



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
Public Information Officers
School Board Members

FROM: Robert D. Cathcart III, Esq.
Policy & Legal Advisor

DATE: October 15, 2024

RE: Additional Guidance on Uniform Procedure for Selection or Reconsideration of Instructional Materials (Regulation 43-170)

In our work to field questions from classroom teachers, librarians, school administrators, district administrators, and school board members over the last few months, a number of recurring questions have arisen. Accordingly, the SCDE has compiled this helpful [Educator Guidance and FAQ](#), reflecting our desire to partner with educators to provide clarity and promote common sense while protecting students from materials that are not age or developmentally appropriate.

That document and all prior resources and guidance are available to you on the State Board of Education's [Uniform Procedure for Selection or Reconsideration of Instructional Materials page on the SCDE website. On this page you will find:](#)

- [Instructional Materials Pending Reviews](#): list of materials under review by the State Board of Education
- [Instructional Materials Final Decisions](#): list of final decisions of the State Board of Education
- [Uniform Procedure for Selection or Reconsideration of Instructional Materials Regulation \(Full Text\)](#): complete regulation text
- [Uniform Procedure for Selection or Reconsideration of Instructional Materials Regulation \(Executive Summary\)](#): regulation summary, history, and general FAQ

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- [Update on Uniform Procedure for Selection or Reconsideration of Instructional Materials \(Regulation 43-170\) Memorandum \(6-27-24\)](#): outlines implementation guidelines for Districts
- [Instructional Materials Uniform Parent Complaint Form](#): official complaint form and accompanying memorandum (7-23-24)
- [Instructional Materials Uniform Parent Notice of Appeal Form](#): official appeal form
- [Clarification on R. 43-170 and Educator Disciplinary Action Memorandum \(10-2-24\)](#): reiterates that the regulation does not change the scope, definitions, or processes associated with disciplinary action impacting educator certificates but rather creates a separate and distinct review process intended to address the review of *materials* and places responsibility for compliance on local boards
- [Letter to Parents](#): provides an introductory letter that may be used in whole or part for parent communication
- [Instructional Materials Challenge Pathway](#): infographic illustrating the challenge and appeal process

We trust you, your educators, and parents will find these resources helpful. We will continue to update this page with additional guidance as necessary.

As a reminder, all Districts must make the [Instructional Materials Uniform Parent Complaint Form](#) and [Instructional Materials Uniform Parent Notice of Appeal Form](#) readily available to parents on their website.

Additionally, Districts are required to post a complete and current list or catalog of all books and other materials that are available to students through any of the district's school libraries or media centers. Regulation 43-170 requires that the list or catalog be readily accessible to "students, their families, and other interested parties." To fully comply with the Regulation, the list **cannot be password protected** or otherwise hidden from the public's access.

Please [use this form](#) to provide us with the URL(s) on your District website where these resources may be accessed.

As always, please do not hesitate to contact me at rdcathcart@ed.sc.gov or 803-734-2230 with additional questions or requests for technical assistance.