

LAW OFFICES OF
RUTA, SOULIOS & STRATIS LLP
COUNSELORS AT LAW

JOSEPH A. RUTA
Member NY and NJ Bars

STEVEN A. SOULIOS
Member NY and NJ Bars

DEMETRIOS K. STRATIS
Member of NJ, PA, DC,
and US Supreme Court Bars

OF COUNSEL:
MITCHELL LAPIDUS
BARBAROS KARAAHMET
JEFFREY JAFFE

10-04 RIVER ROAD
FAIR LAWN, NEW JERSEY 07410

(201) 794-6200
FACSIMILE (201) 794-6300
WWW.LAWNYNJ.COM

OTHER OFFICES LOCATED AT:

370 LEXINGTON AVENUE
24TH FLOOR
NEW YORK, NY 10017
(212) 997-4500

101 TOWN CENTER DRIVE
SUITE 111
WARREN, NJ 07059
(908) 769-4250

VIA HAND DELIVERY

April 30, 2019

The Honorable Margaret Goodzeit, Presiding Judge Chancery Div.
Somerset County Courthouse, Chancery Division, General Equity
20 North Bridge Street, 4th Floor
Somerville, New Jersey 08876

Re: *Gallic et al v Watchung Hills Board of Ed et al*

Dear Judge Goodzeit:

Please be advised that this office represent the Plaintiff's in the above captioned matter. Enclosed herewith please find an original and one copy of the following documents for filing and consideration:

1. Verified Complaint seeking injunctive relief.
2. Order to Show Cause
3. Brief in support of Order to Show Cause
4. Certification of Dr. Judith Reisman in support of Order to Show Cause.
5. Certification of Service.

Kindly have a member of Your Honors staff file same and return a copy marked filed to me in the enclosed self-addressed stamped envelope. I have also enclosed the filing fee of \$250 for the complaint and \$50 for the Order to Show Cause.

Plaintiffs seek emergent relief on as set forth in the Brief and Certification. Briefly, Plaintiffs bring this claim seeking to stop Defendants Watchung Hills Regional High School Board of Education (hereinafter "WHRHS Board" "School Board" or "Board of Education") from violating the criminal statutes of New Jersey by permitting and causing to be distributed to minors under the age of 18, materials that are obscene and pornographic. Defendant Watchung Hills Regional High School Board of Education approval for distribution the book *Fun Home: A Family Tragicomic* in the 12th grade English curriculum. The book contains obscene graphic images that would be presented to minors. In providing minor children with this book, the Board is in clear violation of New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3 entitled Obscenity for Persons under 18. N.J.S.A. 2C:34-3 prohibits distribution of obscene material to minors because of

April 30, 2019

the direct harmful effects of obscene material on our State's minors. As such, Plaintiffs seek to enjoin the Defendants.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

Demetrios K. Stratis

Demetrios K. Stratis

DKS:dp

enclosure

Cc: All Defendants with enclosures via electronic mail, New Jersey Lawyers Service, and facsimilie

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.:

Civil Action

-vs-

ORDER TO SHOW CAUSE WITH TEMPORARY
RESTRAINTS AND INJUNCTIVE RELIEF

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants.

This matter being brought before the court by Demetrios K. Stratis, Esq. of the firm Ruta, Soulios & Stratis, LLP attorney for the Plaintiffs, seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Certifications and Complaint filed herein; and it appearing that Defendants have notice of this application by way of service upon Defendants which application was simultaneously transmitted via facsimilie, electronic mail, and New Jersey Lawyers Service to Defendants upon filing with the Court; and immediate and

irreparable damage will result to Plaintiffs if immediate action is not taken to immediately grant the requests herein and for good cause shown.

It is, on this _____ day of _____, 2019,

ORDERED that Defendant appear and show cause before the Superior Court at the Somerset County Courthouse in Somerset, New Jersey at _____ o'clock in the _____ noon or as soon thereafter as counsel can be heard, on the _____ day of _____, 2019 why an order should not be issued preliminarily enjoining and restraining Defendant from:

- A. Distributing, including, facilitating, or in any way permitting the book *Fun Home: A Family Tragicomic* from appearing or being any part of the curriculum at Watchung Hills High School;
- B. Granting such other relief as may be equitable and just

And it is further **ORDERED** that pending the return date herein, Defendants are temporarily enjoined and restrained from:

- A. Distributing, including, facilitating, or in any way permitting the book *Fun Home: A Family Tragicomic* from appearing or being any part of the curriculum at Watchung Hills High School;

And it is further **ORDERED** that:

1. The Defendants may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the Plaintiffs.
2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the Defendants via messenger within ___ days of the date hereof, in accordance with *R. 4:4-3* and *R. 4:4-4*, this being original process.

3. The Plaintiffs must file with the court his/her/its proof of service of the pleadings on the Defendant no later than three (3) days before the return date.

4. Defendants shall file and serve a written response to this Order to Show Cause and the Request for Entry of Injunctive Relief and Proof of Service by _____, 2019. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the Plaintiff's attorney whose name and address appears above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$135 and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the Plaintiffs are seeking.

5. The Plaintiffs must file and serve any written reply to the Defendant's Order to Show Cause opposition by _____, 2019. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

6. If the Defendant does not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiffs file a proof of service and a proposed form of Order at least three (3) days prior to the return date.

7. If the Plaintiffs have not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.stat.nj.us/prose/10153_deptyclerklawref.pdf.

9. The court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

J.S.C.

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.:

Civil Action

-vs-

**VERIFIED COMPLAINT FOR
DECLARATIVE AND INJUNCTIVE RELIEF**

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants.

Plaintiffs, by their undersigned counsel, bring this civil action for declaratory judgment and injunctive relief against Defendants for injuries caused through their acts. Plaintiffs believe that substantial evidentiary support exists for the allegations set forth herein after a reasonable opportunity for discovery, and based upon information and belief, allege as follows:

SUMMARY OF THE ACTION

1. Plaintiffs are Daniel Gallic, Emmett Gallic, Doreen Blanchard-Gliebe, and Tristin Goode.

2. Plaintiffs bring this claim seeking to stop Defendants Watchung Hills Regional High School Board of Education (hereinafter “WHRHS Board” “School Board” or “Board of Education”) from violating the criminal statutes of New Jersey by permitting and causing to be distributed to minors under the age of 18, materials that are obscene and pornographic.
3. Taxpayers and parents have approached the Watchung Hills Regional High School Board of Education and administration on more than several occasions regarding the removal of the book *Fun Home: A Family Tragicomic* from the 12th grade English curriculum due to the obscene graphic images that would be presented to minors. (A selection of those images are attached as Exhibit A.)
4. The book was originally approved by the WHRHS Board as required 12th grade reading in November of 2017, when all the school curriculum was approved. At that point, (75) students were selected to read the book as part of a pilot program. Over the course of the past many months, hundreds of residents have addressed WHRHS Board about their concern over the images in the book by speaking at board meetings, sending emails and letters to the Board and school administration, and signing petitions calling for the removal of the book. Over 650 signatures of residents from the school district have been obtained on these petitions. Many more signatures from outside the district were also collected.
5. The WHRHS Board’s response to the numerous concerns of the residents has been to revise the curriculum to include two other book selections, in addition to *Fun Home: A Family Tragicomic*, in this particular reading unit. The other books, entitled “*We Are Okay*” (Nina LaCour) and “*Speak No Evil*” (Uzodinma Iweala), also address topics of sexuality. Students will be given the opportunity to select two of the three books presented (a first choice and backup choice) and will then be placed in reading groups within the same

classroom accordingly. Parents of minor students will not be provided with summaries of the book or the images, nor will they be notified of their student's book choice. Leaving the book in the curriculum at all is unacceptable and violates our criminal code. As such, the book should be removed from the approved curriculum as well as the school library.

6. In providing minor children with this book, the Board is in clear violation of New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3 entitled Obscenity for Persons under 18. “Obscene material” is defined as “any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation” The book clearly depicts “specified sexual activity” as defined by the statute because the book's images show oral sex, masturbation, genitalia, etc. The Board is distributing the book to children under the age of 18 and the Statute provides that “a person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree”.
7. The fact that the Board is giving the children the “option” to read this book is not a defense because the Statute provides that: “Knowingly means: (a) Having knowledge of the character and content of the material or film described herein; or (b) Having failed to exercise reasonable inspection which would disclose its character and content.” N.J.S.A. 2C:34-3. The Board knows that the book shows sexual activity that is defined as obscene and is knowingly including the book as an option for 12th grade reading material.
8. N.J.S.A. 2C:34-3 prohibits distribution of obscene material to minors because of the direct harmful effects of obscene material on our State's minors. However the statute is also crucial in preventing sexual predators from using obscene images to desensitize minors by

showing them sexual cartoons and pornography in the well-documented practice of “social grooming”. Social grooming accompanies most incidents of child sexual abuse, and along with undermining parental authority, are key behaviors of sexual predators.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to N.J.S.A. Const. Art. 6, §3.
10. This Court has jurisdiction over this action pursuant to New Jersey Court Rule 4:3-1(a) because this is an action in equity, seeking only declaratory and injunctive relief.
11. This Court has jurisdiction over Plaintiffs and Defendants as they conduct substantial business in, and/or are citizens of the State of New Jersey and the property in dispute is located in Somerset County, New Jersey.
12. Venue is proper in Somerset County, New Jersey as the issue is before the Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, and the causes of action asserted herein occurred in Warren, County of Somerset, State of New Jersey.

FIRST CAUSE OF ACTION—DECLARATORY JUDGMENT

13. Plaintiff Daniel Gallic is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey, and a parent of Plaintiff, Emmett Gallic, a student who was attending Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, at the time the book “Fun Home” was assigned reading in the pilot program in the spring of 2018.
14. Plaintiff Emmett Gallic is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey. Plaintiff Emmett Gallic was a 17-year-old student

attending Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, and was enrolled in 12th grade English class of defendant, Courtney Griffith when he was required to read *Fun Home: A Family Tragicomic* in the pilot program. Plaintiff Emmett Gallic is the son of Plaintiff Daniel Gallic. Plaintiff Emmett Gallic has suffered damages as a result of being required to read the book including emotional, psychological and other damages.

15. Plaintiff Doreen Blanchard-Gliebe is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey. Plaintiff Doreen Blanchard-Gliebe resides within the boundaries of Watchung Hills Regional High School in Green Brook, County of Somerset, State of New Jersey, and is a resident of the State of New Jersey who, within one year of the commencement of this action, has paid taxes in support of the Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey.

16. Plaintiff Tristin Goode is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey. Plaintiff Tristin Goode resides within the boundaries of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, and is a resident of the State of New Jersey who, within one year of the commencement of this action, has paid taxes in support of the Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey.

17. Defendant George Alexis is now, and at all times mentioned in this complaint was, the principal of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in his official capacity as such principal. As principal of Watchung Hills Regional High School in Warren, County of Somerset, State of New

Jersey, Defendant George Alexis is responsible for implementing the policies set down by the WHRHS Board of Education.

