

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

INSTRUCTIONAL MATERIAL
REVIEW COMMITTEE

IN RE: LIVING DEAD GIRL BY
ELIZABETH SCOTT

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 Microsoft Teams on March 13th, 2025 at 1:00 PM.

Title of Instructional Material:
Author:

Living Dead Girl
Elizabeth Scott

BACKGROUND AND PROCEDURAL HISTORY

The “Subject Material” listed above is reviewed by the IMRC pursuant to its authority to review materials that have been appealed from a local district board. In this case, Complainant filed the South Carolina Instructional Materials Uniform Parent Complaint Form (Exhibit A) with the Beaufort School District Board of Education on January 17th, 2025. The Chairman of the Beaufort Board requested that the State Board of Education take these materials up for consideration, pursuant to Regulation 43-170 VI.C., as the Beaufort Board had previously reviewed this material in 2023, prior to the enactment of 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 March 6, 2025. 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.

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
Living Dead Girl

Complainant providing testimony in favor of removing the Subject Material:

Elizabeth “Ivie” Szalai

Providing public comment in favor of retaining the Subject Material:

Theresa Holliday

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 Beaufort County School District on January 17th, 2025.
2. Beaufort County School District Officials informed Complainant that the Board had previously considered the Subject Material and returned the material to its shelves. The Chairman of the Beaufort County School District Board of Education requested the State Board of Education to review the material without the Beaufort Board reviewing the Subject Material under the Regulation.
3. The Subject Material is available to students in the Beaufort County School District.
4. 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. S.C. Code Reg. 43-170(I)(A).

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

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
Living Dead Girl

“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.*

RECOMMENDATION

The State Board has established that, when Instructional Material “present[s] plainly before the reader express, detailed... descriptions of ‘sexual conduct’ as specifically defined in S.C. Code Ann. § 16-15-305 (C)(1)(b), (d), and (e),” it is a clear violation of Regulation 43-170 and the Subject Material must be removed entirely from all public school in South Carolina. *See* SBE Final Order and Opinion No. 2024-0001 (In re: Damsel by Elena Arnold) at page 3. 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 *Living Dead Girl* by Elizabeth Scott be removed entirely from all public schools in South Carolina, beginning on the date of the signing of any Final Order issued by the South Carolina State Board of Education.

/s/Dr. Christian T. Hanley, Jr.

Christian T. Hanley, Jr.

Chairman

Instructional Material Review Committee

January 25, 2025



South Carolina Instructional Materials Uniform Parent Complaint Form

Your Name: Elizabeth Szalai

Title & Author of Contested Material *(one per form)*:
Living Dead Girl by Elizabeth Scott

School Where Contested Material is Located: Beaufort High School May River High School

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

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)*:

This book contains explicit sexual activities in violation of Regulation 43-170 specifically touching of breast, masturbation, forced oral sex of a minor, etc.
Please refer to specific passages below with associated page numbers.

January 3/5

I, Elizabeth Szalai _____ *(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: _____ **Date:** 1/17/25

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.

Living Dead Girl
by Elizabeth Scott

Available at the following schools:

Beaufort High School
May River High School

Summary of Concerns:

This book contains sexual activities including sexual assault and battery.

Page 4

(Violates Regulation with brief description of intercourse. This is a minor who is being held captive.)

You've pulled your skirt up to your waist, arms resting by your sides, palms up and open.

Waiting. "Good," he says, and lies on top of you. Heavy and pushing, always pushing. "Good girl, Alice." Afterward, he will give you the water and a container of yogurt. He will sit with one hand curled around your knee. You will watch TV together. He will tell you how lucky you are.

Page 10

(Although this may not explicitly violate the Regulation, it is disturbing to think of a minor having this done and at the insistence of her male abuser.)

"Skipping," I say, stripping off my clothes, down to one of Ray's old T-shirts. Smell of him all around me, always.

..."Ready," I say, lying down, and the woman motions for me to spread my legs.

"You want it all gone?"

I nod.

She is supposed to ask how old I am, and maybe other things. Something. There is a sign out front that says minors must have a parent or guardian present to sign off on all services, and this isn't a desperate, dying store that needs customers.

...She starts to wax. My eyes burn and then water as she rips hair away, stripping my flesh.

It is good for women to look like little girls now, to have no hair between their legs.

Page 26

(Violates Regulation with forced oral sex.)

"I know, silly girl. My girl," he says, and stands up, unbuckles his belt. Opens his pants.

"Come over here. Give me a kiss hello."

I get up and walk over to him. He frowns and I hunch over so I barely come up to his shoulder.

"Alice, my baby," he says, kissing my cheek.
Then he shoves me to my knees.
When he's finished, he throws the rest of my yogurt away.
...He drinks beer and orders a pizza and puts me on his lap during the sitcom he hates.

Page 28

(Violates Regulation with insinuation of where he is groping.)

"No breakfast, remember?" he says, sitting down next to me on the bed, one paternal hand on my forehead while the other gropes below. He keeps it up until he starts to sweat, little beads of moisture gathering at his temples, and then gets up.

