
MEMORANDUM

TO: Boulder Public Library District

FROM: Seter, Vander Wall & Mielke, P.C.; Kim J. Seter, Esq.

DATE: April 2, 2024

RE: Legal Status Report Re: SB24-049: Concerning the Content of Material Available in Libraries etc.

I have been asked to provide a summary of the referenced legislation introduced to Committee in January 2024. A copy of the Bill is attached for your reference rather than providing an analysis because it has been "Indefinitely Postponed" in Committee.

In the Colorado Legislature and "Indefinite Postponement" means it has been defeated. It will not be revived in 2024.

{00727592}

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0250.01 Jed Franklin x5484

SENATE BILL 24-049

SENATE SPONSORSHIP

Cutter and Kolker, Hinrichsen, Michaelson Jenet, Priola

HOUSE SPONSORSHIP

Joseph and Hamrick, Garcia, Kipp, Lieder, Titone, Vigil

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTENT OF MATERIAL AVAILABLE IN LIBRARIES,
102 AND, IN CONNECTION THEREWITH, REQUIRING NOTICE OF
103 CHALLENGED MATERIAL TO BE PUBLISHED ON THE INTERNET,
104 ESTABLISHING A PROCESS FOR RECONSIDERATION OF
105 CHALLENGED MATERIAL, AND PREVENTING DISCRIMINATION IN
106 A LIBRARY'S DISPLAYS, ACQUISITION STANDARDS, PUBLIC
107 MEETING SPACES, AND RETENTION POLICIES.

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 establishes a process by which a student, parent, or

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.

member of the community may object to a library resource in a school or public library. Each library resource that is reconsidered pursuant to the process must be evaluated based on standards applied by a committee for school libraries and a director of a public library. Members of the committee for school libraries are appointed by the superintendent of the school district, and the committee covers reconsideration requests in all schools in the district. For public libraries, the director is selected by the library's board of trustees and covers the library or libraries in the library district.

A library resource may not be removed while a request for reconsideration is pending. A principal, librarian, media specialist, other employee, contractor, or volunteer may refuse a directive to remove a library resource if such an individual has a good faith belief that the directive conflicts with law or policy established pursuant to the bill, and such an individual may not be subjected to retaliation.

The bill prevents the state board of education from waiving the requirements of the bill as they are applied to public schools, district charter schools, and institute charter schools.

The bill specifies that it is a discriminatory practice and unlawful for anyone to discriminate against anyone in the selection, retention, reconsideration, or display of a library resource.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Parents should be actively involved in their child's education
5 at school;

6 (b) Parents and members of the community have challenged the
7 inclusion of library resources in libraries, including public and school
8 libraries, and have demanded removal of library resources;

9 (c) Librarians have removed library resources based on parents'
10 objections or objections from members of the community;

11 (d) Removal of a library resource prevents others from examining,
12 enjoying, and learning from the removed library resource; and

13 (e) A library should not compromise the learning opportunities of

1 others by precluding them from using a library resource unless pursuant
2 to a reconsideration process.

3 (2) Therefore, it is in the best interest of Coloradans to provide
4 library resource removal standards and establish a process for a person to
5 object to a library resource in a library.

6 **SECTION 2.** In Colorado Revised Statutes, **add 22-1-144** as
7 follows:

8 **22-1-144. School library - content - reconsideration -**
9 **committee - definitions.** (1) (a) AS USED IN THIS SECTION, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (I) "COMMITTEE" MEANS A GROUP OF INDIVIDUALS APPOINTED
12 PURSUANT TO THIS SECTION BY A SUPERINTENDENT OF A SCHOOL DISTRICT
13 TO EVALUATE A REQUEST FOR RECONSIDERATION OF A LIBRARY RESOURCE
14 BY A STUDENT OR A PARENT OF A STUDENT AT ANY PUBLIC SCHOOL
15 LOCATED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE SCHOOL
16 DISTRICT.

17 (II) "LIBRARY RESOURCE" MEANS MATERIAL, BOTH PRINT AND
18 NON-PRINT, FOUND IN A LIBRARY THAT SUPPORTS CURRICULAR AND
19 PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE BOOKS,
20 MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR MICROFILM.
21 NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS, SLIDES,
22 PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, AND COMPUTER
23 SOFTWARE.

24 (III) "PARENT" MEANS A BIOLOGICAL OR ADOPTIVE MOTHER OR
25 FATHER OR STEPMOTHER OR STEPFATHER OF A CHILD OR ANY OTHER
26 INDIVIDUAL HAVING LEGAL OR PHYSICAL CUSTODY OF A CHILD.

27 (b) ON OR BEFORE JANUARY 1, 2025, A SUPERINTENDENT SHALL

1 APPOINT THE FOLLOWING MEMBERS TO THE COMMITTEE:

2 (I) ONE ADMINISTRATOR OF THE SCHOOL DISTRICT TO ACT AS
3 CHAIR OF THE COMMITTEE;

4 (II) ONE TEACHER AT AN ELEMENTARY SCHOOL IN THE SCHOOL
5 DISTRICT, ONE TEACHER AT A MIDDLE SCHOOL IN THE SCHOOL DISTRICT,
6 AND ONE TEACHER AT A HIGH SCHOOL IN THE SCHOOL DISTRICT;

7 (III) ONE PARENT WHO IS A MEMBER OF THE SCHOOL DISTRICT'S
8 DISTRICT ACCOUNTABILITY COMMITTEE;

9 (IV) ONE STUDENT OR RECENT GRADUATE OF A SCHOOL IN THE
10 SCHOOL DISTRICT;

11 (V) THREE PARENTS OF STUDENTS REPRESENTATIVE OF A
12 MINORITY GROUP DESCRIBED IN SECTION 22-1-104 (1)(a) WHOSE
13 CHILDREN ATTEND A SCHOOL IN THE SCHOOL DISTRICT;

14 (VI) ONE PRINCIPAL OR DESIGNEE OF A PRINCIPAL OF AN
15 ELEMENTARY SCHOOL IN THE SCHOOL DISTRICT, ONE PRINCIPAL OR
16 DESIGNEE OF A PRINCIPAL OF A MIDDLE SCHOOL IN THE SCHOOL DISTRICT,
17 AND ONE PRINCIPAL OR DESIGNEE OF A PRINCIPAL OF A HIGH SCHOOL IN
18 THE SCHOOL DISTRICT; AND

19 (VII) ONE LIBRARIAN OF A SCHOOL IN THE SCHOOL DISTRICT.

20 (c) (I) A TEACHER APPOINTED PURSUANT TO SUBSECTION (1)(b)(II)
21 OF THIS SECTION SHALL PARTICIPATE IN AND VOTE ON A REQUEST FOR
22 RECONSIDERATION ONLY TO THE EXTENT THAT THE LIBRARY RESOURCE
23 BEING RECONSIDERED IS FROM THE TYPE OF SCHOOL THAT THE TEACHER
24 REPRESENTS.

25 (II) A PRINCIPAL OR DESIGNEE OF A PRINCIPAL APPOINTED
26 PURSUANT TO SUBSECTION (1)(b)(VI) OF THIS SECTION SHALL PARTICIPATE
27 IN AND VOTE ON A REQUEST FOR RECONSIDERATION ONLY TO THE EXTENT

1 THAT THE LIBRARY RESOURCE BEING RECONSIDERED IS FROM THE TYPE OF
2 SCHOOL THAT THE PRINCIPAL REPRESENTS.

3 (2) A COMMITTEE MAY SET ITS OWN RULES OF PROCEDURE, EXCEPT
4 AS PROVIDED IN SUBSECTION (7) OF THIS SECTION.

5 (3) A COMMITTEE MEMBER SERVES A TWO-YEAR TERM BUT MAY
6 BE REAPPOINTED FOR ANY NUMBER OF TERMS.

7 (4) A COMMITTEE SHALL CREATE A FORM THAT CONTAINS THE
8 FOLLOWING INFORMATION THAT SHALL BE USED FOR ANY REQUEST FOR
9 RECONSIDERATION ABOUT A LIBRARY RESOURCE:

10 (a) THE LIBRARY RESOURCE FOR WHICH THE SCHOOL RECEIVES A
11 WRITTEN REQUEST FOR RECONSIDERATION ABOUT ITS CONTENT;

12 (b) THE SPECIFIC REQUEST FOR RECONSIDERATION RECEIVED;

13 (c) THE NAME OF THE STUDENT OR PARENT OF A STUDENT MAKING
14 THE REQUEST FOR RECONSIDERATION, WHICH SHALL NOT BE PUBLISHED ON
15 THE SCHOOL DISTRICT'S WEBSITE;

16 (d) THE RELATIONSHIP BETWEEN THE STUDENT OR PARENT OF A
17 STUDENT AND THE SCHOOL IN WHICH THE LIBRARY RESOURCE IS
18 COMPLAINED ABOUT; AND

19 (e) THE FINAL DISPOSITION OF THE REQUEST FOR
20 RECONSIDERATION, INCLUDING ANY LIBRARY RESOURCE DISCONTINUED,
21 RESTRICTED, OR REMOVED AS A RESULT OF A REQUEST FOR
22 RECONSIDERATION.

23 (5) A COMMITTEE SHALL EVALUATE EACH REQUEST FOR
24 RECONSIDERATION SUBMITTED TO A SCHOOL BASED ON THE SCHOOL
25 LIBRARY'S COMPLIANCE WITH THE FOLLOWING STANDARDS:

26 (a) PROVIDING LIBRARY RESOURCES FOR THE INTEREST,
27 INFORMATION, AND ENLIGHTENMENT OF ALL STUDENTS ATTENDING THE

1 SCHOOL. A LIBRARY RESOURCE SHALL NOT BE EXCLUDED BECAUSE OF THE
2 ETHNIC ORIGIN, ETHNIC BACKGROUND, OR GENDER IDENTITY OF THOSE
3 CONTRIBUTING TO ITS CREATION.

4 (b) PRESENTING A LIBRARY RESOURCE WITH ALL POINTS OF VIEW
5 ABOUT CURRENT AND HISTORICAL ISSUES. A LIBRARY RESOURCE SHALL
6 NOT BE PROSCRIBED OR REMOVED BECAUSE OF PARTISAN OR DOCTRINAL
7 DISAPPROVAL.

8 (c) CHALLENGING CENSORSHIP IN THE FULFILLMENT OF THE
9 RESPONSIBILITY TO PROVIDE INFORMATION AND ENLIGHTENMENT;

10 (d) CONSULTING WITH AND CONSIDERING PERSPECTIVES OF
11 MARGINALIZED GROUPS, INCLUDING THOSE IDENTIFIED IN SECTION
12 22-1-104 (1)(a);

13 (e) PROVIDING ACCESS TO A LIBRARY RESOURCE REGARDLESS OF
14 AN INDIVIDUAL'S AGE, BACKGROUND, POLITICAL OR RELIGIOUS VIEWS,
15 DISABILITY, RACE, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,
16 GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY;

17 (f) FOR A LIBRARY THAT PROVIDES FACILITIES TO THE PUBLIC,
18 MAKING THE FACILITIES AVAILABLE ON AN EQUITABLE BASIS, REGARDLESS
19 OF THE BELIEFS OR AFFILIATIONS OF INDIVIDUALS OR GROUPS REQUESTING
20 THEIR USE;

21 (g) ADVOCATING FOR, EDUCATING ABOUT, AND PROTECTING AN
22 INDIVIDUAL'S PRIVACY IN LIBRARY USE DATA, INCLUDING PERSONALLY
23 IDENTIFIABLE INFORMATION, EXCEPT AS REQUIRED BY THE "FAMILY
24 EDUCATION RIGHTS AND PRIVACY ACT", 20 U.S.C. SEC.1232 G; AND

25 (h) PROHIBITING DISCRIMINATION BASED ON AGE, BACKGROUND,
26 POLITICAL OR RELIGIOUS VIEWS, ORIGIN, DISABILITY, RACE, COLOR, SEX,
27 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL

1 STATUS, NATIONAL ORIGIN, OR ANCESTRY IN THE SELECTION AND
2 RETENTION OF LIBRARY RESOURCES, DISPLAYS, ACQUISITION STANDARDS,
3 AND PUBLIC MEETING SPACES.

4 (6) UPON RECEIVING A RECONSIDERATION REQUEST FROM A
5 STUDENT OR PARENT OF A STUDENT THAT IS ATTENDING A SCHOOL IN THE
6 SCHOOL DISTRICT, THE COMMITTEE SHALL:

7 (a) REQUIRE ALL MEMBERS OF THE COMMITTEE TO READ, VIEW, OR
8 LISTEN TO THE LIBRARY RESOURCE THAT IS THE SUBJECT OF THE REQUEST
9 FOR RECONSIDERATION;

10 (b) HOLD A HEARING THAT INCLUDES THE INDIVIDUAL MAKING THE
11 REQUEST FOR RECONSIDERATION AND ANY SCHOOL EMPLOYEES WHO ARE
12 INVOLVED IN THE RECONSIDERATION REQUEST OR WHO FEEL THAT THEY
13 ARE AFFECTED BY THE RECONSIDERATION REQUEST;

14 (c) IF MULTIPLE REQUESTS CONCERNING THE SAME LIBRARY
15 RESOURCE ARE LODGED, ALLOW CONSOLIDATION OF THE REQUESTS IN ONE
16 HEARING AT THE COMMITTEE'S DISCRETION;

17 (d) ESTABLISH RULES, TIME REQUIREMENTS, AND OTHER
18 PROCEDURES IN CONNECTION WITH A HEARING;

19 (e) ALLOW STATEMENTS FROM INTERESTED INDIVIDUALS AND
20 EXPERT WITNESSES AT THE COMMITTEE'S DISCRETION;

21 (f) CONSIDER WHETHER THE LIBRARY RESOURCE COMPLIES WITH
22 THE STANDARDS SET FORTH IN THIS SECTION AND THE RELATED POLICIES;

23 AND

24 (g) ISSUE A FINAL DISPOSITION FOR EACH RECONSIDERATION
25 REQUEST WITHIN NINETY DAYS OF THE HEARING REQUIRED BY SUBSECTION
26 (6)(b) OF THIS SECTION.

27 (7) A LIBRARY RESOURCE EVALUATED FOR RECONSIDERATION MAY

1 BE REMOVED ONLY UPON UNANIMOUS CONSENT OF THE COMMITTEE.

2 (8) ONLY A STUDENT ATTENDING A SCHOOL OR A PARENT OF A
3 STUDENT ATTENDING A SCHOOL MAY LODGE A REQUEST FOR
4 RECONSIDERATION OF A LIBRARY RESOURCE, AND ONLY AS TO A LIBRARY
5 RESOURCE AT THE SCHOOL LIBRARY OF THE SCHOOL THAT THE STUDENT
6 ATTENDS.

7 (9) THE BLANK FORM, AND ANY COMPLETED FORM, MUST BE
8 PUBLISHED ON THE SCHOOL DISTRICT'S WEBSITE EXCEPT AS OTHERWISE
9 SPECIFIED IN THIS SECTION.

10 (10) AN INDIVIDUAL MUST COMPLETE THE FORM DEVELOPED AND
11 POSTED ON THE SCHOOL DISTRICT'S WEBSITE FOR EACH LIBRARY RESOURCE
12 FOR WHICH A REQUEST FOR RECONSIDERATION IS MADE. AN OBJECTION TO
13 MULTIPLE DIFFERENT LIBRARY RESOURCES MUST BE LODGED AS A
14 SEPARATE REQUEST FOR RECONSIDERATION FOR EACH LIBRARY RESOURCE.

15 (11) A LIBRARY RESOURCE FOR WHICH A REQUEST FOR
16 RECONSIDERATION HAS BEEN LODGED MUST NOT BE DISCONTINUED,
17 RESTRICTED, OR REMOVED UNTIL THE FINAL DISPOSITION OF THE REQUEST
18 FOR RECONSIDERATION IS PUBLISHED ON THE SCHOOL DISTRICT'S WEBSITE.

19 (12) A PARENT MAY PRECLUDE THE PARENT'S OWN CHILD FROM
20 USING A LIBRARY RESOURCE IN A SCHOOL LIBRARY BY PROVIDING
21 WRITTEN NOTICE TO THE SCHOOL PRINCIPAL BUT MAY NOT PRECLUDE
22 OTHER STUDENTS FROM USING THE LIBRARY RESOURCE EXCEPT TO THE
23 EXTENT THAT THE LIBRARY RESOURCE IS REMOVED PURSUANT TO THE
24 FINAL DISPOSITION OF A FORMALLY FILED REQUEST FOR RECONSIDERATION
25 AT THE DIRECTION OF THE COMMITTEE AS PROVIDED IN THIS SECTION.

26 (13) A PRINCIPAL, SCHOOL LIBRARIAN, MEDIA SPECIALIST, OTHER
27 EMPLOYEE, CONTRACTOR, OR VOLUNTEER AT A SCHOOL MAY REFUSE A

1 DIRECTIVE TO REMOVE A LIBRARY RESOURCE FROM A SCHOOL LIBRARY IF
2 THE INDIVIDUAL HAS A REASONABLE GOOD FAITH BELIEF THAT THE
3 DIRECTIVE CONFLICTS WITH APPLICABLE LAW OR POLICY PURSUANT TO
4 THIS SECTION OR IF THE LIBRARY RESOURCE IS NOT SUBJECT TO REMOVAL
5 PURSUANT TO THE FINAL DISPOSITION OF A REQUEST FOR
6 RECONSIDERATION. A PRINCIPAL, SCHOOL LIBRARIAN, MEDIA SPECIALIST,
7 OTHER EMPLOYEE, CONTRACTOR, OR VOLUNTEER AT A SCHOOL WHO
8 REFUSES A DIRECTIVE TO REMOVE A LIBRARY RESOURCE FROM A SCHOOL
9 LIBRARY IS NOT SUBJECT TO TERMINATION, DEMOTION, DISCIPLINE, OR
10 RETALIATION FOR THE REFUSAL TO COMPLY IF THE INDIVIDUAL'S REFUSAL
11 IS IN COMPLIANCE WITH THIS SECTION.

12 **SECTION 3.** In Colorado Revised Statutes, 22-2-117, **amend**
13 (1)(b)(IX) and (1)(b)(X); and **add** (1)(b)(XI) as follows:

14 **22-2-117. Additional power - state board - waiver of**
15 **requirements - rules - definition.** (1) (b) The state board shall not waive
16 any of the requirements specified in any of the following statutory
17 provisions:

18 (IX) Any provisions of section 22-1-128 relating to
19 comprehensive human sexuality education content requirements; ~~or~~

20 (X) Any provision of section 22-30.5-104 (3), 22-30.5-507 (3),
21 22-32-109 (1)(ll), 22-32-110 (1)(k), 22-38-104 (1)(d), or 22-63-206 (1)
22 relating to discrimination based on hair texture, hair type, or a protective
23 hairstyle that is commonly or historically associated with race; OR

24 (XI) ANY PROVISION IN SECTION 22-1-144 RELATING TO THE
25 SELECTION AND RETENTION OF A LIBRARY RESOURCE IN A SCHOOL
26 LIBRARY. FOR PURPOSES OF THIS SUBSECTION (1)(b)(XI), UNLESS THE
27 CONTEXT OTHERWISE REQUIRES, "LIBRARY RESOURCE" MEANS MATERIAL,

1 BOTH PRINT AND NON-PRINT, FOUND IN A LIBRARY THAT SUPPORTS
2 CURRICULAR AND PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE
3 BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR
4 MICROFILM. NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS,
5 SLIDES, PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, AND
6 COMPUTER SOFTWARE.

7 **SECTION 4.** In Colorado Revised Statutes, 22-7-1005, **add** (2.2)
8 as follows:

9 **22-7-1005. Preschool through elementary and secondary**
10 **education - aligned standards - adoption - revisions.** (2.2) ON OR
11 BEFORE JANUARY 1, 2025, THE STATE BOARD SHALL ADOPT STANDARDS
12 THAT PROHIBIT A GOVERNING BOARD OF A SCHOOL DISTRICT, A BOARD OF
13 COOPERATIVE SERVICES, OR THE GOVERNING BODY OF A CHARTER SCHOOL
14 FROM REFUSING TO APPROVE, OR FROM PROHIBITING THE SELECTION OF,
15 ANY TEXTBOOK, INSTRUCTIONAL MATERIAL, SUPPLEMENTAL
16 INSTRUCTIONAL MATERIAL, OR OTHER CURRICULUM FOR CLASSROOM
17 INSTRUCTION OR ANY BOOK OR OTHER RESOURCE IN A SCHOOL LIBRARY ON
18 THE BASIS THAT IT INCLUDES STUDY OF THE ROLE AND CONTRIBUTIONS OF
19 ANY INDIVIDUAL OR GROUP IDENTIFIED IN SECTION 22-1-104 (1)(a).

20 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-104, **amend**
21 (6)(c)(VIII) and (6)(c)(IX); and **add** (6)(c)(X) as follows:

22 **22-30.5-104. Charter school - requirements - authority - rules**
23 **- definitions.** (6) (c) A school district, on behalf of a charter school, may
24 apply to the state board for a waiver of a state statute or state rule that is
25 not an automatic waiver. Notwithstanding any provision of this
26 subsection (6) to the contrary, the state board may not waive any statute
27 or rule relating to:

1 (VIII) Section 22-33-106.1 concerning suspension and expulsion
2 of students in preschool through second grade; ~~or~~

3 (IX) Subsection (3) of this section and sections 22-32-110 (1)(k)
4 and 22-63-206 (1) relating to discrimination based on hair texture, hair
5 type, or a protective hairstyle that is commonly or historically associated
6 with race; OR

7 (X) ANY PROVISION IN SECTION 22-1-144 RELATING TO THE
8 SELECTION AND RETENTION OF A LIBRARY RESOURCE IN A SCHOOL
9 LIBRARY. FOR PURPOSES OF THIS SUBSECTION (6)(c)(X), UNLESS THE
10 CONTEXT OTHERWISE REQUIRES, "LIBRARY RESOURCE" MEANS MATERIAL,
11 BOTH PRINT AND NON-PRINT, FOUND IN A LIBRARY THAT SUPPORTS
12 CURRICULAR AND PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE
13 BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR
14 MICROFILM. NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS,
15 SLIDES, PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, AND
16 COMPUTER SOFTWARE.

17 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-507, **amend**
18 (7)(b)(VIII) and (7)(b)(IX); and **add** (7)(b)(X) as follows:

19 **22-30.5-507. Institute charter school - requirements -**
20 **authority - rules - definitions.** (7) (b) An institute charter school may
21 apply to the state board, through the institute, for a waiver of state statutes
22 and state rules that are not automatic waivers. The state board may waive
23 state statutory requirements or rules promulgated by the state board;
24 except that the state board may not waive any statute or rule relating to:

25 (VIII) Section 22-33-106.1 concerning suspension and expulsion
26 of students in preschool through second grade; ~~or~~

27 (IX) Subsection (3) of this section and sections 22-32-110 (1)(k)

1 and 22-63-206 (1) relating to discrimination based on hair texture, hair
2 type, or a protective hairstyle that is commonly or historically associated
3 with race; OR

4 (X) ANY PROVISION IN SECTION 22-1-144 RELATING TO THE
5 SELECTION AND RETENTION OF A LIBRARY RESOURCE IN A SCHOOL
6 LIBRARY. FOR PURPOSES OF THIS SUBSECTION (7)(b)(X), UNLESS THE
7 CONTEXT OTHERWISE REQUIRES, "LIBRARY RESOURCE" MEANS MATERIAL,
8 BOTH PRINT AND NON-PRINT, FOUND IN A LIBRARY THAT SUPPORTS
9 CURRICULAR AND PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE
10 BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR
11 MICROFILM. NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS,
12 SLIDES, PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, AND
13 COMPUTER SOFTWARE.

14 **SECTION 7.** In Colorado Revised Statutes, 24-90-109, **amend**
15 (1)(c) introductory portion, (1)(c)(II), and (1)(c)(III); and **add** (1)(c)(IV),
16 (1)(c)(V), (1)(c)(VI), (1)(c)(VII), (1)(c)(VIII), (5), and (6) as follows:

17 **24-90-109. Powers and duties of board of trustees - definition.**

18 (1) The board of trustees shall:

19 (c) Employ a director and, upon the director's recommendation,
20 employ ~~such~~ other employees as may be necessary. The duties of the
21 director ~~shall~~ include: ~~but not be limited to:~~

22 (II) Recommending individuals for employment by the board of
23 trustees; ~~and~~

24 (III) Performing all other acts necessary for the orderly and
25 efficient management and control of the library;

26 (IV) DEVELOPING AND REQUIRING COMPLIANCE BY LIBRARIANS
27 WITH POLICIES THAT IMPLEMENT THE FOLLOWING STANDARDS WITH

1 RESPECT TO THE SELECTION, RETENTION, AND RECONSIDERATION OF A
2 LIBRARY RESOURCE IN A LIBRARY CREATED PURSUANT TO THIS PART 1:

3 (A) PROVIDING A LIBRARY RESOURCE FOR THE INTEREST,
4 INFORMATION, AND ENLIGHTENMENT OF THE COMMUNITY. A LIBRARY
5 RESOURCE SHALL NOT BE EXCLUDED BECAUSE OF THE ETHNIC ORIGIN,
6 ETHNIC BACKGROUND, OR GENDER IDENTITY OF THOSE CONTRIBUTING TO
7 ITS CREATION;

8 (B) PRESENTING A LIBRARY RESOURCE WITH ALL POINTS OF VIEW
9 ABOUT CURRENT AND HISTORICAL ISSUES. A LIBRARY RESOURCE MUST
10 NOT BE PROSCRIBED OR REMOVED BECAUSE OF PARTISAN OR DOCTRINAL
11 DISAPPROVAL.

12 (C) CHALLENGING CENSORSHIP IN THE FULFILLMENT OF THE
13 RESPONSIBILITY TO PROVIDE INFORMATION AND ENLIGHTENMENT;

14 (D) CONSULTING WITH AND CONSIDERING PERSPECTIVES OF
15 MARGINALIZED GROUPS, INCLUDING THOSE IDENTIFIED IN SECTION
16 22-1-104 (1)(a);

17 (E) PROVIDING ACCESS TO A LIBRARY RESOURCE REGARDLESS OF
18 AN INDIVIDUAL'S AGE, BACKGROUND, POLITICAL OR RELIGIOUS VIEWS,
19 ORIGIN, DISABILITY, RACE, COLOR, SEX, SEXUAL ORIENTATION, GENDER
20 IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR
21 ANCESTRY;

22 (F) FOR A LIBRARY THAT PROVIDES FACILITIES TO THE PUBLIC,
23 MAKING THE FACILITIES AVAILABLE ON AN EQUITABLE BASIS, REGARDLESS
24 OF THE BELIEFS OR AFFILIATIONS OF INDIVIDUALS OR GROUPS REQUESTING
25 THEIR USE;

26 (G) ADVOCATING FOR, EDUCATING ABOUT, AND PROTECTING AN
27 INDIVIDUAL'S PRIVACY IN LIBRARY USE DATA, INCLUDING PERSONALLY

1 IDENTIFIABLE INFORMATION; AND

2 (H) PROHIBITING DISCRIMINATION BASED ON AGE, BACKGROUND,
3 POLITICAL OR RELIGIOUS VIEWS, ORIGIN, DISABILITY, RACE, COLOR, SEX,
4 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL
5 STATUS, NATIONAL ORIGIN, OR ANCESTRY IN THE SELECTION AND
6 RETENTION OF LIBRARY RESOURCES, DISPLAYS, ACQUISITION STANDARDS,
7 AND PUBLIC MEETING SPACES.

8 (V) CREATING A FORM THAT CONTAINS THE FOLLOWING
9 INFORMATION FOR ANY REQUEST FOR RECONSIDERATION ABOUT A
10 LIBRARY RESOURCE:

11 (A) ANY LIBRARY RESOURCE FOR WHICH THE LIBRARY RECEIVES
12 A WRITTEN REQUEST FOR RECONSIDERATION ABOUT ITS CONTENT. AN
13 INDIVIDUAL MAY ONLY LODGE A REQUEST FOR RECONSIDERATION ABOUT
14 A LIBRARY RESOURCE SELECTED OR RETAINED IN A LIBRARY LOCATED IN
15 THE LIBRARY DISTRICT IN WHICH THE INDIVIDUAL RESIDES.

16 (B) THE SPECIFIC REQUEST FOR RECONSIDERATION RECEIVED;

17 (C) THE NAME OF THE INDIVIDUAL MAKING THE REQUEST FOR
18 RECONSIDERATION, WHICH SHALL NOT BE PUBLISHED ON THE LIBRARY'S
19 WEBSITE;

20 (D) THE RELATIONSHIP BETWEEN THE INDIVIDUAL AND THE
21 LIBRARY IN WHICH THE LIBRARY RESOURCE IS COMPLAINED ABOUT;

22 (E) THE FINAL DISPOSITION OF THE REQUEST FOR
23 RECONSIDERATION, INCLUDING WHETHER ANY LIBRARY RESOURCE IS
24 DISCONTINUED, RESTRICTED, OR REMOVED AS A RESULT OF AN OBJECTION;

25 (F) THE REASON FOR DISCONTINUANCE, RESTRICTION, OR
26 REMOVAL OF A LIBRARY RESOURCE; AND

27 (G) A DECISION ABOUT THE DISPOSITION OF A REQUEST FOR

1 RECONSIDERATION ABOUT A LIBRARY RESOURCE IN ACCORDANCE WITH
2 THE STANDARDS SET FORTH IN SUBSECTION (1)(c)(IV) OF THIS SECTION.

