

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

INSTRUCTIONAL MATERIAL
REVIEW COMMITTEE

REPORT AND RECOMMENDATION

IN RE: BRONX MASQUERADE BY
NIKKI GRIMES

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 Committee held an initial hearing of this matter via Webex on November 21, 2024 at 1:00 PM. The Committee requested more evidence from the Complainant, and held a second hearing on the additional excerpts submitted by the Complainant which occurred via Microsoft Teams on January 9th, 2025 at 1:00 PM.

Title of Instructional Material:
Author:

Bronx Masquerade
Nikki Grimes

BACKGROUND AND PROCEDURAL HISTORY

The “Subject Material” listed above has been reviewed by the IMRC pursuant to the criteria established in Regulation 43-170. As further described below, this Regulation authorizes the STATE BOARD to take certain actions related to Instructional Material. The Complainant requested that the State Board remove 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 November 14, 2024. The Committee held its initial hearing on the Subject Material on November 21, 2024. After the Committee requested additional information from the Complainant, the Department notified the public by posting the additional excerpts and the hearing agenda on its website on January 3rd, 2025. Consistent with governing requirements, the public was invited to sign up in advance of both hearings 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.

Based on a review of all public comments (in person and written), the Subject Material, all documentation provided by the Complainant and interested parties, the IMRC makes the following findings of fact and conclusions of law.

APPEARANCES

Report and Recommendation

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November 21, 2024 Hearing

Complainant providing testimony in favor of removing the Subject Material:

Emily Clement

Providing public comment in favor of retaining the Subject Material:

Robin Liebenberg

On Behalf of South Carolina Department of Education:

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

January 9th, 2025 Hearing

Providing public comment in favor of retaining the Subject Material:

Annie Mahaffey

Rebecca Ervin

On Behalf of South Carolina Department of Education:

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

FINDINGS OF FACT

1. The Subject Material was challenged by the Complainant in the Fort Mill School District on September 18th, 2024.
2. Fort Mill School District Officials requested that the State Board take up the appeal in its original jurisdiction because the Subject Material was challenged due to its status as a recommended “long read” in the State Board Approved *HMH Into Literature 8th Grade* textbook.
3. The Subject Material is available to students in the Fort Mill School District.
4. The Subject Material contains the content listed and described in Exhibits A and B.¹

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-

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.

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.*
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

The Constitution, South Carolina law, and precedent uniformly permit the State Board to review and determine the appropriateness of books and other instructional materials for use or availability in public schools. See SBE Final Order and Opinion No. 2024-0001 (In re: *Damsel* by Elena Arnold) at page 3 (collecting and citing statutes and cases). That authority arises, at least in part, from the fact that the selection, curation, purchase, use, and management of public-school curricula and library materials is government speech that the Free Speech Clause does not regulate. See *id.* at 3-4 (citing cases). The state’s authority in this context is particularly robust when, as here, the state seeks to shield minors from access to or use of inappropriate sexual content. See *id.* at 3-4 (citing *United States v. Am. Library Ass’n*, 539 U.S. 194 (2003)).

“A description of someone or something is an account which ***explains*** what they are or what they look like.” *Description*, Collins Dictionary, <https://www.collinsdictionary.com/> (last visited Nov. 25, 2024) (emphasis added). Merriam-Webster agrees: a description is a “discourse intended to give a mental image of something experienced.” *Description*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/> (last visited Nov. 25, 2024) (emphasis added). So too the Cambridge Dictionary recognizes that a “description” requires a portrayal of an event or occurrence. See *Description*, Cambridge Dictionary, <https://dictionary.cambridge.org> (last visited Nov. 26, 2024)

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(defining “description” as “something that tells you what something or someone *is like*”) (emphasis added).

Common usage of the term “description” likewise understands that a description involves a degree of explanatory detail. For example, when it is announced that “the police have released a description of the gunman,” that means more than just a statement that there is a criminal with a gun. A “description” of the gunman means the police have provided some explanatory details about him: his height, weight, age, build, hair color, what he’s wearing, his characteristics, any tattoos, the vehicle he may be driving, and any other specific identifying features. The description helps those who read it form a mental image of the gunman.

In sum, a “description” of something is more than merely mentioning it or acknowledging that it exists or that an event happened. Rather, a description of something necessarily includes some degree of *detail and explanation* about it that is expressly and squarely set before the reader. The thing described is occurring “on-stage” plainly before the audience, not “off-stage” or in a prequel the reader has not been provided.

Having carefully considered the Subject Material, all public comments (in person and written), all documentation provided by the Department and interested parties, the Department’s report, and excerpts from the subject material, we find that the Subject Material *does not* rise to the level of including descriptions of “sexual conduct” as that term is defined by S.C. Code § 16-15-305(C)(1).

Passages raised in the Complainant’s initial complaint (Exhibit A) and supplemental submitted passages (Exhibit B) contain language that may reference sexual conduct, but do not contain a level of explanatory detail necessary to describe sexual conduct.

For instance, the following passage makes oblique reference to sexual conduct.

We locked lips for a few minutes. Next thing I know, he’s fingering my shirt buttons. I push him away, gently at first. “I think we better slow down,” I say. “No, no,” he says, voice all husky. “It’s just getting good.” This time, his hand shoots up my skirt. Bad move. I jump off the sofa like it’s on fire. “Maybe it’s time for you to go.” He grabbed my skirt and tried pulling me back down, which is right about when I hauled off and smacked him.

However, the passage and descriptors are too brief and lack the level of explanatory detail necessary to constitute a “description.”

In another passage, the narrator wishes she could: “make a baby of her own,” and that she and one of her friends could “make pretty babies together.” These passages make such indirect references to “sexual conduct,” that they do not even approach a “description,” which would then render the Subject Material Age and Developmentally inappropriate for all K-12 South Carolina students.

Further, in the Complainant’s initial complaint form², the complainant in several places mentioned that the Subject Material contained passages that “discussed her sexual and domestic violence encounter with a boy,” and glorified “teenage pregnancy.” Mere description of a passage by a Complainant does not allow the committee to determine whether the passages contain descriptions of “sexual conduct,” which is why the IMRC requested that the Complainant submit additional passages

² Exhibit A

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for its consideration. In future, when Complainants submit forms to their local boards, they must include quotations from the Subject Matter in order for that specific passage to be considered.

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 does not include descriptions of “sexual conduct” as that term is defined by S.C. Code § 16-15-305(C)(1). We further find that the Subject Material is not Age and Developmentally Inappropriate. Therefore, the Subject may be retained in South Carolina public schools.

The IMRC recommends that, considering all the circumstances, Bronx Masquerade by Nikki Grimes be retained in South Carolina public schools.

Christian T. Hanley, Jr.
Chairman
Instructional Material Review Committee
February 3, 2025

Exhibit A



South Carolina Instructional Materials Uniform Parent Complaint Form

Your Name: Emily Clement

Title & Author of Contested Material (one per form): Bronx Masquerade by Nikki Grimes

School Where Contested Material is Located: Forest Creek Middle School

Location of Contested Material (library, classroom, etc.): Classroom

Contested Material is (select one): ☒ Printed ☒ Audio/Visual ☐ Online Resource
☐ Other (please describe): _____

I request that this Contested Material be (choose one of the following):

- ☒ Removed from all schools/facilities in this District.
☐ Restricted to the following grade levels in this District: _____
☐ Restricted to a student whose parent/legal guardian provides consent and is enrolled in the following grade levels in this District: _____

Describe Your Reason for Contesting This Material (attach additional pages as needed):

The Bronx Masquerade by Nikki Grimes is a novel that was provided by Forest Creek Middle School to 6th graders to read. This book has been banned from many libraries and school systems due to lack of confidence, usage of drugs and alcohol, domestic violence, sexual immorality, teen pregnancy, racism, language, negativity, and it mentions guns, AK47s to be specific. Why would we want to encourage our students to use guns, drink alcohol, use drugs, have identity problems, jealousy towards others, and normalize leaning out at others physically and verbally?

First page in the book (Tyronne Blittings) - "While I did Who they think they are kidding? They might as well go blow smoke up someone else" a you-know-what, cause a black man" a got no chance in this country, I be lucky if I make it to twenty-one with all these feds running around with AK 47s."

Page 13 - The character discussed her sexual and domestic violence encounter with a boy.

Page 19 - "Money is the alpha and omega."

Page 21 - "sipping beer through chapped teeth"

Page 23 - "Forget who white folks think you are, cause they ain't got a clue." "Matter of fact I didn't know he knew that much English."

Page 31 - "so what if she is a little plump"

Page 36 - This story is glorifying teenage pregnancy.

Page 45 - "She" is fine, so I can see why a guy would want to give her a child."

