

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 10, 2025
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB25-063 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 standards that identify the priorities and mission of public school
2 libraries.

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

5 **22-1-148. Public school libraries - standards for acquisition -**
6 **retention - display - utilization - reconsideration of library resources**
7 **- definitions.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (a) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
10 BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS
11 TITLE 22 AND A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
12 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE
13 22.

14 (b) "LIBRARY RESOURCE" MEANS MATERIAL, BOTH PRINT AND
15 NON-PRINT, FOUND IN A PUBLIC SCHOOL LIBRARY THAT SUPPORTS
16 CURRICULAR OR PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE
17 BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR
18 MICROFILM. NON-PRINT ITEMS INCLUDE E-BOOKS, STREAMING RESOURCES,
19 FILMS, DISC RECORDS, FILMSTRIPS, SLIDES, PRINTS, AUDIOTAPES,
20 VIDEOTAPES, COMPACT DISCS, COMPUTER SOFTWARE, LIBRARY PROGRAMS,
21 AND EXHIBITS. "LIBRARY RESOURCE" DOES NOT INCLUDE THE MATERIALS
22 THAT ARE IN AN INDIVIDUAL CLASSROOM LIBRARY.

23 (c) "LOCAL SCHOOL BOARD" MEANS THE ELECTED BOARD OF
24 EDUCATION OF A SCHOOL DISTRICT.

25 (d) "PARENT" MEANS A BIOLOGICAL PARENT, ADOPTIVE PARENT,
26 LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING LEGAL CUSTODY OF A
27 CHILD.

28 (e) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A
29 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
30 1 OF ARTICLE 30.5 OF THIS TITLE 22, AND A CHARTER SCHOOL AUTHORIZED
31 BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF
32 ARTICLE 30.5 OF THIS TITLE 22.

33 (f) "SCHOOL LIBRARY STAFF MEMBER" MEANS A TEACHER
34 LIBRARIAN, SCHOOL LIBRARY MEDIA SPECIALIST, SCHOOL LIBRARIAN, ANY
35 CERTIFIED OR NONCERTIFIED STAFF MEMBER ASSIGNED TO DUTIES IN A
36 SCHOOL LIBRARY, OR ANY INDIVIDUAL CARRYING OUT OR ASSISTING WITH
37 THE FUNCTIONS OF A SCHOOL LIBRARY.

38 (g) "STANDARDS" MEANS THE STANDARDS WITH WHICH A LOCAL
39 SCHOOL BOARD OR A CHARTER SCHOOL IS REQUIRED TO COMPLY IN
40 ESTABLISHING WRITTEN POLICIES REGARDING LIBRARY RESOURCES
41 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

42 (2) **Written policies.** (a) EACH LOCAL SCHOOL BOARD SHALL
43 ESTABLISH WRITTEN POLICIES FOR THE ACQUISITION, RETENTION, DISPLAY,

1 AND USE OF LIBRARY RESOURCES THAT APPLY TO ALL OF THE PUBLIC
2 SCHOOLS THAT ARE NOT CHARTER SCHOOLS AND THAT ARE GOVERNED BY
3 THE LOCAL SCHOOL BOARD. IN ADDITION, EACH LOCAL SCHOOL BOARD
4 SHALL ESTABLISH A WRITTEN POLICY FOR THE RECONSIDERATION OF A
5 LIBRARY RESOURCE THAT COMPLIES WITH THE PROVISIONS OF SUBSECTION
6 (3) OF THIS SECTION. EACH LOCAL SCHOOL BOARD SHALL ESTABLISH THE
7 WRITTEN POLICIES REQUIRED IN THIS SUBSECTION (2)(a) BY SEPTEMBER 1,
8 2025.

9 (b) EACH CHARTER SCHOOL SHALL ESTABLISH WRITTEN POLICIES
10 FOR THE ACQUISITION, RETENTION, DISPLAY, AND USE OF LIBRARY
11 RESOURCES THAT APPLY TO THE CHARTER SCHOOL. IN ADDITION, EACH
12 CHARTER SCHOOL SHALL ESTABLISH A WRITTEN POLICY FOR THE
13 RECONSIDERATION OF A LIBRARY RESOURCE THAT COMPLIES WITH THE
14 PROVISIONS OF SUBSECTION (3) OF THIS SECTION. EACH CHARTER SCHOOL
15 SHALL ESTABLISH THE WRITTEN POLICIES REQUIRED IN THIS SUBSECTION
16 (2)(b) BY SEPTEMBER 1, 2025.

17 (c) IF, AS OF THE EFFECTIVE DATE OF THIS SECTION, A LOCAL
18 SCHOOL BOARD OR A CHARTER SCHOOL HAS ALREADY ESTABLISHED
19 WRITTEN POLICIES THAT COMPLY WITH THE REQUIREMENTS OF
20 SUBSECTION (2)(a) OR (2)(b) OF THIS SECTION, AS APPLICABLE, THE LOCAL
21 SCHOOL BOARD OR CHARTER SCHOOL IS NOT REQUIRED TO WRITE NEW
22 POLICIES PURSUANT TO THIS SECTION.