18. Defendant Elizabeth Jewett is now, and at all times mentioned in this complaint was, the superintendent of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in her official capacity as such superintendent.

19. Defendant Mary Ellen Phelan is now, and at all times mentioned in this complaint was, the director of curriculum of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in her official capacity as such director of curriculum.

20. Defendant James Aquavia is now, and at all times mentioned in this complaint was, the English supervisor of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in his official capacity as such English supervisor.

21. Defendant Courtney Griffith is now, and at all times mentioned in this complaint was, an English teacher at Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in her official capacity as such an English teacher.

22. Defendant Peter Fallon is now, and at all times mentioned in this complaint was, the president of the Watchung Hills Regional High School Board of Education in Warren, County of Somerset, State of New Jersey and is sued in his official capacity as such president.

23. Defendant Watchung Hills Regional High School Board of Education in Warren, County of Somerset, State of New Jersey is responsible for approving and disapproving of policies, procedures and curriculum including the use of the book *Fun Home: A Family Tragicomic*

in the 12th grade English curriculum.

24. The book *Fun Home: A Family Tragicomic* was originally approved by the School Board as required 12th grade reading in November of 2017, when the entire school curriculum was approved. Several parents had conversations with the English Department Supervisor, Mr. James Aquavia, and Ms. Mary Ellen Phelan, Director of Curriculum and Instruction, to express their concerns and, in parallel, brought the matter to the school board at the Tuesday, May 22, 2018 meeting. While Mr. Aquavia and Ms. Phelan listened, they were not supportive of their request to replace the book.
25. The school's firewall prevents students from accessing sites that show such images, yet the school finds it acceptable to include similar images in their curriculum. When the images were uploaded to the Warren Forum, they were removed because they were deemed as not appropriate for the Forum. When asked if some of the images could be included in the Echoes-Sentinel article, they also stated that the images were not appropriate for publishing in the paper.
26. The Defendant School Board first became aware of the issue in its May 22, 2018 meeting when three parents spoke. Three times the Superintendent said the negative response to the book was an LGBT issue, and three times a parent said it was not an LGBT issue, it was an images issue. (It is noteworthy that the Board's policy is not to engage with the public, so by the third time the Superintendent said, "I kind of broke the rules a little bit with the discussion that occurred. There is generally not a discussion with the public. So you can come and share your feedback with the board and either I or somebody else will get back to you following the board meeting . . .")
27. At the June 5, 2018 Board meeting, a large number of people spoke, mostly against the

book. Having been made aware of the issue, the Board President made some opening remarks about the book seeking to justify its inclusion in the curriculum and admitting that the Board of Education approves or disapproves of the recommendations including the one to have the book *Fun Home: A Family Tragicomic* included on the reading list. He stated:

- a. “The Board of Education adopted a Strategic Plan for the years from 2015 to 2020. The Strategic Plan included three goals. One of those goals is: Create and expand programs that enhance the social and emotional wellness of all students within a compassionate learning community. The Board of Education adopted a performance indicator for this goal which provides: Watchung Hills Regional High School will establish a district-wide Diversity Committee to examine and address issues regarding acceptance, respect and support throughout the school community and beyond. That District-wide Diversity Committee was established. One of its goals was to prepare a list of LGBTQ related titles for possible use in English Language Arts units of study. This led to an English Department initiative to expand LGBTQ voices in the curriculum. So the decision to expand the curriculum to include LGBTQ literature grew directly out of the Strategic Plan adopted by the Board of Education. “
- b. “Based upon the work done in this area by the English Department, in November 2017, the Superintendent recommended to the Board of Education a revised English curriculum to include LGBTQ literature. The Board of Education then voted to accept the Superintendent’s recommendation to revise the English curriculum to include *Fun Home: A Family Tragicomic* in the 12th Grade English Curriculum.”
- c. “It is important for you to realize that the Board of Education does not select books to be included in the curriculum. Instead, we act to approve or disapprove the recommendation made to us by our Superintendent as to what is to be included in the curriculum. Generally, the Board of Education votes once per year to approve the curriculum – unless the Superintendent recommends a revision to the curriculum – in which case the Board is usually asked to approve or disapprove the revision.”
- d. “The Board approved the revised 12th Grade curriculum to include *Fun Home: A Family Tragicomic* in November 2017. Since then we have piloted the revised curriculum in certain classes. This means that we purchased 75 copies of the book, brought in an English professor to train our teachers on LGBTQ studies and context for teaching the book, and this spring began teaching the book. That is why only some members of this year’s senior class will have read the book by the end of this school year.”

28. Public comments were made as summarized in the Board of Education meeting minutes

beginning on page 29 of the June 5th Board of Education Minutes. (See Exhibit B.) Most of the comments were against the book.

29. At the June 19, 2018 Board of Education meeting, the Superintendent proposed that "reading circles" be used, where students would choose from a number of books, and all would be discussed in the same class. The public comments can be found on pages 5-7 of the June 19th Board of Education Minutes. (See Exhibit C). The issue was not discussed at the July or August board meetings, although a small number of objectors attended.

30. At the September 11, 2018 Board of Education meeting, the Education Committee (hereinafter "EC") presented their recommendation to the School Board. They had chosen two additional books ("We Are Okay" and "Speak No Evil") from among 19 books they reviewed. Students may choose among three books, including "Fun Home," but may be reassigned to a different book if their first choice is "full". The School Board was presented with copies of the Petition and was reminded that their job is to represent the community's beliefs and values, as set forth in the following link: <https://www.nsba.org/about-us/what-school-boards-do>. The Petition contained about 650 names from adults in the sending districts, indicative of the community's beliefs and values. The signers stated: (a) they are offended by the images, and requested that the School Board (b) please replace "Fun Home" with another book.

