

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 25-063

BY SENATOR(S) Cutter and Michaelson Jenet, Amabile, Danielson, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Rodriguez, Snyder, Sullivan, Weissman, Winter F., Coleman;
also REPRESENTATIVE(S) Garcia and Willford, Bacon, Boesenecker, Brown, Camacho, Carter, Froelich, Gilchrist, Hamrick, Joseph, Lieder, Lindsay, Lukens, Mabrey, McCormick, Phillips, Rutinel, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Velasco, Zokaie.

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

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that teacher librarians are highly trained and educated and that they intentionally and thoughtfully select library resources for their specific public schools to educate and entertain students who attend the school.

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

(a) A range of books and other library resources should be provided

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

for the interest, education, and enlightenment of all students who public school libraries serve;

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

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

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

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

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

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

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

(a) "LIBRARY RESOURCE" MEANS MATERIAL, BOTH PRINT AND NON-PRINT, FOUND IN A PUBLIC SCHOOL LIBRARY THAT SUPPORTS CURRICULAR OR PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR MICROFILM. NON-PRINT ITEMS INCLUDE E-BOOKS, STREAMING RESOURCES, FILMS, DISC RECORDS, FILMSTRIPS, SLIDES, PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, COMPUTER SOFTWARE, LIBRARY PROGRAMS, AND EXHIBITS. "LIBRARY

RESOURCE" DOES NOT INCLUDE THE MATERIALS THAT ARE IN AN INDIVIDUAL CLASSROOM LIBRARY.

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

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

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

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

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

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

(b) IF, AS OF THE EFFECTIVE DATE OF THIS SECTION, A LOCAL EDUCATION PROVIDER HAS ALREADY ESTABLISHED WRITTEN POLICIES THAT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION,

THE LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO WRITE NEW POLICIES PURSUANT TO THIS SECTION.

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

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

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

(c) A LOCAL EDUCATION PROVIDER SHALL PROTECT AGAINST OBSCENE MATERIAL AS DESCRIBED IN SECTION 18-7-101 (2) AND AS INTERPRETED IN *MILLER V. CALIFORNIA*, 413 U.S. 15 (1973).

(4) **Reconsideration of library resources.** (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(a)(II) OF THIS SECTION, 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 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

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

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

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

(d) A LOCAL EDUCATION PROVIDER SHALL NOT RECONSIDER THE SAME LIBRARY RESOURCE MORE THAN ONCE EVERY TWO YEARS; EXCEPT THAT THE ESTABLISHED POLICY FOR THE RECONSIDERATION OF A LIBRARY RESOURCE ADOPTED BY A LOCAL EDUCATION PROVIDER MAY SPECIFY A PERIOD LONGER THAN TWO YEARS DURING WHICH THE LOCAL EDUCATION PROVIDER WILL NOT RECONSIDER THE SAME LIBRARY RESOURCE.

(e) (I) ONCE A FINAL DETERMINATION HAS BEEN MADE FOR A LIBRARY RESOURCE THAT IS THE SUBJECT OF A REQUEST FOR RECONSIDERATION, THE LOCAL EDUCATION PROVIDER SHALL MAKE THE DETERMINATION AND HOW IT COMPORTS WITH SUBSECTION (3) OF THIS SECTION AVAILABLE TO THE PUBLIC.

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

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

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

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

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO