

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

INSTRUCTIONAL MATERIAL
REVIEW COMMITTEE

IN RE: A COURT OF FROST AND
STARLIGHT BY SARAH J. MAAS

REPORT AND RECOMMENDATION

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:

A Court of Frost and Starlight
Sarah J. Maas

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

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).

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.*

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.

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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, *A Court of Frost and Starlight* by Sarah J. Maas 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.

s/Christian T. Hanley, Jr.

Christian T. Hanley, Jr.

Chairman

Instructional Material Review Committee

November 1, 2024

EXHIBIT A

A Court of Frost and Starlight.

Maas, Sarah J.

Summary

The Phythian war has ended, and Rhys and Feyre rebuild the Night Court. Although they have entered the festive months, all of them must work to remove the scars that war has left them with.

Availability

Available to students in South Carolina high school libraries.

Excerpts

Pp:14ff: Last week had been so stupidly busy and I'd been so desperate for the feel and taste of her that I'd taken her during the flight down from the House of Wind to the town house. High above Velaris- for all to see, if it weren't for the cloaking I had thrown into place. It'd required some careful maneuvering, and I'd planned for months now on actually making a moment of it, but with her against me like that, alone in the skies, all it had taken was one look into those blue-gray eyes and I was unfastening her pants. A moment later, I'd been inside her, and had nearly sent us crashing into the rooftops like an Illyrian whelp. Feyre had just laughed. I'd climaxed at the husky sound of it.

p. 53ff. I laughed breathlessly, but he flexed his hips, driving against me, the barriers between us little more than scraps of cloth. He brushed a kiss against my mouth, his wings a dark wall behind his shoulders. "You think I'm joking. "We're strong High Fae," I mused, fighting to concentrate as he tugged on my earlobe with his teeth. "but a week straight of sex? I don't think I'd be able to walk. Or you'd be able to function, at least with your favorite part."

p. 173: I surveyed the cabin around me, the surfaces I'd painted nearly a year ago. I was promised a wall, Rhys. A pause. A long pause. I've taken you against a wall before. These walls. Another long, long pause. It's bad form to be at attention while the birchin. My lips curved as I sent him an image. A memory. Of me on the kitchen table just a few feet away. Of him kneeling before me. My legs wrapped around his head.

p.201ff: My stomach tightened in anticipation, my breasts turning achingly heavy. I unbuttoned the rest of his jacket, fingers shaking, and peeled it from him, along with his shirt. And his pants. Then he was standing naked before me, wings slightly flared, muscled chest heaving, showing me the full evidence of just how ready he was. "Do you want to begin at the wall, or finish there?" His words were guttural, barely recognizable, and the gleam in his eyes turned into something predatory. He slid a hand down the front of my torso in brazen possessiveness. "Or shall it be the wall the entire time?" My knees buckled, and I found myself beyond words. Beyond anything but him. Rhys didn't wait for my answer before kneeling before me, his wings draping over the rug. Before he pressed a kiss to my abdomen, as if in reverence and benediction. Then pressed a

kiss lower. Lower. My hands slid into his hair, just as he gripped one of my thighs and hoisted my leg over his shoulder.

He took his time. Licked and stroked me until I'd shattered, then laughed against me, dark and rich, before he rose to his full height. Before he hoisted me up, my legs wrapping around his waist, and pinned me against that wall. One arm braced on the wall, the other holding me aloft, Rhys met my eyes. "How shall it be, mate?" ... "Hard enough to make the pictures fall off," I reminded him, breathless. He laughed again, low and wicked. "Hold on tight, then." ... My hands slid onto his shoulders, digging into the hard muscle. But he slowly, so slowly, pushed into me. So I felt every inch of him, every place where we were joined. I tipped my head back again, a moan slipping out of me. "Every time," he gritted out. "Every time, you feel exquisite."

Staff Recommendation

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