



**Notice of Appeal of Instructional Material to the South Carolina State
Board of Education Pursuant to Regulation 43-170**

Your Name: Elizabeth Szalai

Your Phone Number: [REDACTED] **Your Email Address:** [REDACTED]

(This information will not be shared publicly and is only so that agency staff may send you the hearing date/time/location.)

Title of Contested Material:

Date of hearing at which the District Board considered the contested material:

District Board's decision: Did not review under Regulation, 90 days has passed

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

Date that District Board's Decision was announced: No Review

Attachments Requested:

- ☐ Please attach a copy of the District Board's written explanation of its decision or include a link to the video recording of the meeting in which the board verbally explained their decision with timestamps noted.
- ☒ Please attach a copy of the initial complaint form you submitted to the District.
- ☐ If applicable, please attach a copy of any written decision(s) reached by school staff or other committees before the material was referred to the District Committee.

Additional Comments (optional):

This appeal is for 4 books submitted to Beaufort County School District. Please see attachment for timeline. The District Board did not take up a review within the 90 days allowable by the Regulation so I am submitting to the SC School Board for review.

Signature: [Signature] **Date:** 12/16/24

I am one of two complainants, in the Beaufort County School District, who submitted a list of books that I felt needed to be reviewed for their content on October 19, 2022. The formal complaint was submitted on October 21st. The list consisted of 96 books. Mr. Michael Covert also sent in the list, adding one more title, Stamped. All 97 books were subsequently reviewed and most were sent back onto the shelves. In my opinion, the review committees were extremely biased being made up of mostly District employees and community activists. Many of these books consist of material that is in violation of the current Regulation. On August 10th, 2024, after the Regulation went into effect, I reached out to the Public Relations Officer (PRO) of the District, Dr. Candace Bruder, to see what preemptive measures the District intended to take. I even offered my help. I want to make clear that the District and the Board are well aware of the content of most of these books because I included excerpts and/or read from them at Board meetings during my appeals of these books prior to the implementation of the Regulation. I received a response from the PRO on August 13th that did not answer that question so I responded back on August 14th specifically asking these questions:

- 1. Have any books been removed at this point in compliance with Regulation 43-170? If yes, please list.*
- 2. Does the District intend to conduct a review and remove any books that are in violation of the Regulation? If yes, can you please provide the process.*
- 3. Did the District at any time reach out to the State Department of Education for clarification on any interpretations that you all may have had on the Regulation? If yes, please provide the correspondence and the response.*

On August 15th, I received a reply back from the PRO stating:

In response to your first question, the district as a whole has not removed any books as a result of Regulation 43-170. However, librarians have been individually weeding books since last year as part of an overall process to update their catalogs. Please keep in mind that no school has the same catalog. Each school librarian is to follow the guidelines for removing books established in administrative regulation IS-38 which mirrors the language of Regulation 43-170. Additionally, new book acquisitions follow our administrative regulations that are also in compliance with Regulation 43-170.

In response to your last two questions, we received the State form three weeks ago and have followed the SCDE's own memorandum to "consider to what extent a preemptive review of existing materials is prudent" while allowing that "no district is required to review preemptively."

Since the District chose to not preemptively remove the books, I submitted five books on August 26th. The books were:

1. Ugly Love by Colleen Hoover (New)
2. Perks of Being a Wallflower Stephen Chbosky (Previously Reviewed by BCSB)
3. Damsel by Elana Arnold (Previously Reviewed by BCSB) REMOVED by SBE
4. All Boys Aren't Blue by George M. Johnson (Previously Reviewed by BCSB)

5. Push by Sapphire (Previously Reviewed by BCSB)

On August 30th, I received an acknowledgement from the PRO stating:

The district has already reviewed four of the titles submitted as part of your previous 96 book challenges. The committee decisions regarding these titles and the accompanying school library materials review committee documents were submitted to the Board of Education as part the appeal process, with the committee decisions being upheld. Therefore, please submit a written appeal to the State Board of Education so the State Board can “notify the district boards in the State or shall otherwise make available to them information identifying the materials at issue in any appeal(s) pending before the State Board. Any district boards in which a challenge to the same material is also pending shall stay their proceedings and abstain from further review or the rendering of a decision to await the State Board’s decision to appeal.”

Unlike the other four SC Instructional Materials Uniform Parent Complaint Forms you submitted, Ugly Love has not been previously reviewed by the district. As part of a “good faith effort” as detailed in SCDE Regulation 43-170, please contact the school where this title is currently in library circulation, Whale Branch Early College High School. The principal, Dr. Sonji Leach, can be reached at sonji.leach@beaufort.k12.sc.us.

