTERED STATE ASSESSMENTS BEGINNING IN THE 2024-25 SCHOOL
18 YEAR, THE DEPARTMENT OF EDUCATION SHALL CONDUCT VALIDATION
19 ACTIVITIES, GATHER DATA, AND EVALUATE THE COMPARABILITY OF
20 SCORES BETWEEN HOME-BASED, VIRTUALLY ADMINISTERED STATE
21 ASSESSMENTS AND SCHOOL-BASED, IN-PERSON ADMINISTERED STATE
22 ASSESSMENTS. TO ENCOURAGE STUDENT AND EDUCATOR PARTICIPATION
23 IN VALIDATION ACTIVITIES, THE DEPARTMENT OF EDUCATION MAY
24 PROVIDE INCENTIVES.

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26 (V) AS USED IN THIS SUBSECTION (1)(e), UNLESS THE CONTEXT
27 OTHERWISE REQUIRES:

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(A) "DEVICE" MEANS ELECTRONIC EQUIPMENT CONTROLLED BY A CENTRAL PROCESSING UNIT, INCLUDING, BUT NOT LIMITED TO, DESKTOP OR LAPTOP COMPUTERS, SMARTPHONES, OR TABLETS.

(B) "VALIDATION ACTIVITIES" MEANS THE PROCESS OF COLLECTING EVIDENCE TO EVALUATE THE APPROPRIATENESS OF THE INTERPRETATIONS OF, USES FOR, AND DECISIONS MADE BASED ON STATE ASSESSMENT RESULTS.

SECTION 3. Appropriation. For the 2024-25 state fiscal year, \$440,000 is appropriated to the department of education. This appropriation is from the state education fund created in section 17 (4)(a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the statewide assessment program.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

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