Page 46 - This character is putting herself down and wishing to be like other people so a boy will like her.

Page 52 - This character has a panic attack and refers to acting like her drunk uncle. It then says, "Portia Johnson has the reputation of being touched in the head. In her freshman year, she" d been the snot out of a girl who" d pushed her too far."

Page 57 - "that little white girl"

Page 58 - "Too bad we can't all have good hair and light skin." "But my body" a good. Nothing wrong with me in that department. That" s why I got to show it off, wear clothes that accentuate the positive. The sl--t or the better." "You should see Raul and some other guys - Black and white - sniffing around her. And she doesn't notice!" "Mr. Latin Loveboy"

Page 60 - The character is talking about cutting her ex-boyfriend's tongue out.

Page 71 - "In case you haven't noticed, you' re fat and I' m not."

Page 76 - "They only know the difference between my color and theirs is that the slave master who owned my family raped my great-great-grandma instead of theirs."

Page 89 - "Either they" re trying to draw me into an infertile game of The Dancers so we can trade insults left and right, or they" re slipping porno pictures inside my locker hoping to set me off."

Page 121 - "We can peacefully coexist, but I don't have no white boys in my crew."

Page 129 - "I ain't never seen no white boy do no free-style poem."

Page 157 & 158 - "Then there are those oily, leering, dirty old men on my block who drool or wink at me when I pass by on my way home, asking if they can take me for a test drive."

Page 159 - "I could tell immediately, I know it" s in me."

Page 160 - "The first time he got up there, I rolled my eyes like half of the sisters in that class, certain he was going to spout something lame or racist about girls and sex, or gangsters."

also attached

I, Emily Clement (insert your name), hereby certify that:

- I am a parent or legal guardian of a student who attends a school within this District.
- I have read, watched, or otherwise reviewed the material I am contesting.
- I have made a good faith effort to address my concerns with School or District staff.
- I have not filed more than five (5) instructional material complaints (including this complaint) in this calendar month.
- I believe that this Contested Material is not suitable for use, availability, and/or unrestricted access in this District, pursuant to the requirements and definitions in Regulation 43-170, which are summarized on the following instruction page.

Signature: Emily Clement

Date: 9/18/24

This form is produced by the South Carolina Department of Education in compliance with Regulation 43-170 and may not be altered by any other party. It is effective beginning August 1, 2024 until further notice.

Exhibit B

Please see the additional complaint information as requested by the South Carolina Instructional Review Committee on November 21, 2024 and the State Board on December 3, 2024.

Bronx Masquerade by Nikki Grimes

Chakara Troupe

I am not in the mood for Tyrone's sorry "Baby, gimme some loving" routine, so when I see him in the hall, I storm past as if he's not even there. Eventually, he'll figure out why.

I come to school sporting shades and a johnny-print across my left cheek, Johnny being the name of the idiot who smacked me last night. Naturally, Porscha is the first person who notices my new tattoo. She walks straight up to me and says, "You deserve better, girlfriend. And you know it." No hello. No how are you. Just: "You deserve better." Then she turns away and walks into the classroom. Typical Porscha. No nonsense. That's why we get along.

Then here comes Sheila Gamberoni. The minute she sees me, she demands to know the name of the guy who gave me my shiner, like she's gonna send her brothers after him or something. I keep his name to myself, just in case. She commences to call the guy everything but a child of God, which makes her feel

better, I think, then gives me a hug and says she'll see me later. Sheila is a bit over the top with this sister act, as if she's trying to make up for being white, but she means well. I can do without some of the other girls who stare at me, though. I know they're just looking for something to talk about, so I rip off my sunglasses, let them get a better look. Might as well stare all you want. This is the first and last time you'll ever see me like this.

Of course, that's what they all say. Nobody knows that better than me. My sister's boyfriends have been beating on her for years. I made up my mind a long

time ago, I'm not having none of that.

Last night I tried telling this to Johnny, who seems to be hard of hearing. He'd brought me home from a movie. He came in for a while, got comfortable since Mom was working overtime and we had the apartment to ourselves. We locked lips for a few minutes. Next thing I know, he's fingering my shirt buttons. I push him away, gently at first. "I think we better slow down," I say. "No, no," he says, voice all husky. "It's just getting good." This time, his hand shoots up my skirt. Bad move. I jump off the sofa like it's on fire. "Maybe it's time for you to go." He grabbed my skirt and tried pulling me back down, which is right about when I hauled off and smacked him. He leaped up and smacked me back.