That same day, I replied back stating that although those titles had already been reviewed, they had not been reviewed under the new Regulation. I explained although we could agree that a review had previously taken place; however, under the new Regulatory Law, they needed to be reviewed again. Additionally, I rescinded the submission of Ugly Love and submitted the book Flamer by Mike Curato (Previously Reviewed by BCSB).

On September 3rd, I received the following communication from the PRO stating that the District refused to take up the review of the books again. Please note that the PRO keeps saying the District’s position but never acknowledges the Board. And to be clear, I emailed the Board as well so they were aware that this was ongoing as you will see in the attached emails.

Thank you for sharing your position regarding this matter. It is however, contrary to the District’s position after consulting with legal counsel in this matter. In light of the extensive review to which the 96 challenged titles from last year were subjected, the District will allow any parent to appeal those titles directly to the State Board of Education. Therefore, as previously communicated, please submit a written appeal to the State Board of Education to include the additional SC Instructional Materials Uniform Parent Complaint Form you submitted for Flamer, a title that has already been reviewed as part of your previous 96 book challenges.

On September 24th, I responded asking if the PRO could clarify if the Board had made this decision to hold true to the original complaints or if it was a District Decision, explaining that the Board was the final authority as the Regulation is written. I did not receive a response so on October 8th, I sent a follow up asking if the Board had acted with a motion and approval. I never received an answer so I submitted it as a FOIA on October 23rd. On November 6th, I received a response from the PRO that my FOIA had been received and would be answered within the time allowable by law. I finally received a response on December 6th stating that the information I was requesting was protected by attorney client privilege.

In the meantime, as previously stated, I submitted the first 5 books for review under the new Regulation on August 26th. Under the Regulation, the Board has 90 days to respond. Ninety days expired November 24th and I have had no response from the Board nor have they acted on the request so at this time, I am submitting these books to the State Board of Education for review. Please note that all pertinent information is included in the initial complaints sent to the District. I think that you will find that these books are in violation of the new Regulation and need to be removed from schools throughout the State. It is inconceivable that any of these 5 books could have been reviewed by a review committee and recommended to be put back on shelves and furthermore that a District Board would vote to uphold those recommendations. Of course this originally took place prior to the Regulation. I hope that you can see why this Regulation was so important to implement.

I will include all emails to and from the District in whole since the Regulation has gone into effect to show all communication and lack of action on their part.

Many thanks to this Board and the committee that is serving to ensure our students are protected from inappropriate material.

Regulation 43-179   



Ivie Szalai

to Email, Mary 

Sat, Aug 10, 3:53 PM



Good afternoon Dr. Rodriguez,

I am writing to inquire about the implementation of Regulation 43-170. I appreciate every effort that the District is making to come into compliance. I have visited the District website but have been unable to find the updated South Carolina Instructional Materials Uniform Complaint Form. My understanding from the Memorandum sent out on June 22, 2024 is that this: "Regulation requires districts to make readily available on their website".

In addition Districts were asked to: "Consider to what extent a preemptive review of existing instructional materials is prudent. While no district or school board is required to review existing instructional materials preemptively, the Regulation allows for affirmative steps to ensure materials currently available to students comply with the Regulation, should the district choose to do so (see R. 43-170(I)(B))." I had hoped that the District would use this to go back and review a good portion of the previously reviewed books; however, in searching Destiny, I have found that the worst of the books are still available. I am looking for guidance on how this is being handled while reminding the District that this Regulation supersedes any previous decisions made on book reviews. Is there an internal review currently happening to bring the District in compliance? Which, if any, books are currently under review? Can you please provide any documentation supporting what if anything is currently underway. I am more than willing to work with someone within the District to help however I can. I look forward to hearing back from you.

Best, Ivie Szalai

Ivie Szalai

Regulation 43-170 Book Review x



Bruder, Candace L <Candace.Bruder@beaufort.k12.sc.us>
to me, Francisco, Mary ▾

Tue, Aug 13, 9:56 AM ☆ 😊 ↩ ⋮

Dear Ms. Szalai,

The [SCDE Instructional Materials Parent Complaint Form](https://www.beaufortschools.net/academics/instructional-programs-support/library-media-services) has been posted on the district website: <https://www.beaufortschools.net/academics/instructional-programs-support/library-media-services>.

