

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

SB25-063 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds and declares that teacher librarians are highly trained and
5 educated and that they intentionally and thoughtfully select library
6 resources for their specific public schools to educate and entertain
7 students who attend the school.

8 (2) The general assembly further finds and declares that:

9 (a) A range of books and other library resources should be
10 provided for the interest, education, and enlightenment of all students
11 who public school libraries serve;

12 (b) The opportunity to be exposed to a wide variety of
13 perspectives and experiences via books and other library resources
14 engenders empathy and understanding;

15 (c) Recent challenges to library resources have targeted various
16 protected classes, including individuals based on their race and sexual
17 orientation, constituting dangerous discrimination and limiting some
18 individuals from adequate representation and participation in institutional
19 public life;

20 (d) Community members have challenged the inclusion of library
21 resources in public school libraries and have successfully demanded the
22 removal of library resources;

23 (e) Removing library resources prevents others from examining,
24 enjoying, and learning from the removed library resources; and

25 (f) It is important that public school libraries' policies for the
26 acquisition, retention, display, reconsideration, and use of library
27 resources and for the use of public school library facilities comply with
28 standards that identify the priorities and mission of public school
29 libraries.

30 **SECTION 2.** In Colorado Revised Statutes, **add** 22-1-148 as
31 follows:

32 **22-1-148. Public school libraries - standards for acquisition -**
33 **retention - display - utilization - reconsideration of library resources**
34 **- definitions.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE
35 CONTEXT OTHERWISE REQUIRES:

36 (a) "INSTITUTE BOARD" MEANS THE GOVERNING BOARD OF THE
37 STATE CHARTER SCHOOL INSTITUTE THAT IS APPOINTED PURSUANT TO
38 SECTION 22-30.5-505.

39 (b) "LIBRARY RESOURCE" MEANS MATERIAL, BOTH PRINT AND
40 NON-PRINT, FOUND IN A PUBLIC SCHOOL LIBRARY THAT SUPPORTS

1 CURRICULAR OR PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE
2 BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR
3 MICROFILM. NON-PRINT ITEMS INCLUDE E-BOOKS, STREAMING RESOURCES,
4 FILMS, DISC RECORDS, FILMSTRIPS, SLIDES, PRINTS, AUDIOTAPES,
5 VIDEOTAPES, COMPACT DISCS, COMPUTER SOFTWARE, LIBRARY PROGRAMS,
6 AND EXHIBITS. "LIBRARY RESOURCE" DOES NOT INCLUDE THE MATERIALS
7 THAT ARE IN AN INDIVIDUAL CLASSROOM LIBRARY.

8 (c) "LOCAL SCHOOL BOARD" MEANS THE ELECTED BOARD OF
9 EDUCATION OF A SCHOOL DISTRICT.

10 (d) "PARENT" MEANS A BIOLOGICAL PARENT, ADOPTIVE PARENT,
11 LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING LEGAL CUSTODY OF A
12 CHILD.

13 (e) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A
14 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
15 1 OF ARTICLE 30.5 OF THIS TITLE 22, AND A CHARTER SCHOOL AUTHORIZED
16 BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF
17 ARTICLE 30.5 OF THIS TITLE 22.

18 (f) "SCHOOL LIBRARY STAFF MEMBER" MEANS A TEACHER
19 LIBRARIAN, SCHOOL LIBRARY MEDIA SPECIALIST, SCHOOL LIBRARIAN, ANY
20 CERTIFIED OR NONCERTIFIED STAFF MEMBER ASSIGNED TO DUTIES IN A
21 SCHOOL LIBRARY, OR ANY INDIVIDUAL CARRYING OUT OR ASSISTING WITH
22 THE FUNCTIONS OF A SCHOOL LIBRARY.

