

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

IN RE: NORMAL PEOPLE BY SALLY  
ROONEY

**FINAL ORDER AND  
OPINION REGARDING  
INSTRUCTIONAL MATERIAL**

No. 2024-0010

**SUMMARY OF ACTION REQUIRED**

This Order of the South Carolina State Board of Education (“State Board”) is the final agency decision regarding the following Instructional Material (the “Subject Material”).

**Title of Instructional Material:**  
**Author:**

**Normal People**  
**Sally Rooney**

As explained more fully below, the Subject Material includes descriptions of “sexual conduct” as that term is defined in Regulation 43-170 and South Carolina Code Section 16-15-305(C)(1). Accordingly, the Subject Material is not Age and Developmentally Appropriate and must be removed from all public-school classrooms, libraries, media centers, programs, reading lists, and school-controlled extracurricular activities in South Carolina. **All public schools, public school districts, public-school employees, and district boards in this State shall take immediate action to comply with this Order by removing the Subject Material. Additionally, public schools, public school districts, and district boards shall not acquire, obtain, or purchase the Subject Material, nor shall any public-school employee acquire, obtain, or purchase the Subject Material for use in or with any public-school program, classroom, activity, or instruction.**

**BACKGROUND AND PROCEDURAL HISTORY**

This matter was addressed in the first instance by the State Board’s Instructional Material Review Committee (“IMRC”) and later by the full State Board. The Subject Material was reviewed by the IMRC “of its own volition and on its own initiative” to “make determinations regarding the educational suitability or the Age or Developmental Appropriateness of specific Instructional Materials pursuant to the criteria and requirements of” Regulation 43-170(VI)(B). The IMRC took this step because the Subject Material (1) had been repeatedly discussed during prior public comment periods, (2) had been the subject of district-level challenges prior to the promulgation of Regulation 43-170, and (3) was likely to be the subject of future district-level challenges. Accordingly, the IMRC and, later, the State Board, exercised its authority to review the Subject Material in the first instance to alleviate the burden on multiple individual district boards and to provide guidance to districts and their employees as they evaluate materials under the Regulation.

On October 24, 2024, the South Carolina Department of Education (Department) notified the public of its upcoming review of the Subject Material by posting the hearing information and the hearing agenda on its website. Consistent with governing requirements, the public was invited to sign up in advance of the hearing to provide comment regarding the Subject Material. At 1:00 PM on October 31, 2024, the IMRC's hearing of this matter occurred via Webex and 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 Sec. 1-23-310, et seq. During this hearing, the IMRC received public comment regarding the Subject Material and the Department provided analysis and recommended removing the Subject Material entirely from South Carolina's public schools.

The IMRC reviewed and considered the Subject Material, excerpts from same, all public comments (written and in-person), and all documentation and testimony provided by the Department. Based on that review and consideration, the IMRC unanimously found that the Subject Material includes descriptions of "sexual conduct" as that term is defined by S.C. Code § 16-15-305(C)(1). Therefore, the IMRC found the Subject Material is not Age and Developmentally Appropriate as defined by S.C. Code Reg. 43-170 and recommended it be removed entirely from all public schools in South Carolina. On November 1, 2024, the IMRC issued a Report and Recommendation (attached as Exhibit 1 and incorporated by reference herein), which was provided to all members of the State Board and subsequently placed on State Board's website and made available to the public.

On October 30, 2024, the Department notified the public that this matter would come before the full State Board by posting the State Board's agenda and hearing information on its website. At 1:00 PM on November 5, 2024, the State Board held its regularly scheduled meeting, received public comment, and received reports from its various committees, including the IMRC. This matter is properly before the State Board pursuant to S.C. Code Reg. § 43-170.

Based on a review of all public comments (in person and written), the Subject Material, all documentation provided by the Department and interested parties, the IMRC's written Report and Recommendation, the IMRC Chair's Report, and the Department's report, we make the following findings of fact and conclusions of law.<sup>1</sup>

### **FINDINGS OF FACT**

1. The Subject Material was discussed and questioned during the Public Comment period of the promulgation of Regulation 43-170. In addition, the Subject Material was the source of a number of district-level challenges prior to the adoption of Regulation 43-170, or was otherwise brought to the State Board's attention as a book likely to be subject to future challenges in districts across the state.
2. The Subject Material is available to students in public schools in South Carolina.

