

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 25-0131.01 Nicole Myers x4326

**SENATE BILL 25-063**

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**SENATE SPONSORSHIP**

**Cutter and Michaelson Jenet,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**  
Education

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING STANDARDS THAT PUBLIC SCHOOLS ARE REQUIRED TO**  
102 **INCLUDE IN POLICIES REGARDING LIBRARY RESOURCES.**

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**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 requires the local board of education of a school district (local school board) and the state charter school institute board (institute board) to establish written policies for the acquisition, retention, display, and use of library resources and for the use of a public school library facility. In addition, if any public school reconsiders library resources, the local school board or institute board, as applicable, is required to establish

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.*

a written policy for the reconsideration of a library resource. A local school board and the institute board are required to comply with specified standards in establishing a policy for the acquisition, retention, display, use, and reconsideration of library resources and for the use of public school library facilities.

The bill specifies that a public school library may remove a library resource from its permanent collection only if the library resource has been reviewed in accordance with an established policy for the reconsideration of library resources that complies with the standards established in the bill. If a local school board or the institute board has not established a policy for the reconsideration of library resources or has a policy for the reconsideration of library resources that does not comply with the standards established in the bill, a public school governed by the local school board or an institute charter school, as applicable, may not remove a library resource from its permanent collection. These requirements do not apply to routine collection maintenance and deaccession in accordance with a public school library's established collection maintenance policy. A local school board or the institute board is required to make its process for the reconsideration of library materials available to the public.

After reviewing a library resource that is the subject of a request for reconsideration and making a final determination regarding the library resource, the local school board or institute board, as applicable, is required to make the determination available to the public.

The bill specifies that a request for reconsideration of a library resource in a public school library is an open record under the "Colorado Open Records Act".

The bill specifies that a librarian, media specialist, other employee, contractor, or volunteer (employee) at a public school library is not subject to termination, demotion, discipline, or retaliation for refusing to remove a library resource before it has been reviewed in accordance with the school district's or state charter school institute's policy for the reconsideration of library resources or for making displays, acquisitions, or programming decisions that the employee believes, in good faith, are in accordance with the standards established in the bill.

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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 public school librarians are highly trained and  
4 educated and that they intentionally and thoughtfully select library  
5 resources for their specific public schools to educate and entertain

1 students who attend the school.

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

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

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

9 (c) Recent challenges to library resources have targeted various  
10 protected classes, including individuals based on their race and sexual  
11 orientation, constituting dangerous discrimination and limiting some  
12 individuals from adequate representation and participation in institutional  
13 public life;

14 (d) Community members have challenged the inclusion of library  
15 resources in public school libraries and have successfully demanded the  
16 removal of library resources;

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

19 (f) It is important that public school libraries' policies for the  
20 acquisition, retention, display, reconsideration, and use of library  
21 resources and for the use of public school library facilities comply with  
22 standards that identify the priorities and mission of public school  
23 libraries.

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

26 **22-1-148. Public school libraries - standards for acquisition -**  
27 **retention - display - utilization - reconsideration of library resources**

1 - **definitions.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:

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

6 (b) "LIBRARY RESOURCE" MEANS MATERIAL, BOTH PRINT AND  
7 NON-PRINT, FOUND IN A PUBLIC SCHOOL LIBRARY THAT SUPPORTS  
8 CURRICULAR OR PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE  
9 BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR  
10 MICROFILM. NON-PRINT ITEMS INCLUDE E-BOOKS, STREAMING RESOURCES,  
11 FILMS, DISC RECORDS, FILMSTRIPS, SLIDES, PRINTS, AUDIOTAPES,  
12 VIDEOTAPES, COMPACT DISCS, COMPUTER SOFTWARE, LIBRARY PROGRAMS,  
13 AND EXHIBITS. "LIBRARY RESOURCE" DOES NOT INCLUDE THE MATERIALS  
14 THAT ARE IN AN INDIVIDUAL CLASSROOM LIBRARY.

15 (c) "LOCAL SCHOOL BOARD" MEANS THE ELECTED BOARD OF  
16 EDUCATION OF A SCHOOL DISTRICT.