31. In response, the Education Committee (a) considered removing "Fun Home" as one of the 3 choices and (b) considered the "Play version" of the book which, consistent with the Broadway play, does not contain the images. The "Play version" was a sufficient alternative in the form of an edited version of the book which did not contain the images which violate the New Jersey Criminal Statutes.

32. The Education Committee decided against both options. The Education Committee report is attached and the relevant section begins at page 3. (See Exhibit D.)
33. The Education Committee report states that “One point Mr. Aquavia made clear: This is not a unit to teach about LGBTQ it is a unit to teach literature.” (See page 4 of Exhibit D.)
34. Within the past few weeks, the book has been distributed by the Defendants and is being utilized in the curriculum and is being viewed by minors.
35. An actual and substantial controversy exists between Plaintiffs and Defendants. Plaintiffs contend that the use of the book violates the New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3 entitled Obscenity for Persons under 18. “Obscene material” is defined as “any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation . . .” The book clearly depicts “specified sexual activity” as defined by the statute because the book’s images show oral sex, masturbation, genitalia, etc. The Defendants are distributing the book to children under the age of 18 and the Statute provides that “a person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree”.
36. Defendants deny that their actions violate the Criminal Codes. A declaration is necessary to resolve this conflict.

WHEREFORE, Plaintiffs request judgment against Defendants as set forth below.

SECOND CAUSE OF ACTION—INJUNCTION

37. Plaintiffs reallege paragraphs 1 through 34 of this complaint as if set forth in full.
38. Plaintiffs are suffering, and will continue to suffer, irreparable harm and injury and are

without a plain, speedy, or adequate remedy at law, in that:

- a. Money damages will not adequately compensate Plaintiffs for the victimization by these Defendants;
 - b. Money damages for this injury will be extremely difficult, if not impossible, to calculate;
 - c. If defendants are not enjoined, a multiplicity of lawsuits will be required because their conduct is continuous and ongoing; and
 - d. Damage as a result of criminal conduct is irreparable per se.
 - e. They have no plain, speedy, or adequate remedy at law
39. In addition to all of the above allegations, there is a strong public interest in the issuance of preliminary and permanent injunctions in this case. The rights asserted by Plaintiffs are not particular to them; they are shared by all teachers, parents, and students who are subject to the policies set down by the School Board. Defendants' approval of the Book seriously impedes the exercise of rights vital to a free and educated society and should be enjoined.

WHEREFORE, Plaintiffs request that the court:

- a. Enter a judgment declaring illegal the Defendants' policy that the book "Fun Home: A Family Tragicomic" by Alison Bechdel be included as optional reading material and part of the 12th grade English curriculum.
- b. Issue preliminary and permanent injunctions restraining Defendants from including the book "Fun Home: A Family Tragicomic" by Alison Bechdel be included as optional material and as part of the 12th grade English curriculum;
- c. Award of compensatory damages where applicable;

- d. Award plaintiffs costs of this action including counsel fees; and
- e. Grant plaintiffs such other and further relief as the court considers just and proper.

Dated: 4-26-19

CERTIFICATION

I certify that, pursuant to Rule 4:5-1, to my knowledge and based on the information available to me at this time, the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding and that no additional parties are known at this time who should be added.

Dated: 4-26-19

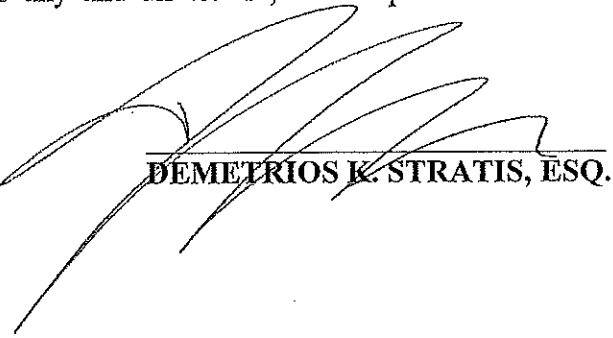


DEMETRIOS K. STRATIS, ESQ.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to New Jersey Court Rule 4:10-2(b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

Dated: 4-26-19



DEMETRIOS K. STRATIS, ESQ.

VERIFICATION

1. I, EMMETT GALLIC, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.

2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date:



EMMETT GALLIC

VERIFICATION

1. I, DANIEL GALLIC, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.

2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date:



DANIEL GALLIC individually and
as guardian for E. G. a minor

VERIFICATION

1. I, DOREEN BLANCHARD-GLIEBE, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.

2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 4/8/19


DOREEN BLANCHARD-GLIEBE

VERIFICATION

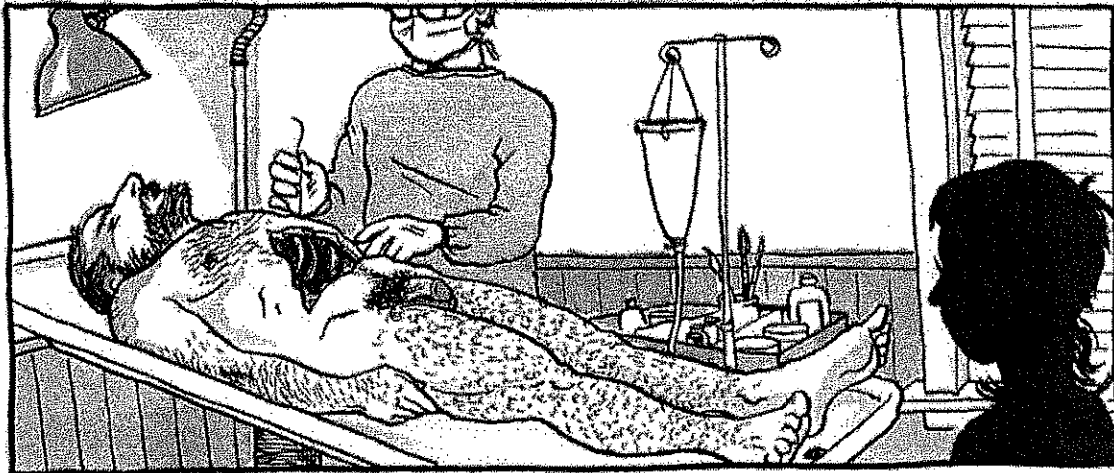
1. I, TRISTIN GOODE, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.
2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 4/8/2019

T. Goode
TRISTIN GOODE

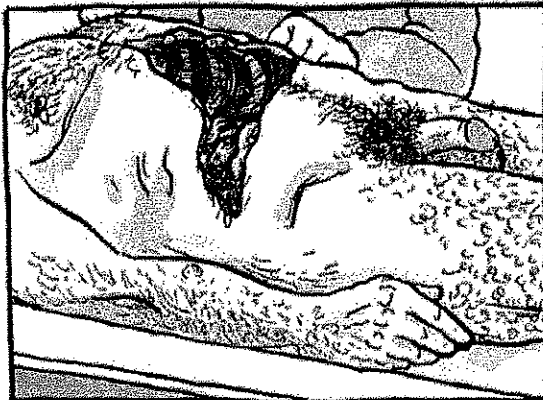
EXHIBIT A

THE MAN ON THE PREP TABLE WAS BEARDED AND FLESHY, JARRINGLY UNLIKE DAD'S USUAL TRAFFIC OF DESICCATED OLD PEOPLE.



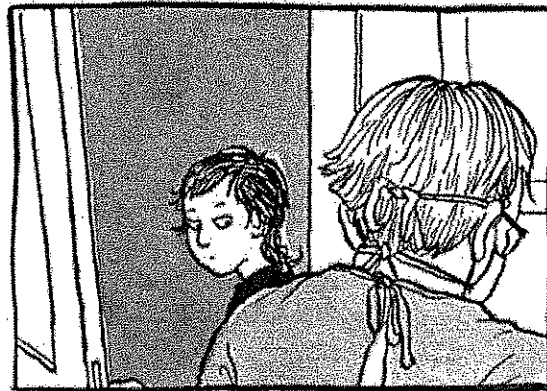
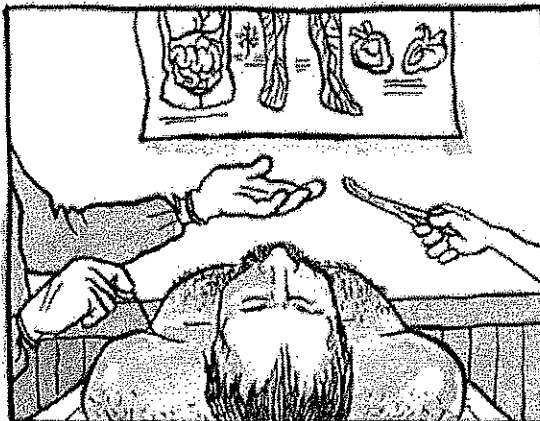
THE STRANGE PILE OF HIS GENITALS WAS SHOCKING, BUT WHAT REALLY GOT MY ATTENTION WAS HIS CHEST, SPLIT OPEN TO A DARK RED CAVE.

THERE WAS SOME PRACTICAL EXCHANGE WITH MY FATHER DURING WHICH I STUDIOUSLY BETRAYED NO EMOTION.

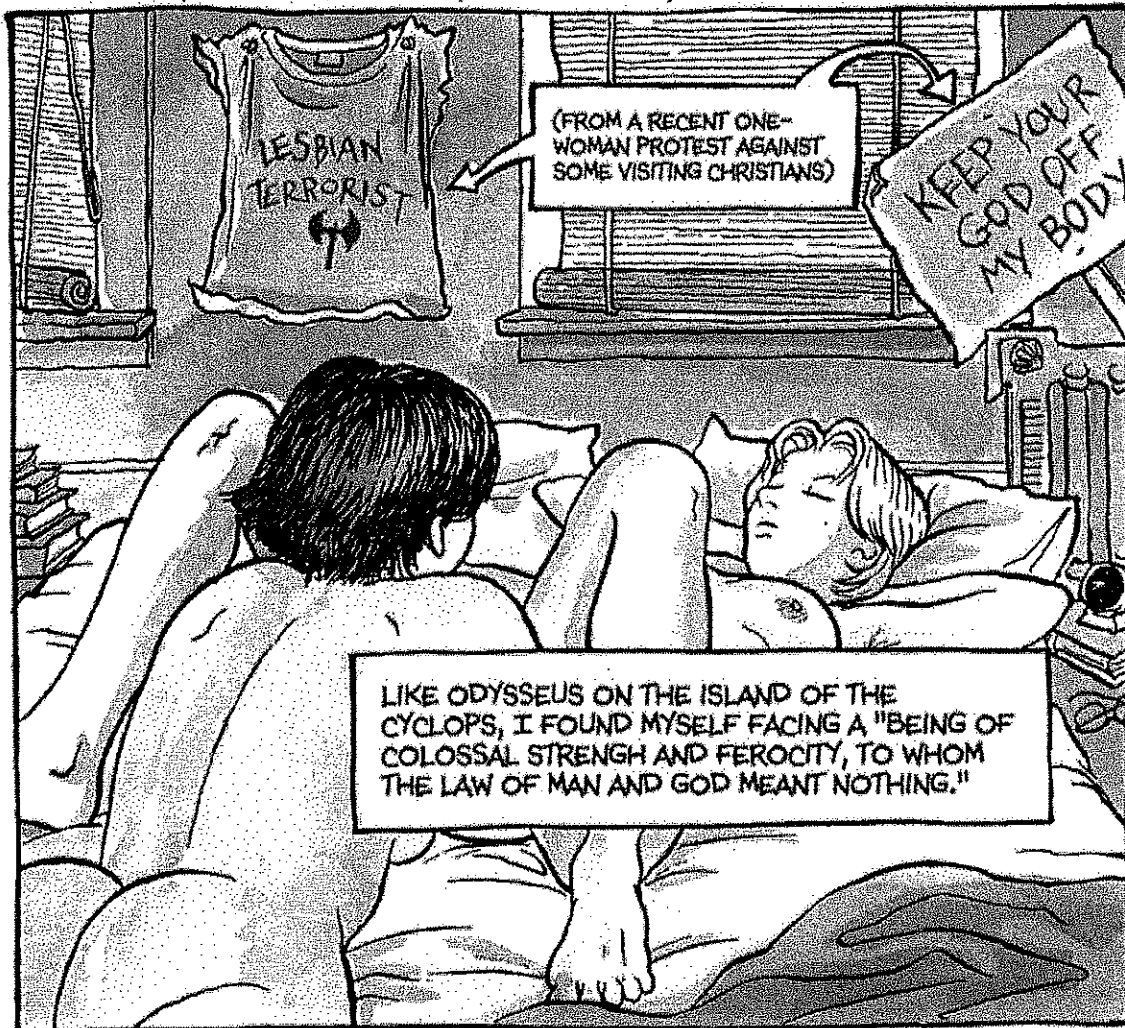


IT FELT LIKE A TEST. MAYBE THIS WAS THE SAME OFFHANDED WAY HIS OWN NOTORIOUSLY COLD FATHER HAD SHOWN HIM HIS FIRST CADAVER.

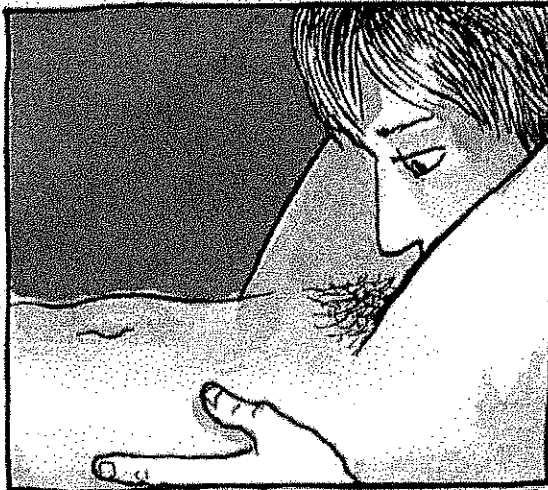
OR MAYBE HE FELT THAT HE'D BECOME TOO INURED TO DEATH, AND WAS HOPING TO ELICIT FROM ME AN EXPRESSION OF THE NATURAL HORROR HE WAS NO LONGER CAPABLE OF.



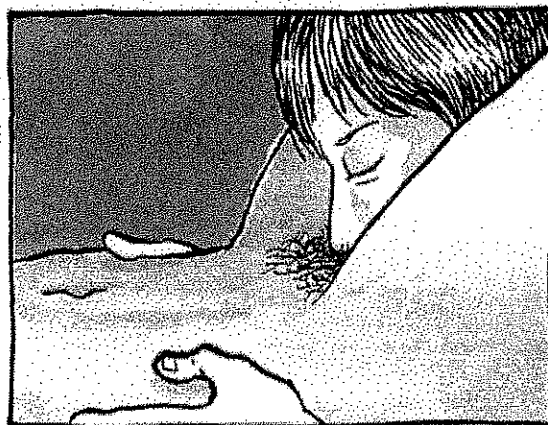
VEERING TOWARD SCYLLA SEEMED MUCH THE SAFER ROUTE. AND AFTER NAVIGATING THE PASSAGE, I SOON WASHED UP, A BIT STUNNED, ON A NEW SHORE.



IN TRUE HEROIC FASHION, I MOVED TOWARD THE THING I FEARED.



YET WHILE ODYSSEUS SCHEMED DESPERATELY TO ESCAPE POLYPHEMUS'S CAVE, I FOUND THAT I WAS QUITE CONTENT TO STAY HERE FOREVER.



MAYBE SO. WITHOUT THE HOMERIC CLUES, IT WOULD CERTAINLY BE UNREADABLE.



BUT THEN, I HAD LITTLE PATIENCE FOR JOYCE'S DIVAGATIONS WHEN MY OWN ODYSSEY WAS CALLING SO SEDUCTIVELY.

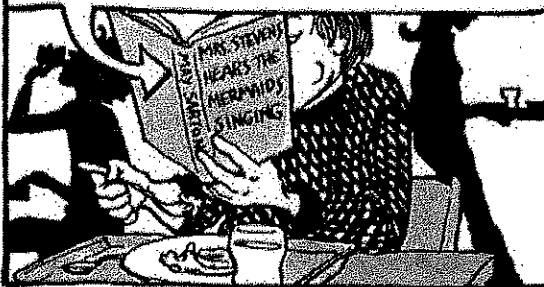


IF I WAS BEWITCHED, IT WAS NOT AN UNPLEASANT SENSATION.