To see the district's latest update regarding 43-170 please view the July 17, 2024, Academic Committee meeting on YouTube: <https://www.youtube.com/watch?v=jhBxqfmD8E8>. Accompanying documents can be found here: <https://beaufortcountyschoolsdistrict.diligent.community/Portal/MeetingInformation.aspx?Org=Cal&Id=774>.

Additionally, updates to reflect 43-170 in regulations [IS-38](#) and [IS-38.1](#) will be presented at the next Academic Committee meeting on August 28, 2024.

Regards,
Candace



Ivie Szalai [REDACTED]
to Candace, Francisco, Mary ▾

Wed, Aug 14, 11:27 AM ☆ 😊 ↩ ⋮

Thank you for your reply. Can you please answer these questions for me with a yes or no?

1. Have any books been removed at this point in compliance with Regulation 43-170? If yes, please list.
2. Does the District intend to conduct a review and remove any books that are in violation of the Regulation? If yes, can you please provide the process.
3. Did the District at any time reach out to the State Department of Education for clarification on any interpretations that you all may have had on the Regulation? If yes, please provide the correspondence and the response.

I watched the Board Meeting last night and I find it very interesting that the District is taking the cell phone ban very seriously while seemingly not doing the same with the Regulation. They are equally considered law but I don't feel like the District is addressing the Regulation in the same manner as the cell phones.

Again, I offer my help to the District in implementing the Regulation. All you have to do is ask. I have done much of the research already and can easily provide it.

Best, Ivie Szalai

Ivie Szalai



Bruder, Candace L <Candace.Bruder@beaufort.k12.sc.us>
to me, Francisco, Mary ▾

Thu, Aug 15, 11:40 AM ☆ 😊 ↩ ⋮

Dear Ms. Szalai-

In response to your first question, the district as a whole has not removed any books as a result of Regulation 43-170. However, librarians have been individually weeding books since last year as part of an overall process to update their catalogs. Please keep in mind that no school has the same catalog. Each school librarian is to follow the guidelines for removing books established in administrative regulation IS-38 which mirrors the language of Regulation 43-170. Additionally, new book acquisitions follow our administrative regulations that are also in compliance with Regulation 43-170.

In response to your last two questions, we received the State form three weeks ago and have followed the SCDE's own memorandum to "consider to what extent a preemptive review of existing materials is prudent" while allowing that "no district is required to review preemptively."

Regards,
Candace

Regulation 43-170

Book Review



Ivie Szalai
to Christina, Francisco, Candace

Thu, Aug 15, 5:46 PM

Dear Dr. Gwozdz,

I had hope that it would not come to me having to contact you but after communication with Dr. Bruder and confirmation that the most egregious books have not been removed from the libraries, I have no choice. The District has made it clear to me that they feel they are in compliance with the Regulation and that the directive from the state in the Memorandum was: to "consider to what extent a preemptive review of existing materials is prudent" while allowing that "no district is required to review preemptively." While many Districts may not need to do a preemptive review if they have not allowed this material to enter into the schools, I know that you, the rest of the Board, and the District knows that a few of these books violate the Regulation because they contain language that depict descriptions or visual depictions of "sexual conduct". I have read them at Board meetings and have included excerpts in my appeals. You cannot pretend that they do not. You cannot act like you do not know. IS-38 currently does not mirror the language of Regulation 43-170, although Dr. Bruder says that it does. It does not include: *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).* * You cannot cherry pick from the Regulation what you want to implement while leaving out the most important part.

This Regulation was drafted specifically to address this and BCSD's neglect in removing such material was among the reasons for the need.

I have offered now twice to work with the District to help locate and review books that need to be removed to be in compliance. Thus far the District has repeatedly acted like nothing needs to be done. I am following the chain of command and now contacting you. Per the Regulation, it is ultimately the Board's responsibility to see that the District is in compliance. I would like to give the Board the chance to do that, however, I am setting a deadline before I move to the next step of reporting the District's willful violation of the Regulation. I would like to hear back from you by the close of business Monday with a thorough plan of action. Please remember that this Regulation went into full effect August 1st. You are now 15 days past the deadline to become compliant.

If I have to move to the next step, I will simultaneously begin to submit the SCDE's Material Uniform Complaint Forms for the offending books. Please know that this Regulation supersedes any prior decisions or regulations therefore I do not have to wait 5 years to be able to submit the books that have already been reviewed. Please note that I have every confidence that the SCDE will ensure that the Regulation is enforced but that I don't want to lose the chance at submitting 5 books for the month of August. I should not have to do this; however, I am covering my bases. There were many complaints last time about the time, resources, and money that were wasted. I would hate to see even more go to this effort when all you have to do is remove the material that is in violation.