17 (d) "PARENT" MEANS A BIOLOGICAL PARENT, ADOPTIVE PARENT,  
18 LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING LEGAL CUSTODY OF A  
19 CHILD.

20 (e) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A  
21 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART  
22 1 OF ARTICLE 30.5 OF THIS TITLE 22, AND A CHARTER SCHOOL AUTHORIZED  
23 BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF  
24 ARTICLE 30.5 OF THIS TITLE 22.

25 (f) "STANDARDS" MEANS THE STANDARDS THAT A LOCAL SCHOOL  
26 BOARD OR THE INSTITUTE BOARD IS REQUIRED TO INCLUDE IN POLICIES  
27 REGARDING LIBRARY RESOURCES PURSUANT TO SUBSECTION (3) OF THIS

1 SECTION.

2 (2) **Written policies.** (a) EACH LOCAL SCHOOL BOARD SHALL  
3 ESTABLISH WRITTEN POLICIES FOR THE ACQUISITION, RETENTION, DISPLAY,  
4 AND USE OF LIBRARY RESOURCES THAT APPLY TO ALL OF THE PUBLIC  
5 SCHOOLS THAT ARE GOVERNED BY THE LOCAL SCHOOL BOARD. IN  
6 ADDITION, IF ANY PUBLIC SCHOOL GOVERNED BY A LOCAL SCHOOL BOARD  
7 RECONSIDERS LIBRARY RESOURCES AS SPECIFIED IN SUBSECTION (4) OF  
8 THIS SECTION, THE LOCAL SCHOOL BOARD SHALL ESTABLISH A WRITTEN  
9 POLICY FOR THE RECONSIDERATION OF A LIBRARY RESOURCE THAT  
10 COMPLIES WITH THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION.

11 (b) THE INSTITUTE BOARD SHALL ESTABLISH WRITTEN POLICIES  
12 FOR THE ACQUISITION, RETENTION, DISPLAY, AND USE OF LIBRARY  
13 RESOURCES THAT APPLY TO ALL INSTITUTE CHARTER SCHOOLS. IN  
14 ADDITION, IF ANY INSTITUTE CHARTER SCHOOL RECONSIDERS LIBRARY  
15 RESOURCES AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, THE  
16 INSTITUTE BOARD SHALL ESTABLISH A WRITTEN POLICY FOR THE  
17 RECONSIDERATION OF A LIBRARY RESOURCE THAT COMPLIES WITH THE  
18 PROVISIONS OF SUBSECTION (3) OF THIS SECTION.

19 (3) **Standards.** IF A LOCAL SCHOOL BOARD OR THE INSTITUTE  
20 BOARD ESTABLISHES A WRITTEN POLICY FOR THE RECONSIDERATION OF A  
21 LIBRARY RESOURCE PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE  
22 POLICY SHALL, AT A MINIMUM, COMPLY WITH THE FOLLOWING  
23 STANDARDS:

24 (a) A PUBLIC SCHOOL LIBRARY SERVES AS A CENTER FOR INQUIRY  
25 AND THE DISSEMINATION OF INFORMATION AND IDEAS;

26 (b) STUDENTS WHO ATTEND PUBLIC SCHOOLS SHOULD BE ABLE TO  
27 ACCESS A RANGE OF SOCIAL, POLITICAL, AESTHETIC, MORAL, AND OTHER

1 IDEAS AND EXPERIENCES THROUGH A PUBLIC SCHOOL LIBRARY;

2 (c) EACH LIBRARY RESOURCE IN A PUBLIC SCHOOL LIBRARY IS  
3 PROVIDED FOR THE INTEREST, INFORMATION, AND ENLIGHTENMENT OF THE  
4 STUDENTS IN THE PUBLIC SCHOOL AND A PUBLIC SCHOOL LIBRARY SHOULD  
5 PRESENT DIVERSE POINTS OF VIEW IN THE COLLECTION AS A WHOLE;