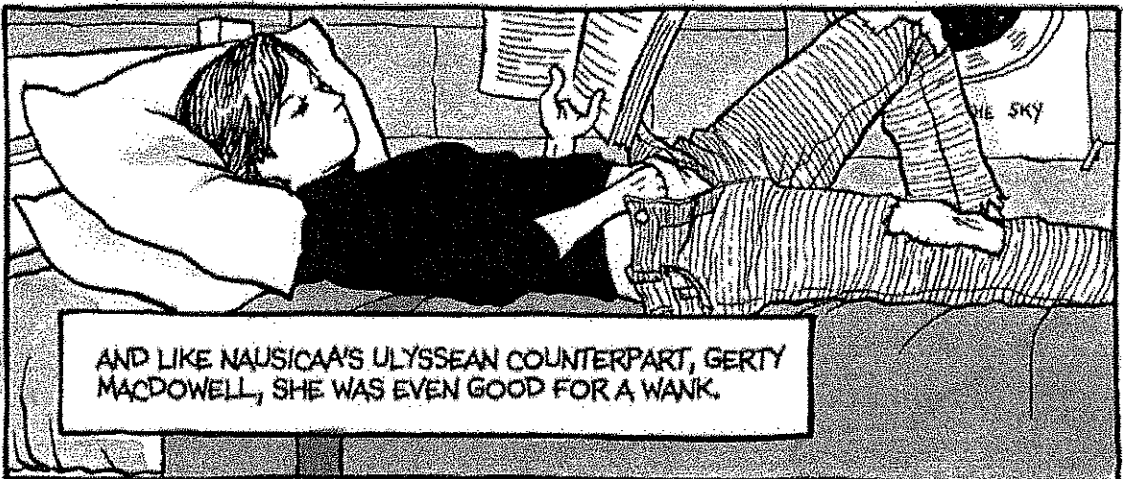
ONE SIREN LED TO ANOTHER IN AN INTERTEXTUAL PROGRESSION.

COLETTE COULD WRITE BETTER THAN ANYONE ABOUT PHYSICAL THINGS; THEY INCLUDE THE FEEL OF A PEACH IN ONE'S HAND. A MAN COULD ONLY WRITE IN THIS WAY ABOUT A WOMAN'S BREAST.

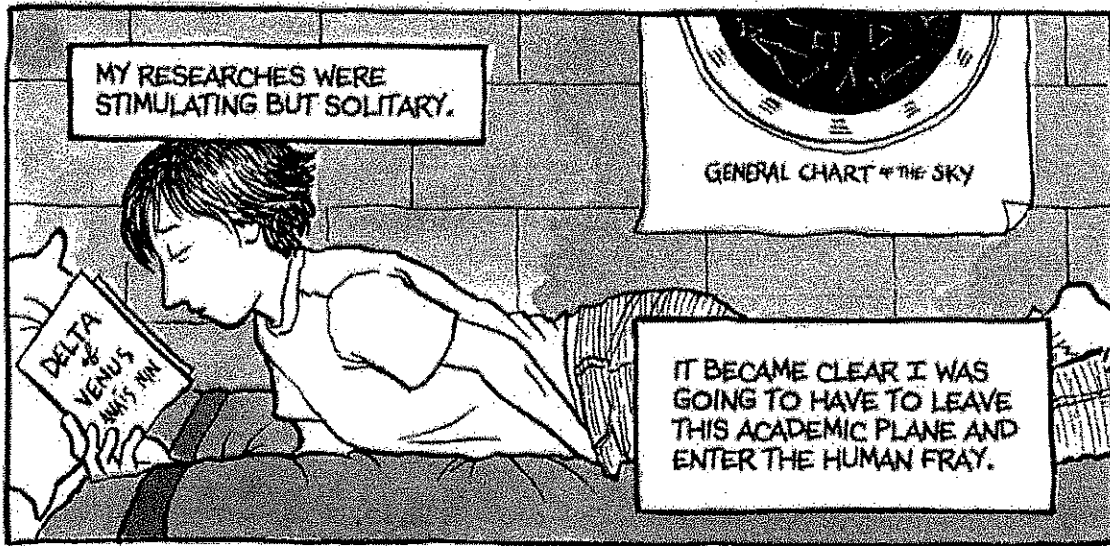
...IN THAT SPIRIT OF MARVELOUS MEGALOMANIA I CAME OUT OFFICIALLY JULY 1ST (1970) IN THE VOICE IN A PIECE TITLED AMBIVALENTLY FROM A LINE BY COLETTE "OF THIS PURE BUT IRREGULAR PASSION."



I REFERRED BACK TO COLETTE HERSELF, BASKING IN HER SENSUALISM AS PERHAPS THE SEA-RAVAGED ODYSSEUS HAD IN THE MINISTRATIONS OF NAUSICAA.

