

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 24-070

BY SENATOR(S) Lundeen and Zenzinger, Bridges, Buckner, Cutter, Exum, Michaelson Jenet, Priola, Rich;
also REPRESENTATIVE(S) McLachlan and Pugliese, Bird, Duran, Frizell, Joseph, Lieder, Soper, Taggart, Young.

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(d) When a parent, guardian, or legal custodian excuses the student from participating in the state assessment, the state is unable to measure the student's performance.

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

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

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

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

(A) TESTING PERSONNEL QUALIFICATIONS;

(B) MAXIMUM RATIO OF STUDENTS TO VIRTUAL ADMINISTRATOR;

(C) TESTER VERIFICATION;

(D) REMOTE SETTING REQUIREMENTS, INCLUDING RESTRICTION TO OTHER DEVICES OR PEOPLE WITH OR WITHOUT INTERNET CAPABILITIES;

(E) MONITORING OF THE TEST-TAKER AND TESTING ENVIRONMENT;

(F) DEVICE AND NETWORK REQUIREMENTS;

(G) PARENTAL CONSENT AGREEMENTS; AND

(H) ELIGIBILITY FOR SCHOOLS TO CONDUCT HOME-BASED, VIRTUAL ADMINISTRATION OF STATE ASSESSMENTS.

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

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

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

(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.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO