

Purpose

This policy establishes clear, transparent procedures for the acquisition, retention, display, use, and reconsideration of school library resources. It ensures compliance with state law, safeguards student access to diverse materials, supports parental involvement, and protects staff members acting in good faith.

Scope

This policy applies to all library resources (print and non-print) maintained by the school library. It does not apply to classroom-only instructional materials.

Definitions

- **Library Resource:** Any print or non-print material (e.g., books, e-books, periodicals, videos, audio recordings, digital content) found on the public school library.
- **Library Staff Member:** Any certified or non-certified employee, contractor, or volunteer responsible for library functions.
- **Obscene Material:** Content defined as obscene under C.R.S. § 18-7-101(2).
- **Parent:** A student's biological or adoptive parent, legal guardian, or other person with legal custody.
- **Protected Class:** Any group protected under state or federal anti-discrimination law (e.g., race, gender identity, religion, disability).
- **Reconsideration Request:** A formal written request by a parent seeking removal or restricted access to a specific library resource.
- **Standards:** The criteria outlined in C.R.S. § 22-1-148(3), which include protections for free speech, non-discrimination, and the exclusion of obscene materials.

Acquisition, Retention, Display & Use

In accordance with C.R.S. § 22-1-148, the school shall maintain written, viewpoint-neutral procedures governing the selection, retention, display, and use of library resources. These procedures must comply with the following criteria:

- **Selection Criteria**
Library resources must be selected based on their educational, informational, or literary value and their suitability for the age and maturity levels of the students served.
- **Retention and Removal**
Resources shall be retained or removed based on consistently applied collection development and maintenance criteria, not on the personal or political viewpoints of the material.

- **Display and Accessibility**

Materials must be displayed and made accessible in ways that:

- Reflect the diversity of student interests, experiences, and learning needs;
- Respect intellectual freedom and students' right to access information.

- **Compliance with Legal Standards**

All library practices must:

- Uphold the freedom of speech protections of the First Amendment and Article II, Section 10 of the Colorado Constitution;
- Protect against harassment and discrimination, including content or practices that marginalize protected classes (e.g., based on race, gender identity, religion, sexual orientation, or disability);
- Exclude obscene materials, as defined in C.R.S. § 18-7-101(2) and interpreted in *Miller v. California*, 413 U.S. 15 (1973).

Reconsideration of Library Resources

- **Eligibility**

Only parents or guardians of currently enrolled students may submit a reconsideration request.

- **Request Limits**

A specific resource may not be reconsidered more than once every two years unless the school adopts a longer timeframe.

- **Reconsideration Process**

A parent or guardian of a currently enrolled student may submit a written request for the reconsideration of a specific library resource. Upon receipt, the school will provide a written acknowledgment of the request within a specified timeframe (e.g., seven calendar days). The school will then convene a review committee, which must include at least one school administrator, one licensed educator, and one parent of a currently enrolled student. This committee will evaluate the resource in question using the standards defined in C.R.S. § 22-1-148(3) and the school's established viewpoint-neutral procedures. The review must consider:

- Constitutional protections for freedom of expression;
- Whether the resource discriminates against or inadequately represents protected classes;

- Whether the material meets or violates the definition of obscenity under state and federal law.

After completing its review, the committee will submit its recommendation to the school's governing board or designee, which will issue a final decision. The school will notify the parent of the outcome and ensure that the final determination, along with a clear rationale, is prominently posted on the school's website. The entire review process must be completed within 60 calendar days of the school receiving the written request.

Transparency and Due Process

To ensure transparency, the school must make its reconsideration policy and procedures publicly available on its website prior to initiating any review, in compliance with C.R.S. § 22-1-148(4)(b). A library resource may not be removed, restricted, or otherwise altered in availability until the review process has been completed and a final decision is issued and posted. All reconsideration requests and related documentation are subject to disclosure under the Colorado Open Records Act.

Collection Maintenance

Routine removal due to damage, outdated content, or lack of use is permitted outside the reconsideration process.

Staff Protection

No library staff member may be terminated, demoted, disciplined, or retaliated against for actions taken in good faith under this policy. This includes acquiring, retaining, or displaying library materials in accordance with the school's established procedures, as well as refusing to remove or restrict access to any resource prior to the completion of the formal reconsideration process. Staff members who follow the selection and display criteria outlined in this policy are protected from adverse employment actions related to their professional judgment.

Roles & Responsibilities

- **Governing Board/Institute Board:** Approves and oversees policy compliance.
- **School Librarian or Media Specialist:** Manages day-to-day library operations.
- **Review Committee:** Reviews reconsideration requests.
- **Communications Staff:** Ensures policy and decisions are publicly accessible.

10. Policy Review

This policy shall be reviewed periodically and updated as state law evolves.

Adopted: August 13, 2025

LEGAL REFS.:

C.R.S. § 22-1-149 (Electronic devices in school settings – policy required)