Page 47

(Violates Regulation with touching of breast, describes molestation of young boy and forced vaginal sex.)

"You're-too tall, though," he says, frowning, and pushes my hands off his feet, dragging me up toward him. Hands on my throat. "Too tall and you want to leave me, don't you? You'd run away in a second if I let you. You wouldn't care if everyone at 623 Daisy Lane had to die for you. So selfish." "I don't want to leave," I tell him, cracking out the words as the world goes fuzzy around the edges. "I want to stay with you.

... I can't breathe, but that's not why he lets the pressure up. He lets go a little so I can nod.

Because he knows I will. I am not strong; I cannot stop him or even slow him down. I can only wait until he gets so tired of me that he lets me die and moves on. "She would punish me," he says. "Hold me down and show me how all we think of is sin. How We are-all sin."

He spits the last word out, like he can taste it, and then touches my hair, slides his fists under my shirt and twists the sullen rise of my right breast, the little lump that's there.

"Would you be that kind of mother?"

"No."

Ray has never come out and said it, but I know from years of listening to him dream that his mother did to him what he does to me. Held him down, rubbed him raw, broke him open. In them, he cries and begs her not to touch him, that he doesn't want to go inside her, that he is a good boy, he really is.

Page 48

(Violates Regulation with descriptions of forced intercourse but what is most disturbing is the insinuation that the captive girl is getting too old so he's going to force her to have a child, a girl, so he can continue his abuse with her.)

"You know you're supposed to listen when I talk." He shoves me to the floor and pulls off my pants.

I stare at the ceiling while he sweats and thrusts, air aching down my throat and into my

lungs until he grabs my hair and says, "I know what I'm going to do. What's going to change."

He pushes faster then, harder, and slams my head into the floor over and over until my vision is bright and fuzzy and there are strands of my hair caught in his hand.

...Ray stares at little girls and I stare at the food), and feel my heart cramp.

It will be over soon, finally, but the thing about hearts is that they always want to keep beating.

They want to keep beating, and when Ray's finished he says, "I like that. A family. You'd be a good mother, wouldn't you? Let me watch out for a little girl of our own? Let me take care of her? Help me teach her everything she needs to know?"

Page 61

(Violates the Regulation with the insinuation of a man having intercourse with a tiny baby.)

He sleeps with one arm thrown across me after, and I lie stinging sharp all over, a wet sticky puddle under me. Soon there will be a little girl here, a real one with tiny arms and legs for Ray to push into.

I want him to take her tomorrow. I want that little girl here now, where I am. I want her to be Ray's love, to bear it.

Page 67

(Violates the Regulation with character giving oral sex twice.)

The whistling boy came up to me by the bathroom and asked if I wanted company. He had bright red pimples, angry oozing sores, all over his face, and when I said yes he blinked and turned like he was going to run away until I dropped to my knees in front of him.

I did it because he was so surprised-looking and because his skin was so angry-looking and because I saw he saw my eyes and thought about running. I did it because he was nothing.

I did it because I wished Ray had used the knife instead of tying me to a chair.

Ray saw my mouth when I came back and knew. I couldn't sit down for a week afterward, and my back, from my shoulders to about my knees, was purple black, then yellow green, for ages. Both my little fingers have crooked knuckles now, and ache before it rains.

...I do not take the pills Jake offers, I know nothing can take away the world. I just push him down into his seat and open his zipper.

"The backseat's wider," he says, but I shake my head and when he tries to threaten, his hands grabbing my hair, I dig my fingers into them, right into his skin, until he moves them away.

When I'm done, I sit up and wipe my mouth with the back of my hand.

Page 73

(Violates the Regulation with the insinuation of holding down a small infant for the captor to rape.)

He is breathing faster now and pulls me toward him, a yank on my ankles drawing my ragdoll body in, lower half pushed against him.

"You'll hold her," he says, and everything own is easily pushed down, away, clothes falling off me like water.

"You'll hold her and I'll love her."

He grins at me. "You'll like that, won't you?"

I nod because he wants me to. I nod because I will. She will get his love and I will hold her down to take it all because then there will be none for me.

I cannot save myself, and I do not want to save her.

Page 102

(Violates Regulation with pinching and grabbing of breast.)

He pinches the stub of my left breast hard, then grabs the right and hauls me in, face changing, smile shifting into his real one, all gums and teeth. Ready to tear.

Page 148

(Violates the Regulation with descriptions of raping a minor.)

We are close to the park. Ray has finished his chicken and cleaned his hands and pressed my face down into his lap again, then changed his mind and moved me around, folding me into what he wanted, my head pushing into the door as he pushes into me, grunt (him) thunk (me).

"You. Remember. Who. You. Belong. To," he says. "You. Remember. Whose. Girl. You. Are."

I nod and he pushes my hair out from where it has gotten trapped under me, caught by him and how he's moved me.

"There," he says. "That must feel better."

It does, of course it does, not feeling bits of my hair strain, snap. My head goes thunk again, once, twice, and then he sighs. Flexes his fingers on my shoulder, red pain silent scream inside me.

Tears on my face, I cannot help it, and he licks them off one by one, sucking every last thing he can from me.