

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0131.01 Nicole Myers x4326

SENATE BILL 25-063

SENATE SPONSORSHIP

Cutter and Michaelson Jenet,

HOUSE SPONSORSHIP

Garcia and Willford,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

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

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.

SENATE
Amended 2nd Reading
February 18, 2025

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.

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

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

12 (b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
13 BOARD OF COOPERATIVE SERVICES AS DEFINED IN SECTION 22-5-103 THAT
14 OPERATES A SCHOOL, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL
15 DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, OR A
16 CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL
17 INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

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

21 (d) "PUBLIC SCHOOL" MEANS A SCHOOL OPERATED BY A LOCAL
22 EDUCATION PROVIDER.

23 (e) "PUBLIC SCHOOL LIBRARY STAFF MEMBER" MEANS A TEACHER
24 LIBRARIAN, SCHOOL LIBRARY MEDIA SPECIALIST, SCHOOL LIBRARIAN, ANY
25 CERTIFIED OR NONCERTIFIED STAFF MEMBER ASSIGNED TO DUTIES IN A
26 PUBLIC SCHOOL LIBRARY, OR ANY INDIVIDUAL CARRYING OUT OR
27 ASSISTING WITH THE FUNCTIONS OF A PUBLIC SCHOOL LIBRARY.

1 (f) "STANDARDS" MEANS THE STANDARDS WITH WHICH A LOCAL
2 EDUCATION PROVIDER IS REQUIRED TO COMPLY IN ESTABLISHING WRITTEN
3 POLICIES REGARDING LIBRARY RESOURCES PURSUANT TO SUBSECTION (3)
4 OF THIS SECTION.

5 (2) **Written policies.** (a) EACH LOCAL EDUCATION PROVIDER
6 SHALL ESTABLISH WRITTEN POLICIES FOR THE ACQUISITION, RETENTION,
7 DISPLAY, AND USE OF LIBRARY RESOURCES. IN ADDITION, EACH LOCAL
8 EDUCATION PROVIDER SHALL ESTABLISH A WRITTEN POLICY FOR THE
9 RECONSIDERATION OF A LIBRARY RESOURCE THAT COMPLIES WITH THE
10 PROVISIONS OF SUBSECTION (3) OF THIS SECTION. EACH LOCAL EDUCATION
11 PROVIDER SHALL ESTABLISH THE WRITTEN POLICIES REQUIRED IN THIS
12 SUBSECTION (2)(a) BY SEPTEMBER 1, 2025.

13 (b) IF, AS OF THE EFFECTIVE DATE OF THIS SECTION, A LOCAL
14 EDUCATION PROVIDER HAS ALREADY ESTABLISHED WRITTEN POLICIES
15 THAT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS
16 SECTION, THE LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO WRITE
17 NEW POLICIES PURSUANT TO THIS SECTION.

18 (3) **Standards.** THE WRITTEN POLICIES ESTABLISHED BY A LOCAL
19 EDUCATION PROVIDER PURSUANT TO SUBSECTION (2) OF THIS SECTION
20 SHALL, AT A MINIMUM, COMPLY WITH THE FOLLOWING STANDARDS:

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

27 (b) A PUBLIC SCHOOL LIBRARY SHALL PROTECT AGAINST

1 HARASSMENT AND DISCRIMINATION, PARTICULARLY REGARDING THE
2 CLASSES SET FORTH IN SECTION 22-1-143 (1)(d)(I), WITH RESPECT TO THE
3 AUTHOR, CONTENT, AND INTENDED AUDIENCE OF A LIBRARY RESOURCE.

4 (4) Reconsideration of library resources. (a) (I) EXCEPT AS
5 OTHERWISE PROVIDED IN SUBSECTION (4)(a)(II) OF THIS SECTION, A PUBLIC
6 SCHOOL LIBRARY MAY REMOVE A LIBRARY RESOURCE FROM ITS
7 PERMANENT COLLECTION ONLY IF THE LIBRARY RESOURCE HAS BEEN
8 REVIEWED IN ACCORDANCE WITH AN ESTABLISHED POLICY FOR THE
9 RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE
10 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

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

15 (b) BEFORE A LOCAL EDUCATION PROVIDER RECONSIDERS A
16 LIBRARY RESOURCE PURSUANT TO THE POLICY, THE LOCAL EDUCATION
17 PROVIDER SHALL MAKE ITS RECONSIDERATION POLICIES AVAILABLE TO
18 THE PUBLIC IN A MANNER TO BE DETERMINED BY THE LOCAL EDUCATION
19 PROVIDER.

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

24 (d) A LOCAL EDUCATION PROVIDER SHALL NOT RECONSIDER THE
25 SAME LIBRARY RESOURCE MORE THAN ONCE EVERY TWO YEARS; EXCEPT
26 THAT THE ESTABLISHED POLICY FOR THE RECONSIDERATION OF A LIBRARY
27 RESOURCE ADOPTED BY A LOCAL EDUCATION PROVIDER MAY SPECIFY A

1 PERIOD LONGER THAN TWO YEARS DURING WHICH THE LOCAL EDUCATION
2 PROVIDER WILL NOT RECONSIDER THE SAME LIBRARY RESOURCE.

3 (e) (I) ONCE A FINAL DETERMINATION HAS BEEN MADE FOR A
4 LIBRARY RESOURCE THAT IS THE SUBJECT OF A REQUEST FOR
5 RECONSIDERATION, THE LOCAL EDUCATION PROVIDER SHALL MAKE THE
6 DETERMINATION AND HOW IT COMPORTS WITH SUBSECTION (3) OF THIS
7 SECTION AVAILABLE TO 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.** A PUBLIC
17 SCHOOL LIBRARY STAFF MEMBER SHALL NOT BE SUBJECT TO TERMINATION,
18 DEMOTION, DISCIPLINE, OR RETALIATION FOR REFUSING TO REMOVE A
19 LIBRARY RESOURCE BEFORE IT HAS BEEN REVIEWED IN ACCORDANCE WITH
20 THE APPLICABLE LOCAL EDUCATION PROVIDER'S POLICY FOR THE
21 RECONSIDERATION OF LIBRARY RESOURCES OR FOR MAKING DECISIONS
22 THAT THE SCHOOL LIBRARY STAFF MEMBER BELIEVES, IN GOOD FAITH, ARE
23 IN ACCORDANCE WITH THE POLICY OF THE LOCAL EDUCATION PROVIDER.

24 **SECTION 3. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.