

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0131.01 Nicole Myers x4326

SENATE BILL 25-063

SENATE SPONSORSHIP

Cutter and Michaelson Jenet,

HOUSE SPONSORSHIP

(None),

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.

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) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
4 BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS
5 TITLE 22 AND A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
6 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE
7 22.

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

17 (c) "LOCAL SCHOOL BOARD" MEANS THE ELECTED BOARD OF
18 EDUCATION OF A SCHOOL DISTRICT.

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

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

27 (f) "SCHOOL LIBRARY STAFF MEMBER" MEANS A TEACHER

1 LIBRARIAN, SCHOOL LIBRARY MEDIA SPECIALIST, SCHOOL LIBRARIAN, ANY
2 CERTIFIED OR NONCERTIFIED STAFF MEMBER ASSIGNED TO DUTIES IN A
3 SCHOOL LIBRARY, OR ANY INDIVIDUAL CARRYING OUT OR ASSISTING WITH
4 THE FUNCTIONS OF A SCHOOL LIBRARY.

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

9 (2) **Written policies.** (a) EACH LOCAL SCHOOL BOARD SHALL
10 ESTABLISH WRITTEN POLICIES FOR THE ACQUISITION, RETENTION, DISPLAY,
11 AND USE OF LIBRARY RESOURCES THAT APPLY TO ALL OF THE PUBLIC
12 SCHOOLS THAT ARE NOT CHARTER SCHOOLS AND THAT ARE GOVERNED BY
13 THE LOCAL SCHOOL BOARD. IN ADDITION, EACH LOCAL SCHOOL BOARD
14 SHALL ESTABLISH A WRITTEN POLICY FOR THE RECONSIDERATION OF A
15 LIBRARY RESOURCE THAT COMPLIES WITH THE PROVISIONS OF SUBSECTION
16 (3) OF THIS SECTION. EACH LOCAL SCHOOL BOARD SHALL ESTABLISH THE
17 WRITTEN POLICIES REQUIRED IN THIS SUBSECTION (2)(a) BY SEPTEMBER 1,
18 2025.

19 (b) EACH CHARTER SCHOOL SHALL ESTABLISH WRITTEN POLICIES
20 FOR THE ACQUISITION, RETENTION, DISPLAY, AND USE OF LIBRARY
21 RESOURCES THAT APPLY TO THE CHARTER SCHOOL. IN ADDITION, EACH
22 CHARTER SCHOOL SHALL ESTABLISH A WRITTEN POLICY FOR THE
23 RECONSIDERATION OF A LIBRARY RESOURCE THAT COMPLIES WITH THE
24 PROVISIONS OF SUBSECTION (3) OF THIS SECTION. EACH CHARTER SCHOOL
25 SHALL ESTABLISH THE WRITTEN POLICIES REQUIRED IN THIS SUBSECTION
26 (2)(b) BY SEPTEMBER 1, 2025.

27 (c) IF, AS OF THE EFFECTIVE DATE OF THIS SECTION, A LOCAL

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

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

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

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

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

27 (II) THE PROVISIONS OF SUBSECTION (4)(a)(I) OF THIS SECTION DO

1 NOT APPLY TO ROUTINE COLLECTION MAINTENANCE AND DEACCESSION IN
2 ACCORDANCE WITH A PUBLIC SCHOOL LIBRARY'S ESTABLISHED
3 COLLECTION DEVELOPMENT AND MAINTENANCE POLICY.

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

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

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

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

26 (II) A PUBLIC SCHOOL LIBRARY SHALL NOT REMOVE, DISCONTINUE,
27 OR RESTRICT A LIBRARY RESOURCE AS THE RESULT OF A REQUEST FOR

1 RECONSIDERATION UNTIL THE DETERMINATION REGARDING THE LIBRARY
2 RESOURCE HAS BEEN MADE AVAILABLE TO THE PUBLIC PURSUANT TO
3 SUBSECTION (4)(e)(I) OF THIS SECTION.

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

7 (5) Retaliation against library employees prohibited. A PUBLIC
8 SCHOOL LIBRARY STAFF MEMBER SHALL NOT BE SUBJECT TO TERMINATION,
9 DEMOTION, DISCIPLINE, OR RETALIATION FOR REFUSING TO REMOVE A
10 LIBRARY RESOURCE BEFORE IT HAS BEEN REVIEWED IN ACCORDANCE WITH
11 THE APPLICABLE LOCAL SCHOOL BOARD'S OR CHARTER SCHOOL'S POLICY
12 FOR THE RECONSIDERATION OF LIBRARY RESOURCES OR FOR MAKING
13 DECISIONS THAT THE SCHOOL LIBRARY STAFF MEMBER BELIEVES, IN GOOD
14 FAITH, ARE IN ACCORDANCE WITH THE POLICY OF THE APPLICABLE LOCAL
15 SCHOOL BOARD OR THE CHARTER SCHOOL.

16 SECTION 3. Safety clause. The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.