6 (d) A PUBLIC SCHOOL LIBRARY SHALL NOT EXCLUDE A LIBRARY  
7 RESOURCE BECAUSE OF THE IDENTITY OF THE AUTHOR, ILLUSTRATOR, OR  
8 CREATOR OF THE LIBRARY RESOURCE OR BECAUSE OF THE TOPIC  
9 ADDRESSED BY THE LIBRARY RESOURCE OR THE OPINIONS EXPRESSED IN  
10 THE LIBRARY RESOURCE;

11 (e) A PUBLIC SCHOOL LIBRARY SHALL NOT PROSCRIBE OR PROHIBIT  
12 THE CIRCULATION OR PROCUREMENT OF A LIBRARY RESOURCE BECAUSE OF  
13 PARTISAN OR DOCTRINAL DISAPPROVAL OF THE LIBRARY RESOURCE;

14 (f) A PUBLIC SCHOOL LIBRARY SHALL NOT EXCLUDE A LIBRARY  
15 RESOURCE ON THE BASIS OF SEXUAL CONTENT WITHOUT APPLYING THE  
16 APPROPRIATE CRITERIA ESTABLISHED BY THE UNITED STATES SUPREME  
17 COURT IN *MILLER V. CALIFORNIA*, 413 U.S. 15 (1973), WITH RESPECT TO  
18 THE POPULATION TO WHICH THE LIBRARY RESOURCE IS MADE AVAILABLE,  
19 INCLUDING WHETHER:

20 (I) THE AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY  
21 NORMS WOULD FIND THAT THE LIBRARY RESOURCE, TAKEN AS A WHOLE,  
22 APPEALS PRIMARILY TO THE PRURIENT INTEREST;

23 (II) THE LIBRARY RESOURCE DEPICTS OR DESCRIBES, IN A  
24 PATENTLY OFFENSIVE WAY, SEXUAL CONDUCT AS SPECIFICALLY DEFINED  
25 BY STATE LAW; AND

26 (III) THE LIBRARY RESOURCE, TAKEN AS A WHOLE, LACKS SERIOUS  
27 LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE;

1 (g) IT IS THE RESPONSIBILITY OF A PUBLIC SCHOOL LIBRARY TO  
2 CHALLENGE CENSORSHIP IN THE FULFILLMENT OF ITS RESPONSIBILITY TO  
3 PROVIDE INFORMATION AND ENLIGHTENMENT;

4 (h) A PUBLIC SCHOOL LIBRARY SHALL CONSIDER THE PERSPECTIVES  
5 OF MARGINALIZED GROUPS, INCLUDING THOSE IDENTIFIED IN SECTION  
6 22-1-104 (1)(a);

7 (i) FOR A PUBLIC SCHOOL LIBRARY THAT PROVIDES FACILITIES TO  
8 STUDENTS IN THE SCHOOL OR TO THE PUBLIC, THE LIBRARY SHALL MAKE  
9 THE FACILITIES AVAILABLE ON AN EQUITABLE BASIS, REGARDLESS OF THE  
10 BELIEFS OR AFFILIATIONS OF INDIVIDUALS OR GROUPS REQUESTING THEIR  
11 USE; AND

12 (j) A PUBLIC SCHOOL LIBRARY SHALL PROHIBIT DISCRIMINATION  
13 BASED ON AGE, BACKGROUND, POLITICAL OR RELIGIOUS VIEWS, ORIGIN,  
14 DISABILITY, RACE, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,  
15 GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY  
16 IN THE SELECTION, RETENTION, DISPLAY, USE, OR RECONSIDERATION OF  
17 LIBRARY RESOURCES AND MEETING SPACES.