My jaw dropped from shock, and I looked in his eyes and saw my sister's reflection.

I turned away, strode to the door, unlocked it, and held it open for him.

"I hope you enjoyed yourself," I said, "'cause that's the last time you'll ever lay a hand on me. Now get out!" He actually looked like he was studying on staying, so I stepped out into the hall and screamed at the top of my lungs, "I said get out!" Fearing trouble, he left.

Now I've got this ugly tattoo on my cheek. I thought about skipping school today, but I hate to miss English. Besides, the bruise is temporary and so is the pain. Still, I'd rather not have kids gawking at me all period, so I park myself in the back of the room and wait for Mr. Ward to call our English class to attention.

Mr. Ward is funny. Sometimes he asks us a question with no warning, and tells us to answer quick, without stopping to think about it. The truth is always right on the tip of your tongue, he says. It's the fabrications that take a lot of time. Yesterday he

asked us: "What do you know?" Yesterday I said my name, but today would be different. Today I'd tell him a woman ain't no punching bag. That's what I know.

Lape Algarin

Janelle's got a thing for Devon, but she ain't the only one. Last week I seen some girl named Beth in here staring at him like he was chocolate ice cream she couldn't wait to spoon up. She don't even belong in this class. Come to think of it, a lot of extra kids been showing up in our class on Open Mike Fridays. They heard about the poetry and they been coming to check it out. A bunch of teachers are getting mad at Mr. Ward with all these kids skipping their classes. Everybody's talking about it.

Poor Mr. Ward. He sends students back where they belong—when he catches them. Our class is big, though, and it's easy to duck down behind someone in the back of the room and hide. Sometimes we're halfway through the period before he notices someone who doesn't belong. But he caught Beth last week, and I saw Janelle grinning. She don't have Devon yet, but still she wants him all to herself. I know that feeling, when you love somebody like that. And not just a guy.

I love my Rosa.

Rosa is so beautiful. I wish I could bring her to school. Mr. Ward would love her. Her toes are like tiny churros you want to nibble all the time. And I do, whenever my big sister, Christina, has me over to baby-sit. She smiles more than she did before she had Rosa. Or maybe she's just happy to be out of the house. I would be. There's nothing for me there, that's for sure.

My brother, Tito, left long ago, and then Christina. So it's just me now, with Mami and her husband, Berto. Besides her factory job, all she cares about is him. As for Berto, he's got no use for nobody's kids, even Mami's.

Why does she put up with him? All he does is belch beer and scream at her to bring him and his buddies more while they sit around playing dominos or watching fights on TV.

"T bet Papi doesn't guzzle beer all the time," I often say to Mami.

"You don't know what he does, Lupe," she always says. "How could you? You were only five when he left. And he left on his own, Lupe. Pero, what did I expect? He was a jibaro through and through. He couldn't wait to get back to his precious mountains! And this is the man you love? But Berto, who puts food in your mouth, him you despise. ;Dios mio!"

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I hate it when she calls Papi a hick, the way she spits the word out.

I used to write him. So many letters. But he never wrote back. Why, Papi? There's nobody here to love me now. Mami has Berto, Tito has his carnales on the streets, Christina has Chooch and Rosa. And me? Raul's been giving me the eye lately, but he can forget it. He's too much in love with himself, always drawing pictures of his own face. What's that about? Besides, I already got a man. My Marco. Except, Marco hardly has time for me, even though he claims I'm his woman, his one and only.

Sometimes I say my rosaries and beg for someone to love. I lay in bed under the crucifix and pray 'til

my fingers go numb on the beads.

Lately when I look at Rosa, I think I should do like my friend Gloria Martinez. I should make a baby of my own. Maybe that's the answer.

I like Marco good enough. I don't want to marry him, but he's cute. We'd make pretty babies together, I think.

I've always loved babies. When I was younger, I would wrap my doll in the lace from my first Communion and I'd show her off to all my neighbors. "Mira, mira," I'd say. "See my baby. Isn't she perfect?" And she loved me better than anybody, because I was her mother. It was only pretend, of course. But if I had a real baby, she would love me

like that. The way Gloria's baby loves her. The way Rosa loves Christina.

I saw Gloria and her baby in the grocery last night. I waved to them and all the time, I'm thinking, Gloria, you have no idea how lucky you are.