I look forward to hearing back from you and hope that we can resolve this together.

*SC CODE OF LAWS

CHAPTER 15

Offenses Against Morality and Decency ARTICLE 3 Obscenity, Material Harmful to Minors, Child Exploitation, and Child Prostitution

SECTION 16-15-305(C)(1) (C)

As used in this article:

(1) "sexual conduct" means:

- (a) vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted, whether between human beings, animals, or a combination thereof;
- (b) masturbation, excretory functions, or lewd exhibition, actual or simulated, of the genitals, pubic hair, anus, vulva, or female breast nipples including male or female genitals in a state of sexual stimulation or arousal or covered male genitals in a discernably turgid state;
- (c) an act or condition that depicts actual or simulated bestiality, sado-masochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed;
- (d) an act or condition that depicts actual or simulated touching, caressing, or fondling of, or other similar physical contact with, the covered or exposed genitals, pubic or anal regions, or female breast nipple, whether alone or between humans, animals, or a human and an animal, of the same or opposite sex, in an act of actual or apparent sexual stimulation or gratification; or
- (e) an act or condition that depicts the insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.

Kindly, Ivie Szalai



Ivie Szalai
to community.comments, Christina, Francisco, Candace

Aug 26, 2024, 11:07 AM

Monday of last week has come and gone so now we move on to the phase of submitting the SC Instructional Materials Uniform Parent Complaint Forms. I really had hoped this was not the direction that the District/Board would take as I have offered my assistance to help several times. You know the material is there. You know it violates the Regulation but you are choosing to require me to jump through the hoops to make you or ultimately the State Board of Education enforce it. The time, money and resources that this whole ordeal will take, once again, is inexcusable. But if this is the path that you choose, so be it. I just want the public to know that I offered every opportunity for this not to happen all over again. I communicated with the District twice to verify no preemptive actions were being taken and this email is my second time communicating with you to try and resolve the issue.

Please find attached the first 5 books that I am making complaints against. I really hope that you all do the right thing and not prolong the process.

Again, I am willing to work with the District to help identify the offending books. Please reach out if you are willing to work together on this.

Finally, please note that this Regulation supersedes any prior reviews or decisions.

Kindly, Ivie Szalai

- Ugly Love
- Perks of Being A Wallflower
- Damsel
- All Boys Aren't Blue
- Push

Ivie Szalai

Book Complaint Submission Book Review x



Ivie Szalai 
to Candace ▾

Tue, Aug 27, 12:31 PM ☆ 😊 ↩ ⋮

Can you please confirm that the District received the book complaints sent from me yesterday at 11:07 am?
Thanks, Ivie

Ivie Szalai



Bruder, Candace L <Candace.Bruder@beaufort.k12.sc.us>
to me ▾

Tue, Aug 27, 12:31 PM ☆ 😊 ↩ ⋮

Confirmed.

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Ivie Szalai 
to Candace ▾

Fri, Aug 30, 10:07 AM ☆ 😊 ↩ ⋮

Since IS 38.1 has not been updated to reflect the Regulation, can you tell me the process of how these complaints will be handled and a timeline?
Thanks, Ivie

Ivie Szalai



Bruder, Candace L <Candace.Bruder@beaufort.k12.sc.us>
to Mary, Wendy, me ▾

Fri, Aug 30, 12:54 PM ☆ 😊 ↩ ⋮

Dear Ms. Szalai,

The district is in receipt of the five SC Instructional Materials Uniform Parent Complaint Forms you submitted on August 26, 2024.

The district has already reviewed four of the titles submitted as part of your previous 96 book challenges. The committee decisions regarding these titles and the accompanying school library materials review committee documents were submitted to the Board of Education as part the appeal process, with the committee decisions being upheld. Therefore, please submit a written appeal to the State Board of Education so the State Board can "notify the district boards in the State or shall otherwise make available to them information identifying the materials at issue in any appeal(s) pending before the State Board. Any district boards in which a challenge to the same material is also pending shall stay their proceedings and abstain from further review or the rendering of a decision to await the State Board's decision to appeal."

