

STATE OF SOUTH CAROLINA
BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

INSTRUCTIONAL MATERIAL
REVIEW COMMITTEE

REPORT AND RECOMMENDATION

IN RE: DAMSEL BY ELANA ARNOLD

This is a matter in which Instructional Material is being addressed by the Instructional Material Review Committee (“IMRC”) of the S.C. State Board of Education (“State Board”) pursuant to S.C. Code Reg. 43-170. The hearing of this matter occurred via Webex on October 31, 2024 at 1:00 PM.

Title of Instructional Material:
Author:

Damsel
Elana Arnold

The “Subject Material” listed above is reviewed by the IMRC “of its own volition and on its own initiative” in order to “make determinations regarding the educational suitability or the Age or Developmental Appropriateness of specific Instructional Materials pursuant to the criteria and requirements of” Reg. 43-170(VI)(B). As further described below, this Regulation authorizes the STATE BOARD to take certain actions related to Instructional Material. The South Carolina Department of Education (“Department”) recommended removing the Subject Material entirely from South Carolina’s public schools.

The Department notified the public of this matter via posting hearing information and the hearing agenda on its website on October 24, 2024. Consistent with governing requirements, the public was invited to sign up in advance of the hearing in order to provide comment regarding the Subject Material. The Hearing was conducted in accordance with Procedures for Review of Instructional Material, State Board Rule of Governance IFC, last revised October 1, 2024, and the South Carolina Administrative Procedures Act, S. C. Code Section 1-23-310 et. seq. The State Board’s Rule of Governance was designed and adopted to provide a full and fair process for Instructional Material reviews under Reg. 43-170.

APPEARANCES

Providing public comment in favor of retaining the Subject Material:

Mickie Thompson

Providing public comment in favor of removing or otherwise restricting the Subject Material:

India Springs

On Behalf of South Carolina Department of Education:

Robert D. Cathcart, III, Esq., Policy and Legal Advisor

Based on a review of all public comments (in person and written), the Subject Material and/or excerpts in question from the Subject Material, all documentation provided by the Department, and all comments made by those appearing before the IMRC, we make the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Subject Material was questioned during the Public Comment period of the promulgation of Regulation 43-170 or otherwise brought to the State Board's attention.
2. The Subject Material has been listed in public school catalogs in South Carolina.
3. The Subject Material contains the content listed and described in Exhibit A¹.

APPLICABLE LAW

1. Regulation 43-170 authorizes the State Board to take certain actions related to Instructional Material. The State Board can (1) remove the Subject Material entirely, (2) discontinue use of the Subject Material for any grade level or age group for which such use is inappropriate or unsuitable, (3) limit the Subject Material's availability to a student where the school district has received the consent of the student's parent, or (4) permit the continued use of the Subject Material for all grade levels or age groups.
2. Regulation 43-170 defines "Instructional Material(s)":

"Instructional Material(s)" means materials used in a South Carolina K-12 public school classroom, made available in a public school library/media center, or included on a public school's reading list, whether adopted and/or purchased from the state-adopted instructional materials list, adopted and/or purchased through a district instructional materials program, or otherwise purchased, donated to the school, or made available to students through other means, including but not limited to digital platforms. See S.C. Code Ann. Section 59-19-10. The term "Instructional Materials" as used herein includes any collection of books or materials purchased, acquired, or kept on public school grounds by any teacher or other public-school employee and made available to students, regardless of how or by whom such materials are acquired or purchased.

Reg. 43-170(I)(A).

3. Regulation 43-170 defines "Age and Developmentally Appropriate":

"Age and Developmentally Appropriate" means topics, messages, materials, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. Instructional Material is not "Age and Developmentally Appropriate" for any age or age group of children if it includes descriptions or visual depictions of "sexual conduct," as that term is defined by Section 16-15-305(C)(1).

¹ Exhibit A contains excerpts which are representative of questionable or violative material contained in the Subject Material. The IMRC's review, report, and recommendation is not limited to the excerpts listed on Exhibit A.

Report and Recommendation
Damsel

4. Regulation 43-170 authorizes the State Board to establish “a committee comprised of at least five of the State Board’s members... [and to] conduct a public meeting” consistent with the Regulation’s requirements. Reg. 43-170(IV)(E). Furthermore, it requires the committee to “provide a report and recommendation to the full State Board to be considered and either adopted or rejected by the State Board at its next regularly scheduled meeting.” *Id.*
5. Regulation 43-170 authorizes the State Board to review material “of its own volition and on its own initiative” in order to “make determinations regarding the educational suitability or the Age or Developmental Appropriateness of specific Instructional Materials pursuant to the criteria and requirements of” Reg. 43-170(VI)(B).

RECOMMENDATION

Having carefully considered all public comments (in person and written), the Subject Material and/or excerpts in question from the Subject Material, all documentation provided by the Department, and all comments made by those appearing before the IMRC, we unanimously find that the Subject Material includes descriptions of “sexual conduct” as that term is defined by S.C. Code § 16-15-305(C)(1). While the IMRC’s review of the Subject Material is not limited to Exhibit A, the excerpts contained therein establish a clear violation of the regulation. Therefore, the Subject Material is not Age and Developmentally Appropriate as defined by S.C. Code Reg. 43-170 and must be removed entirely from all public schools in South Carolina.

The IMRC recommends that, considering all the circumstances, Damsel by Elana Arnold be removed entirely from all public schools in South Carolina, beginning on the date of the signing of an Order by the South Carolina State Board of Education.

Christian T. Hanley, Jr.
Chairman
Instructional Material Review Committee
November 1, 2024

EXHIBIT A

Damsel
Arnold, Elana

Summary

Ama wakes up in the arms of Prince Emory after having been captured by a dragon. She has a kind of amnesia about how she ended up here. She follows the prince and the story unfolds.

Availability

Available to students in South Carolina high school libraries.

Excerpts

Pp 106-107*: His hand squeezed her flesh as if he would try to make something from it, and the calluses of his palm rubbed across her nipple, causing it to harden, which Ama noticed as if watching from some distance rather than from within the very skin he handled.

[R]unning his hand first across the downy nest of hair between her legs and then pushing his fingers inside of her, opening her in a way she had not known she could be opened. Emory's hand froze, fingers knuckle-deep in Ama, and then slowly, he withdrew it leaving her bruised and undone.

Pp160ff*. She pictured his mouth on her face, on her as they had been on Ama, and she imagined his fingers parting Fabiana between her legs, as they had parted her. She wondered if Fabiana felt inside her flesh, if she truly did feel pleasure beneath Emory's hands.

p. 284ff*. A noise like a hiss escaped from Emory as he used his hand to wrap Ama's fingers around his yard. It was hot and hard, with a dew-wet drip at its tip. Emory moved Ama's hands within his grip, up and down, up and down, slowly at first and then faster, until, with a grunt and a groan and a spasm so tight that the knuckles of Ama's fingers cracked, a jet of warmth spilled out of him and trickled down Ama's hands, still encased in Emory's....Her fingers were coated with the sticky mess of him. Ama pulled her hands away from Emory, still under the furs. Quietly, she rubbed away the wetness on the carriage seat cushion as Emory adjusted himself and refastened his trousers.

Staff Recommendation

Remove. The excerpts included are not "age and developmentally appropriate" due to descriptions of "sexual conduct," as defined in S.C. Code Ann. Section 16-15-305 (C)(1)(a), (d), (e).

** Paginations differ in different editions.*