23 (g) "STANDARDS" MEANS THE STANDARDS WITH WHICH A LOCAL
24 SCHOOL BOARD OR THE INSTITUTE BOARD IS REQUIRED TO COMPLY IN
25 ESTABLISHING WRITTEN POLICIES REGARDING LIBRARY RESOURCES
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

27 (2) **Written policies.** (a) EACH LOCAL SCHOOL BOARD SHALL
28 ESTABLISH WRITTEN POLICIES FOR THE ACQUISITION, RETENTION, DISPLAY,
29 AND USE OF LIBRARY RESOURCES THAT APPLY TO ALL OF THE PUBLIC
30 SCHOOLS THAT ARE GOVERNED BY THE LOCAL SCHOOL BOARD. IN
31 ADDITION, EACH LOCAL SCHOOL BOARD SHALL ESTABLISH A WRITTEN
32 POLICY FOR THE RECONSIDERATION OF A LIBRARY RESOURCE THAT
33 COMPLIES WITH THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION.
34 EACH LOCAL SCHOOL BOARD SHALL ESTABLISH THE WRITTEN POLICIES
35 REQUIRED IN THIS SUBSECTION (2)(a) BY SEPTEMBER 1, 2025.

36 (b) THE INSTITUTE BOARD SHALL ESTABLISH WRITTEN POLICIES
37 FOR THE ACQUISITION, RETENTION, DISPLAY, AND USE OF LIBRARY
38 RESOURCES THAT APPLY TO ALL INSTITUTE CHARTER SCHOOLS. IN
39 ADDITION, THE INSTITUTE BOARD SHALL ESTABLISH A WRITTEN POLICY FOR
40 THE RECONSIDERATION OF A LIBRARY RESOURCE THAT COMPLIES WITH THE
41 PROVISIONS OF SUBSECTION (3) OF THIS SECTION. THE INSTITUTE BOARD
42 SHALL ESTABLISH THE WRITTEN POLICIES REQUIRED IN THIS SUBSECTION
43 (2)(b) BY SEPTEMBER 1, 2025.

1 (c) IF, AS OF THE EFFECTIVE DATE OF THIS SECTION, A LOCAL
2 SCHOOL BOARD OR THE INSTITUTE BOARD HAS ALREADY ESTABLISHED
3 WRITTEN POLICIES THAT COMPLY WITH THE REQUIREMENTS OF
4 SUBSECTION (2)(a) OR (2)(b) OF THIS SECTION, AS APPLICABLE, THE LOCAL
5 SCHOOL BOARD OR INSTITUTE BOARD IS NOT REQUIRED TO WRITE NEW
6 POLICIES PURSUANT TO THIS SECTION.

7 (3) **Standards.** THE WRITTEN POLICIES ESTABLISHED BY A LOCAL
8 SCHOOL BOARD OR THE INSTITUTE BOARD PURSUANT TO SUBSECTION (2)
9 OF THIS SECTION SHALL, AT A MINIMUM, COMPLY WITH THE FOLLOWING
10 STANDARDS:

11 (a) A PUBLIC SCHOOL LIBRARY SHALL COMPLY WITH THE FIRST
12 AMENDMENT TO THE UNITED STATES CONSTITUTION AS INTERPRETED BY
13 THE UNITED STATES SUPREME COURT IN *BOARD OF EDUCATION, ISLAND*
14 *TREES UNION FREE SCHOOL DISTRICT NO. 26 v. PICO*, 457 U.S. 853 (1982),
15 AND SECTION 10 OF ARTICLE II OF THE STATE CONSTITUTION CONCERNING
16 THE FREEDOM OF SPEECH; AND

17 (b) A PUBLIC SCHOOL LIBRARY SHALL PROTECT AGAINST
18 HARASSMENT AND DISCRIMINATION, PARTICULARLY REGARDING THE
19 CLASSES SET FORTH IN SECTION 22-1-143 (1)(d)(I), WITH RESPECT TO THE
20 AUTHOR, CONTENT, AND INTENDED AUDIENCE OF A LIBRARY RESOURCE.

21 (4) **Reconsideration of library resources.** (a) (I) EXCEPT AS
22 OTHERWISE PROVIDED IN SUBSECTION (4)(a)(II) OF THIS SECTION, A PUBLIC
23 SCHOOL LIBRARY MAY REMOVE A LIBRARY RESOURCE FROM ITS
24 PERMANENT COLLECTION ONLY IF THE LIBRARY RESOURCE HAS BEEN
25 REVIEWED IN ACCORDANCE WITH AN ESTABLISHED POLICY FOR THE
26 RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE
27 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

28 (II) THE PROVISIONS OF SUBSECTION (4)(a)(I) OF THIS SECTION DO
29 NOT APPLY TO ROUTINE COLLECTION MAINTENANCE AND DEACCESSION IN
30 ACCORDANCE WITH A PUBLIC SCHOOL LIBRARY'S ESTABLISHED
31 COLLECTION DEVELOPMENT AND MAINTENANCE POLICY.