3 (VI) REQUIRING AN INDIVIDUAL TO COMPLETE THE FORM
4 DEVELOPED AND POSTED ON THE LIBRARY'S WEBSITE FOR EACH LIBRARY
5 RESOURCE FOR WHICH A REQUEST FOR RECONSIDERATION IS MADE. A
6 REQUEST FOR RECONSIDERATION ABOUT MULTIPLE LIBRARY RESOURCES
7 MUST BE LODGED AS A SEPARATE REQUEST FOR RECONSIDERATION FOR
8 EACH LIBRARY RESOURCE.

9 (VII) REQUIRING THE BLANK FORM, AND ANY COMPLETED FORM,
10 TO BE PUBLISHED ON THE LIBRARY'S WEBSITE EXCEPT AS SPECIFIED IN THIS
11 SUBSECTION (1); AND

12 (VIII) WAITING TO REMOVE, DISCONTINUE, OR RESTRICT, ANY
13 LIBRARY RESOURCE FOR WHICH A REQUEST FOR RECONSIDERATION HAS
14 BEEN LODGED UNTIL THE FINAL DISPOSITION OF THE REQUEST FOR
15 RECONSIDERATION IS PUBLISHED ON THE LIBRARY'S WEBSITE.

16 (5) A LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE,
17 CONTRACTOR, OR VOLUNTEER AT A LIBRARY MAY REFUSE A DIRECTIVE TO
18 REMOVE A LIBRARY RESOURCE FROM A LIBRARY IF THE INDIVIDUAL HAS A
19 REASONABLE GOOD FAITH BELIEF THAT THE DIRECTIVE IS IN CONFLICT
20 WITH AN APPLICABLE LAW OR POLICY PURSUANT TO SUBSECTION
21 (1)(c)(IV) OF THIS SECTION OR IF THE LIBRARY RESOURCE IS NOT SUBJECT
22 TO REMOVAL PURSUANT TO THE FINAL DISPOSITION OF A REQUEST FOR
23 RECONSIDERATION. A LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE,
24 CONTRACTOR, OR VOLUNTEER AT A LIBRARY WHO REFUSES A DIRECTIVE
25 TO REMOVE A LIBRARY RESOURCE FROM A LIBRARY IS NOT SUBJECT TO
26 TERMINATION, DEMOTION, DISCIPLINE, OR RETALIATION FOR THE REFUSAL
27 TO COMPLY IF THE INDIVIDUAL'S REFUSAL IS IN COMPLIANCE WITH THIS

1 SUBSECTION (5).

2 (6) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
3 OTHERWISE REQUIRES, "LIBRARY RESOURCE" MEANS MATERIAL, BOTH
4 PRINT AND NON-PRINT, FOUND IN A LIBRARY THAT SUPPORTS CURRICULAR
5 AND PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE BOOKS,
6 MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR MICROFILM.
7 NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS, SLIDES,
8 PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, AND COMPUTER
9 SOFTWARE.

10 **SECTION 8.** In Colorado Revised Statutes, 24-34-601, **amend**
11 (2)(b); and **add** (2.7) as follows:

12 **24-34-601. Discrimination in places of public accommodation**
13 **- definition.** (2) (b) A claim brought pursuant to ~~paragraph (a) of this~~
14 ~~subsection (2)~~ SUBSECTION (2)(a) OR (2.7) OF THIS SECTION that is based
15 on disability is covered by the provisions of section 24-34-802.

16 (2.7) IT IS A DISCRIMINATORY PRACTICE AND UNLAWFUL FOR ANY
17 PERSON TO DISCRIMINATE AGAINST ANY INDIVIDUAL OR GROUP IN THE
18 SELECTION, RETENTION, RECONSIDERATION, OR DISPLAY OF A LIBRARY
19 RESOURCE IN A LIBRARY. FOR PURPOSES OF THIS SUBSECTION (2.7),
20 UNLESS THE CONTEXT OTHERWISE REQUIRES, "LIBRARY RESOURCE" MEANS
21 MATERIAL, BOTH PRINT AND NON-PRINT, FOUND IN A LIBRARY THAT
22 SUPPORTS CURRICULAR AND PERSONAL INFORMATION NEEDS. PRINT ITEMS
23 INCLUDE BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR
24 MICROFILM. NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS,
25 SLIDES, PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, COMPUTER
26 SOFTWARE, AND PUBLIC MEETING SPACES.

27 **SECTION 9. 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.