23 (3) **Standards.** THE WRITTEN POLICIES ESTABLISHED BY A LOCAL
24 SCHOOL BOARD OR A CHARTER SCHOOL PURSUANT TO SUBSECTION (2) OF
25 THIS SECTION SHALL, AT A MINIMUM, COMPLY WITH THE FOLLOWING
26 STANDARDS:

27 (a) A PUBLIC SCHOOL LIBRARY SHALL COMPLY WITH THE FIRST
28 AMENDMENT TO THE UNITED STATES CONSTITUTION AS INTERPRETED BY
29 THE UNITED STATES SUPREME COURT IN *BOARD OF EDUCATION, ISLAND*
30 *TREES UNION FREE SCHOOL DISTRICT NO. 26 V. PICO*, 457 U.S. 853 (1982),
31 AND SECTION 10 OF ARTICLE II OF THE STATE CONSTITUTION CONCERNING
32 THE FREEDOM OF SPEECH; AND

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

37 (4) **Reconsideration of library resources.** (a) (I) EXCEPT AS
38 OTHERWISE PROVIDED IN SUBSECTION (4)(a)(II) OF THIS SECTION, A PUBLIC
39 SCHOOL LIBRARY MAY REMOVE A LIBRARY RESOURCE FROM ITS
40 PERMANENT COLLECTION ONLY IF THE LIBRARY RESOURCE HAS BEEN
41 REVIEWED IN ACCORDANCE WITH AN ESTABLISHED POLICY FOR THE
42 RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE
43 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

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

5 (b) BEFORE A LOCAL SCHOOL BOARD OR CHARTER SCHOOL
6 RECONSIDERS A LIBRARY RESOURCE PURSUANT TO THE POLICY, THE LOCAL
7 SCHOOL BOARD OR THE CHARTER SCHOOL SHALL MAKE ITS
8 RECONSIDERATION POLICIES AVAILABLE TO THE PUBLIC IN A MANNER TO
9 BE DETERMINED BY THE LOCAL SCHOOL BOARD OR CHARTER SCHOOL, AS
10 APPLICABLE.

11 (c) TO MAKE A REQUEST FOR RECONSIDERATION OF A LIBRARY
12 RESOURCE, THE INDIVIDUAL MAKING THE REQUEST MUST BE A PARENT OF
13 A STUDENT WHO IS ENROLLED IN THE PUBLIC SCHOOL FOR WHICH THE
14 REQUEST IS MADE.

15 (d) A LOCAL SCHOOL BOARD OR A CHARTER SCHOOL SHALL NOT
16 RECONSIDER THE SAME LIBRARY RESOURCE MORE THAN ONCE EVERY TWO
17 YEARS; EXCEPT THAT THE ESTABLISHED POLICY FOR THE
18 RECONSIDERATION OF A LIBRARY RESOURCE ADOPTED BY A LOCAL SCHOOL
19 BOARD OR A CHARTER SCHOOL MAY SPECIFY A PERIOD LONGER THAN TWO
20 YEARS DURING WHICH THE LOCAL SCHOOL BOARD OR CHARTER SCHOOL
21 WILL NOT RECONSIDER THE SAME LIBRARY RESOURCE.

22 (e) (I) ONCE A FINAL DETERMINATION HAS BEEN MADE FOR A
23 LIBRARY RESOURCE THAT IS THE SUBJECT OF A REQUEST FOR
24 RECONSIDERATION, THE LOCAL SCHOOL BOARD OR THE CHARTER SCHOOL,
25 AS APPLICABLE, SHALL MAKE THE DETERMINATION AND HOW IT COMPORTS
26 WITH SUBSECTION (3) OF THIS SECTION AVAILABLE TO THE PUBLIC.

27 (II) A PUBLIC SCHOOL LIBRARY SHALL NOT REMOVE, DISCONTINUE,
28 OR RESTRICT A LIBRARY RESOURCE AS THE RESULT OF A REQUEST FOR
29 RECONSIDERATION UNTIL THE DETERMINATION REGARDING THE LIBRARY
30 RESOURCE HAS BEEN MADE AVAILABLE TO THE PUBLIC PURSUANT TO
31 SUBSECTION (4)(e)(I) OF THIS SECTION.

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

35 (5) **Retaliation against library employees prohibited.** A PUBLIC
36 SCHOOL LIBRARY STAFF MEMBER SHALL NOT BE SUBJECT TO TERMINATION,
37 DEMOTION, DISCIPLINE, OR RETALIATION FOR REFUSING TO REMOVE A
38 LIBRARY RESOURCE BEFORE IT HAS BEEN REVIEWED IN ACCORDANCE WITH
39 THE APPLICABLE LOCAL SCHOOL BOARD'S OR CHARTER SCHOOL'S POLICY
40 FOR THE RECONSIDERATION OF LIBRARY RESOURCES OR FOR MAKING
41 DECISIONS THAT THE SCHOOL LIBRARY STAFF MEMBER BELIEVES, IN GOOD
42 FAITH, ARE IN ACCORDANCE WITH THE POLICY OF THE APPLICABLE LOCAL
43 SCHOOL BOARD OR THE CHARTER SCHOOL.

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

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