32 (b) BEFORE A LOCAL SCHOOL BOARD OR INSTITUTE BOARD
33 RECONSIDERS A LIBRARY RESOURCE PURSUANT TO THE POLICY, THE LOCAL
34 SCHOOL BOARD OR THE INSTITUTE BOARD SHALL MAKE ITS
35 RECONSIDERATION POLICIES AVAILABLE TO THE PUBLIC IN A MANNER TO
36 BE DETERMINED BY THE LOCAL SCHOOL BOARD OR INSTITUTE BOARD, AS
37 APPLICABLE.

38 (c) TO MAKE A REQUEST FOR RECONSIDERATION OF A LIBRARY
39 RESOURCE, THE INDIVIDUAL MAKING THE REQUEST MUST BE A PARENT OF
40 A STUDENT WHO IS ENROLLED IN THE PUBLIC SCHOOL FOR WHICH THE
41 REQUEST IS MADE.

42 (d) A LOCAL SCHOOL BOARD AND THE INSTITUTE BOARD SHALL
43 NOT RECONSIDER THE SAME LIBRARY RESOURCE MORE THAN ONCE EVERY

1 TWO YEARS; EXCEPT THAT THE ESTABLISHED POLICY FOR THE
2 RECONSIDERATION OF A LIBRARY RESOURCE ADOPTED BY A LOCAL SCHOOL
3 BOARD OR THE INSTITUTE BOARD MAY SPECIFY A PERIOD LONGER THAN
4 TWO YEARS DURING WHICH THE LOCAL SCHOOL BOARD OR INSTITUTE
5 BOARD WILL NOT RECONSIDER THE SAME LIBRARY RESOURCE.

6 (e) (I) ONCE A FINAL DETERMINATION HAS BEEN MADE FOR A
7 LIBRARY RESOURCE THAT IS THE SUBJECT OF A REQUEST FOR
8 RECONSIDERATION, THE LOCAL SCHOOL BOARD OR THE INSTITUTE BOARD,
9 AS APPLICABLE, SHALL MAKE THE DETERMINATION AND HOW IT COMPORTS
10 WITH SUBSECTION (3) OF THIS SECTION AVAILABLE TO THE PUBLIC.

11 (II) A PUBLIC SCHOOL LIBRARY SHALL NOT REMOVE, DISCONTINUE,
12 OR RESTRICT A LIBRARY RESOURCE AS THE RESULT OF A REQUEST FOR
13 RECONSIDERATION UNTIL THE DETERMINATION REGARDING THE LIBRARY
14 RESOURCE HAS BEEN MADE AVAILABLE TO THE PUBLIC PURSUANT TO
15 SUBSECTION (4)(e)(I) OF THIS SECTION.

16 (f) A WRITTEN REQUEST FOR RECONSIDERATION OF A LIBRARY
17 RESOURCE IN A PUBLIC SCHOOL LIBRARY IS AN OPEN RECORD UNDER THE
18 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

19 (5) **Retaliation against library employees prohibited.** A SCHOOL
20 LIBRARY STAFF MEMBER SHALL NOT BE SUBJECT TO TERMINATION,
21 DEMOTION, DISCIPLINE, OR RETALIATION FOR REFUSING TO REMOVE A
22 LIBRARY RESOURCE BEFORE IT HAS BEEN REVIEWED IN ACCORDANCE WITH
23 THE APPLICABLE LOCAL SCHOOL BOARD'S OR INSTITUTE BOARD'S POLICY
24 FOR THE RECONSIDERATION OF LIBRARY RESOURCES OR FOR MAKING
25 DECISIONS THAT THE SCHOOL LIBRARY STAFF MEMBER BELIEVES, IN GOOD
26 FAITH, ARE IN ACCORDANCE WITH THE POLICY OF THE APPLICABLE LOCAL
27 SCHOOL BOARD OR THE INSTITUTE BOARD.

28 **SECTION 3. Safety clause.** The general assembly finds,
29 determines, and declares that this act is necessary for the immediate
30 preservation of the public peace, health, or safety or for appropriations for
31 the support and maintenance of the departments of the state and state
32 institutions."

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