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Final Fiscal Note

Drafting Number:	LLS 24-0250	Date:	May 30, 2024
Prime Sponsors:	Sen. Cutter; Kolker Rep. Joseph; Hamrick	Bill Status:	Postponed Indefinitely
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Bill Topic: CONTENT OF MATERIAL IN LIBRARIES

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input checked="" type="checkbox"/> School District

The bill would have established a process for school districts and public libraries to review requests to remove materials from circulation in libraries. The bill would have increased state expenditures in FY 2024-25 only, and increased school district expenditures on an ongoing basis.

Appropriation Summary: For FY 2024-25, the bill would have required an appropriation of \$77,152 to the Colorado Department of Education.

Fiscal Note Status: The final fiscal note reflects the introduced bill. The bill was postponed indefinitely by the Senate Education Committee on February 28, 2024; therefore, the impacts identified in this analysis do not take effect.

**Table 1
State Fiscal Impacts Under SB 24-049**

		Budget Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-
Expenditures	General Fund	\$77,152	-
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$11,573	-

Summary of Legislation

The bill requires the superintendent of each school district convene a committee to consider a request to remove material from circulation in a school library. The bill specifies committee membership and allows the committee to set its own rules for procedure. The school district shall create a publicly available form to request that materials be removed from circulation. Only students and parents of students attending the school may use this form.

The bill outlines standards that the committee shall abide by when considering a request to remove materials from circulation, and requires the committee to issue a ruling on requests within 90 days of a hearing. Materials may only be removed from circulation upon unanimous consent of the committee. Parents may exempt their own children from objected materials in a school library as long as they do not preclude other students from accessing the materials.

The bill creates a similar process for other public libraries, with the board of directors for the library district acting as the committee to consider requests for removal of materials.

No later than January 1, 2025, the State Board of Education must adopt standards that prohibit schools and districts from failing to select instructional materials, including library resources, on the basis that it includes study of the role and contribution of racial or religious minorities, and the role and contributions of lesbian, gay, bisexual, and transgender individuals within these minority groups.

The bill protects any library staff member from retaliation, discrimination, or termination for refusing to comply with a request to remove material from circulation for any resource that is not removed by the committees and boards outlined in the bill.

State Expenditures

The bill increases state expenditures in the Colorado Department of Education (CDE) by \$77,152 in FY 2024-25 only, paid from the General Fund. The bill may also impact workload in the Judicial Department.

State Board of Education. As required by the bill, the CDE will convene its standards review committees to adopt standards to apply when school districts consider materials in school libraries. The cost of \$77,152 includes substitute teacher coverage, training, and travel reimbursement for approximately 40 committee members convening outside of their normal schedules to meet the bill's January 1, 2025, deadline.

Judicial Department. The bill may result in additional civil lawsuits for claims of discrimination on behalf of school librarians and staff members who refuse to remove materials from circulation. Any workload increase is assumed to be minimal and no change in appropriations is required.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

School District

School districts will develop forms and procedures to comply with the process for reviewing materials in school libraries. Upon receiving a request to remove material, school staff members—including principals, teachers, and librarians—will have increased workload to review objected materials and attend hearings to consider these requests.

Costs will vary between school districts based on the number of requests and on how each committee chooses to conduct its hearings. Committees are required to include four instructional members. For informational purposes, if a committee meets five times per year for two full days, 40 substitute teacher days would be required.

Districts may adopt a schedule for hearings and compensation policies for committee members if the volume of requests to remove materials is high. Because the volume of challenges and compensation policies will vary from district to district, the exact expenditure impact to each school district cannot be estimated.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$77,152 to the Department of Education.

State and Local Government Contacts

Early Childhood
School Districts

Education

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).