Unlike the other four SC Instructional Materials Uniform Parent Complaint Forms you submitted, *Ugly Love* has not been previously reviewed by the district. As part of a "good faith effort" as detailed in SCDE Regulation 43-170, please contact the school where this title is currently in library circulation, Whale Branch Early College High School. The principal, Dr. Sonji Leach, can be reached at sonjileach@beaufort.k12.sc.us.

Regards,
Candace



Ivie Szalai [redacted]

to Candace, Wendy, community.comments, Mary ▾

Fri, Aug 30, 2:51 PM



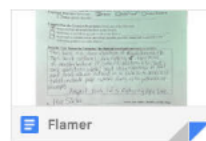
Thank you for your reply. While these titles have already been reviewed, that was prior to the implementation of the Regulation. As such, those reviews are null and void and the new process must be followed. The Board cannot abdicate its responsibility in reviewing these titles under current Regulatory law. We can agree that a good faith effort was made for all of the prior books therefor, as I submit them they must be addressed. I will rescind my submittal of Ugly Love and contact the principal at that school. In its place, I am submitting Flamer as book 1 of 5 for the 5 books that I am submitting for the month of August.

Kindly, Ivie Szalai

Flamer

Ivie Szalai

One attachment • Scanned by Gmail ⓘ



Bruder, Candace L <Candace.bruder@beaufort.k12.sc.us>

to Wendy, me, Mary ▾

Tue, Sep 3, 4:35 PM



Dear Ms. Szalai,

Thank you for sharing your position regarding this matter. It is however, contrary to the District's position after consulting with legal counsel in this matter. In light of the extensive review to which the 96 challenged titles from last year were subjected, the District will allow any parent to appeal those titles directly to the State Board of Education. Therefore, as previously communicated, please submit a written appeal to the State Board of Education to include the additional SC Instructional Materials Uniform Parent Complaint Form you submitted for *Flamer*, a title that has already been reviewed as part of your previous 96 book challenges.



Ivie Szalai [redacted]

to Mary, Wendy, Candace ▾

Tue, Sep 24, 12:48 PM



Can you clarify if the Board has addressed that they will hold true to the previous decisions made? I cannot take this to the State Board until the local Board addresses it under the new Regulation. It is not for the District to decide. If the Board has moved and voted on that stance, can you please direct me to which meeting that took place?

Thanks, Ivie Szalai

Ivie Szalai



Ivie Szalai [redacted]

to Candace, Mary, Wendy ▾

Oct 8, 2024, 2:19 PM



Good afternoon. I am just following up to get clarification if the board has acted on this. I am looking to find out if there was a motion and approval by the board to uphold their previous decisions on every single book.

Thank you for addressing this matter.

Ivie

Ivie Szalai



Jotform <noreply@jotform.com>
to me ▾

Wed, Oct 23, 7:00 PM



Freedom of Information Act (FOIA) Request Form

Name:	Elizabeth Szalai
Address:	[REDACTED]
Home Phone Number:	[REDACTED]
E-mail Address:	[REDACTED]
Public Records Requested (Description of Documents or Information Requested):	Please let this serve as a request for documentation from my emails requesting clarification on 9/24 and 10/8 concerning any board decisions on upholding their prior decisions concerning questionable books, prior to Regulation 43-170 going into effect, that have gone unanswered. If there is a reason that the District is choosing not to respond to my correspondence, I am requesting any documentation of that as well. I will email pictures of the emails I am referring to. Thanks

Powered by JotForm

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RE: Freedom of Information Act (FOIA) Request Form

[Inbox x](#) [Book Review x](#) [Folio#4 Country Rd x](#)



Bruder, Candace L

to me, Wendy, Molly ▾

Wed, Nov 6, 4:08 PM



Dear Ms. Szalai,

The district is in receipt of your October 23, 2024, FOIA request and will respond within the timeframe allocated by South Carolina law.

Regards,
Candace

Dr. Candace Bruder | Communications Officer
Beaufort County School District | SC
Office: 843-322-2432
Cell: 843-941-9178
Email: candace.bruder@beaufort.k12.sc.us
Follow us! [Facebook](#) | [Instagram](#) | [X](#)



Bruder, Candace L

to me, Molly, Wendy ▾

3:43 PM (2 hours ago)



Dear Ms. Szalai,

There are no public documents responsive to your request as the information you have requested is protected under attorney-client privilege in accordance with South Carolina's Freedom of Information Act (FOIA).

Regards,
Candace



BEAUFORT COUNTY
SCHOOL DISTRICT

COMMUNICATIONS