

MEMORANDUM

TO: District Superintendents
Instructional Leaders
Public Information Officers
School Board Members

FROM: John E. Tyler
Deputy Superintendent and General Counsel

DATE: February 11, 2025

RE: Regulation 43-170—Final Orders from the State Board of Education

Over the last few months, the State Board of Education has ruled on seventeen books pursuant to Regulation 43-170. The State Board has issued written orders regarding eleven books, and the other six were ruled on at last week's State Board meeting and written orders are pending.

As the Board continues to rule on instructional materials, we will keep you updated through the Agency's weekly memos. Additionally, we are making all updates available on the [designated page](#). When the orders are finalized, they, along with any supporting documentation, will be uploaded to the page for reference.

The State Board's rulings fall into three broad categories: Removal, Retention, and Retention with Parental Consent.

Removal Orders

As per Regulation 43-170, materials containing "descriptions or visual depictions of 'sexual conduct'" are not deemed "Age and Developmentally Appropriate" for any age group. Therefore, such materials must be removed from all school libraries, classroom libraries, and other areas on campus where they may be accessible to students.

Thus far, the State Board has voted to remove the following materials:

- Order 2024-0001: *Damsel* – Elana Arnold
- Order 2024-0002: *Ugly Love* – Colleen Hoover
- Order 2024-0004: *A Court of Frost and Starlight* – Sarah J. Maas

- Order 2024-0005: *A Court of Mist and Fury* – Sarah J. Maas
- Order 2024-0006: *A Court of Thorns and Roses* – Sarah J. Maas
- Order 2024-0007: *A Court of Wings and Ruin* – Sarah J. Maas
- Order 2024-00010: *Normal People* – Sally Rooney
- *The Perks of Being a Wallflower* – Stephen Chbosky: written order pending
- *All Boys Aren't Blue* – George M. Johnson: written order pending
- *Flamer* – Mike Curato: written order pending
- *Push* – Sapphire: written order pending

Under the State Board's rulings, these materials must be immediately removed from all public schools in South Carolina. Please review the State Board's written orders for further clarification on these items.

Retention Orders

The State Board has ruled that the following materials may be retained, as they do not violate Regulation 43-170:

- Order 2024-0003: *1984* – George Orwell
- Order 2024-0008: *To Kill a Mockingbird* – Harper Lee
- Order 2024-0009: *Romeo and Juliet* – William Shakespeare
- *Bronx Masquerade* – Nikki Grimes: written order pending
- *House on Mango Street* – Sandra Cisneros: written order pending

Please note that the State Board does not compel local districts to use these materials. Local districts retain the discretion to decide whether, when, and how these books may be used based on the cognitive, emotional, and behavioral capacity of various age groups and the context-specific prudential factors outlined in the Regulation. Please review the State Board's written orders for further clarification on these items.

Retention with Parental Consent

The State Board has retained the following material subject to parental consent:

- Order 2024-0011: *Crank* – Ellen Hopkins

This book can be made available only if the district has first obtained the written consent of the student's parent or legal guardian. Please review the State Board's written order for further clarification on this item.

Clarification of "Sexual Conduct" Description

The State Board's written orders provide further clarification on what constitutes a "description" of "sexual conduct." For instance, descriptions require enough "explanatory detail" to form a mental image of the conduct occurring. Simply referencing an event or action is insufficient; it must be depicted in enough detail to be clearly understood.

For example, while *To Kill a Mockingbird* references sexual assault, it does not offer enough explanatory detail to be considered a “description.” Similarly, *1984* contains passages referencing sexual conduct, but these are brief and lack the necessary explanatory detail to qualify as a “description.” On the other hand, materials that must be removed contain sufficient detail that clearly conveys the conduct depicted.

The State Board held in Order 2024-0011 (In Re: *Crank* by Ellen Hopkins) that *Crank* comes close to providing the requisite explanatory detail to be considered “descriptions,” but without clearly crossing the line. Thus, the State Board limited its availability to a student where the district has received the consent of the student’s parent or legal guardian.

Communication Support for Classroom Libraries

If your district needs assistance in implementing the State Board’s decisions in classroom libraries, you may benefit from the Department’s recent purchase of the [Destiny District Classroom Library Manager \(DCLM\)](#). This product will enable you to communicate any restrictions or removal decisions made by the State Board directly to individual classrooms. If you want to learn more about DCLM and watch a demo of the product, please reach out to Robert Cathcart at rdcathcart@ed.sc.gov, and he can send you a recording of the info sessions that were held on January 21st. To utilize this tool, please complete this form: [South Carolina: Destiny District Classroom Library Manager](#).

Questions and Assistance

For any questions regarding the State Board’s orders, the Department’s DCLM purchase, or anything related to Regulation 43-170, please contact Robert Cathcart, Policy & Legal Advisor, at rdcathcart@ed.sc.gov.