



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

Your Name:

Your Phone Number:

Your Email Address:

(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:

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:

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):

Signature: _____ **Date:** _____

Form Instructions

Please review carefully before completing this form.
Please submit the completed form to SCLReg@ed.sc.gov

[State Board of Education Regulation 43-170](#) requires that instructional materials in South Carolina public schools be **age and developmentally appropriate** and **aligned with and supportive of South Carolina's instructional program**.

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.

Aligned with and supportive of South Carolina's instructional program means rigorous, standards-based instructional material focused on high academic achievement and resulting in graduates who have the world-class knowledge, skills, and life and career characteristics to be college and career ready.

This Regulation provides that materials are not “age and developmentally appropriate” for any age or age group of children if they include descriptions or visual depictions of “sexual conduct,” as defined in SC Code §16-15-305(C)(1):

- *vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted, whether between human beings, animals, or a combination thereof;*
- *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;*
- *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;*
- *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*
- *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.*

The State Board of Education may not predicate its decision regarding any contested material based upon disagreement with viewpoints expressed in the material. Rather, it must apply criteria regarding age appropriateness and alignment with the State's instructional program as outlined in the Regulation.

The Regulation allows a parent or legal guardian to file this appeal form with the State Board of Education if they believe a specific instructional material in their District that was retained in part or in whole by a final decision of their District Board violates the requirements of the Regulation.

For printed materials, cite the page number, chapter, section, paragraph, or other information that identifies the contested material. To further assist the review of the complaint, please include a copy or screenshot of the contested material and submit it with this form.

For audio/visual recordings, cite the minute mark in the recording or other information that identifies the contested material.

For online materials, describe how the content is accessed (website address, application on school issued device, or other information that identifies the material). If possible, please submit screenshots or other printed documentation of the contested material with this form.

The Regulation requires that the full State Board of Education (SBE) or its designated Committee hold a public hearing on or before the second regularly scheduled meeting of the State Board after an appeal has been filed. You may find the SBE meeting schedule [here](#).

Upon receipt in the sclreg@ed.sc.gov inbox, the appeal will be sent to the SBE Committee to determine when a hearing should be held. The date of the committee's hearing will be scheduled and communicated to the parent or legal guardian filing the appeal. At the hearing, the parent or legal guardian will have up to three minutes to present their appeal.

The appeal must go before the full SBE for a final vote. The SBE will, when it communicates its decision to the District Board, provide a written explanation for its conclusion and the publicly available decision will be posted [here](#).

Please note that signature sections of the form must be completed for the appeal to be considered.