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<sup>1</sup> Excerpts from and an explanation of the applicable sections and definitions of Regulation 43-170 are found in the IMRC's Report and Recommendation, which is attached as Exhibit 1, and, for the sake of space, will not be duplicated herein.

3. The Subject Material contains the content listed and described in Exhibit A of the IMRC's Report and Recommendation.<sup>2</sup>

### **CONCLUSIONS OF LAW**

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)).

Under Regulation 43-170, "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)." S.C. Code Reg. 43-170(I)(A).

The IMRC's Report and Recommendation includes passages from the Subject Material. The excerpts from the Subject Material, which are included in Exhibit 1, constitute clear violations of Regulation 43-170 by presenting plainly before the reader express, detailed, and, at times, extensive descriptions of "sexual conduct" as specifically defined in Code sections 16-15-305 (C)(1)(b), (d), and (e).

Having carefully considered the Subject Material, all public comments (in person and written), all documentation provided by the Department and interested parties, the IMRC's written Report and Recommendation, the IMRC Chair's Report, and the Department's report, we 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 our review of the Subject Material is not limited to the excerpts provided by the Department, those excerpts 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 immediately from all public-school classrooms, libraries, media centers, programs, reading lists, and school-controlled extracurricular activities in South Carolina.

**s/David O'Shields**

David O'Shields  
Chairman  
South Carolina State Board of Education  
November 26, 2024

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<sup>2</sup> Exhibit A to the Report and Recommendation, which is attached to this Final Order and Opinion for ease of reference, contains excerpts which are representative of questionable or violative material contained in the Subject Material. The State Board's review and Order is not limited to the excerpts contained therein.

***Normal People.***  
Rooney, Sally.

**Summary**

The book is about two coming-of-age teenagers from different social classes. The two shared a secret and intimate relationship while in high school. Later in college, the popular one in high school struggles in college and the one who struggled in high school blossoms in college.

**Availability**

Available to students in South Carolina high school libraries.

**Excerpts**

p. 100\*: He likes to get very deep inside her, slowly, until her breathing is loud and hard and she clutches at the pillowcase with one hand. Her body feels so small then and so open. Like this? He says, and she's nodding her head and maybe punching her hand on the pillow, making little gasps whenever he moves.

p. 103\*: For some reason, and he can't explain it to himself, he thinks maybe he could fuck Peggy in front of Marianne, although it would be awkward, and not necessarily enjoyable.

p.107\*: She was having cramps and she said it might hurt to have sex, so he just touched her until she came.

p. 135-136\*: She got the top button undone and he told her that he was really drunk, and maybe they should stop. She put her hand inside the waistband of his underwear and said it was okay, she didn't mind. He thought he would probably black out then, but he found he couldn't. He wished he could have. He heard Paula saying: You're so hard. That was an especially insane thing for her to say, because he actually wasn't.

p. 143\*: Early in their relationship, without any apparent forethought, she told him she was "a submissive." She was surprised even fearing herself say it: maybe she did it to shock him. What do you mean? He asked. Feeling worldly, she replied: You know, I like guys to hurt me. After that he started to tie her up and beat her with various objects... when it happens her brain simply goes empty, like a room with the light turned off, and she shudders into orgasm without any perceptible joy.

**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), (c), (d).

*\* Paginations differ in different editions.*

## Exhibit 2

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

INSTRUCTIONAL MATERIAL  
REVIEW COMMITTEE

IN RE: NORMAL PEOPLE BY SALLY  
ROONEY

#### **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:**

**Normal People**  
**Sally Rooney**

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 A<sup>1</sup>.

### **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.*

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<sup>1</sup> 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*

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 Normal People by Sally Rooney be removed entirely from all public schools in South Carolina, beginning on the date of the signing of the Suspension Order by the South Carolina State Board of Education.

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