18 (4) **Reconsideration of library resources.** (a) (I) EXCEPT AS  
19 OTHERWISE PROVIDED IN SUBSECTION (4)(a)(II) OF THIS SECTION, A PUBLIC  
20 SCHOOL LIBRARY MAY REMOVE A LIBRARY RESOURCE FROM ITS  
21 PERMANENT COLLECTION ONLY IF THE LIBRARY RESOURCE HAS BEEN  
22 REVIEWED IN ACCORDANCE WITH AN ESTABLISHED POLICY FOR THE  
23 RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE  
24 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION. IF A LOCAL SCHOOL  
25 BOARD OR THE INSTITUTE BOARD HAS NOT ESTABLISHED A POLICY FOR THE  
26 RECONSIDERATION OF A LIBRARY RESOURCE OR HAS A POLICY FOR THE  
27 RECONSIDERATION OF LIBRARY RESOURCES THAT DOES NOT COMPLY WITH

1 THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, A PUBLIC  
2 SCHOOL GOVERNED BY THE LOCAL SCHOOL BOARD OR THE INSTITUTE  
3 BOARD, AS APPLICABLE, MAY NOT REMOVE A LIBRARY RESOURCE FROM ITS  
4 PERMANENT COLLECTION.

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

9 (b) IF A LOCAL SCHOOL BOARD OR THE INSTITUTE BOARD HAS  
10 ESTABLISHED A POLICY FOR THE RECONSIDERATION OF A LIBRARY  
11 RESOURCE THAT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (3)  
12 OF THIS SECTION, BEFORE THE LOCAL SCHOOL BOARD OR INSTITUTE BOARD  
13 RECONSIDERS A LIBRARY RESOURCE PURSUANT TO THE POLICY, THE LOCAL  
14 SCHOOL BOARD OR THE INSTITUTE BOARD SHALL MAKE ITS  
15 RECONSIDERATION POLICIES AVAILABLE TO THE PUBLIC ON THE SCHOOL  
16 DISTRICT'S OR STATE CHARTER SCHOOL INSTITUTE'S WEBSITE, AS  
17 APPLICABLE.

18 (c) TO MAKE A REQUEST FOR RECONSIDERATION OF A LIBRARY  
19 RESOURCE, THE INDIVIDUAL MAKING THE REQUEST MUST BE A PARENT OF  
20 A STUDENT WHO IS ENROLLED IN THE PUBLIC SCHOOL FOR WHICH THE  
21 REQUEST IS MADE.

22 (d) A LOCAL SCHOOL BOARD AND THE INSTITUTE BOARD SHALL  
23 NOT RECONSIDER THE SAME LIBRARY RESOURCE MORE THAN ONCE EVERY  
24 TWO YEARS; EXCEPT THAT THE ESTABLISHED POLICY FOR THE  
25 RECONSIDERATION OF A LIBRARY RESOURCE ADOPTED BY A LOCAL SCHOOL  
26 BOARD OR THE INSTITUTE BOARD MAY SPECIFY A PERIOD LONGER THAN  
27 TWO YEARS DURING WHICH THE LOCAL SCHOOL BOARD OR INSTITUTE



1 BOARD WILL NOT RECONSIDER THE SAME LIBRARY RESOURCE.

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

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

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

16 (5) **Retaliation against library employees prohibited.** AN  
17 INDIVIDUAL WHO IS A LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE,  
18 CONTRACTOR, OR VOLUNTEER AT A PUBLIC SCHOOL LIBRARY SHALL NOT  
19 BE SUBJECT TO TERMINATION, DEMOTION, DISCIPLINE, OR RETALIATION  
20 FOR REFUSING TO REMOVE A LIBRARY RESOURCE BEFORE IT HAS BEEN  
21 REVIEWED IN ACCORDANCE WITH THE APPLICABLE LOCAL SCHOOL BOARD'S  
22 OR INSTITUTE BOARD'S POLICY FOR THE RECONSIDERATION OF LIBRARY  
23 RESOURCES OR FOR MAKING DISPLAYS, ACQUISITIONS, OR PROGRAMMING  
24 DECISIONS THAT THE LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE,  
25 CONTRACTOR, OR VOLUNTEER BELIEVES, IN GOOD FAITH, ARE IN  
26 ACCORDANCE WITH THE STANDARDS.

27 **SECTION 3. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate  
2 preservation of the public peace, health, or safety or for appropriations for  
3 the support and maintenance of the departments of the state and state  
4 institutions.