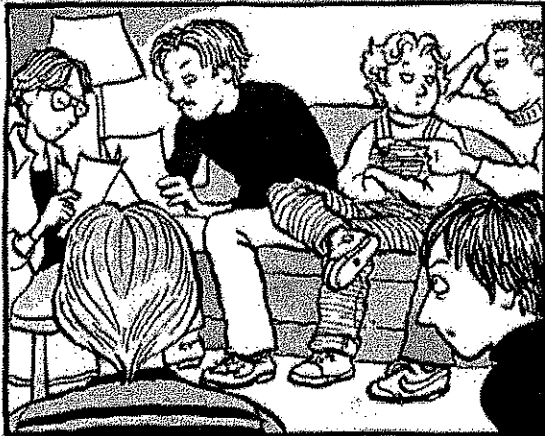


AND LIKE NAUSICAA'S ULYSSEAN COUNTERPART, GERTY MACDOWELL, SHE WAS EVEN GOOD FOR A WANK.



I WENT TO A MEETING OF SOMETHING CALLED THE "GAY UNION," WHICH I OBSERVED IN PETRIFIED SILENCE.

BUT MY MERE PRESENCE, I FELT, HAD AMOUNTED TO A PUBLIC DECLARATION. I LEFT EXHILARATED.

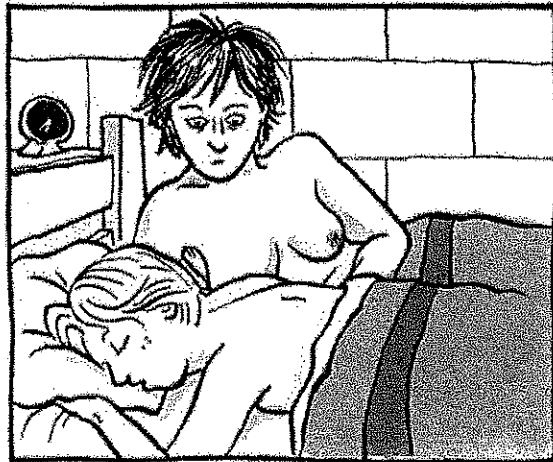
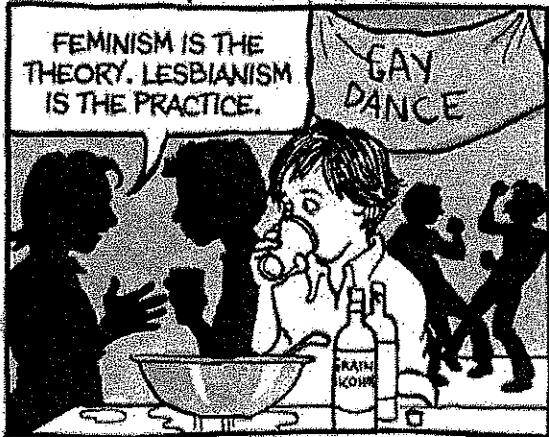


IT WAS IN THAT TREMULOUS STATE THAT I DETERMINED TO TELL MY PARENTS. KEEPING IT FROM THEM HAD STARTED TO SEEM LUDICROUS ANYWAY.

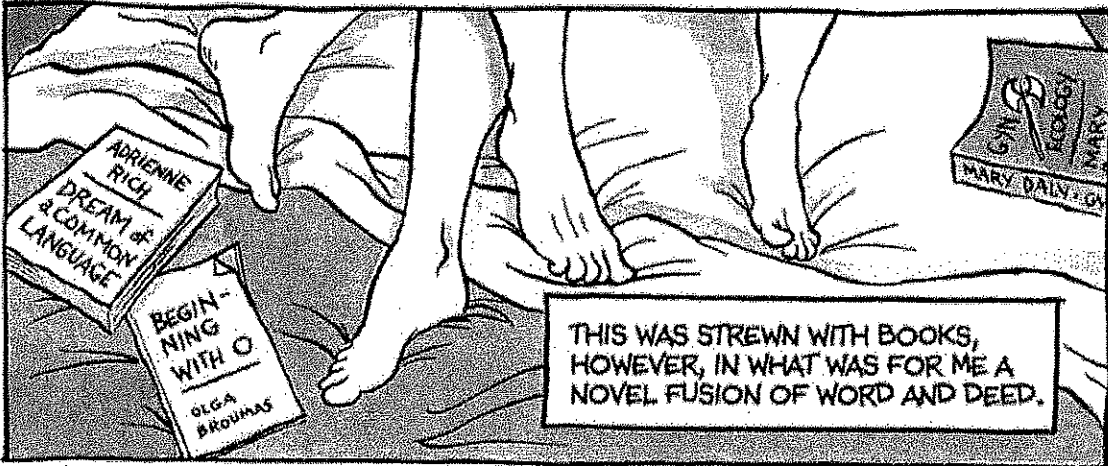


THE NOTION THAT MY SORDID PERSONAL LIFE HAD SOME SORT OF LARGER IMPORT WAS STRANGE, BUT SEDUCTIVE.

AND BY MIDTERM I HAD BEEN SEDUCED COMPLETELY.



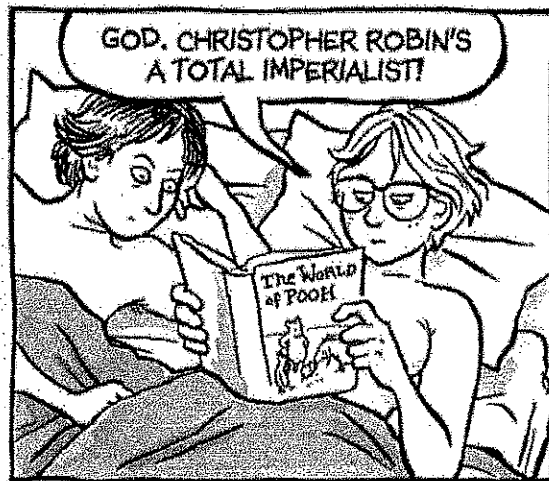
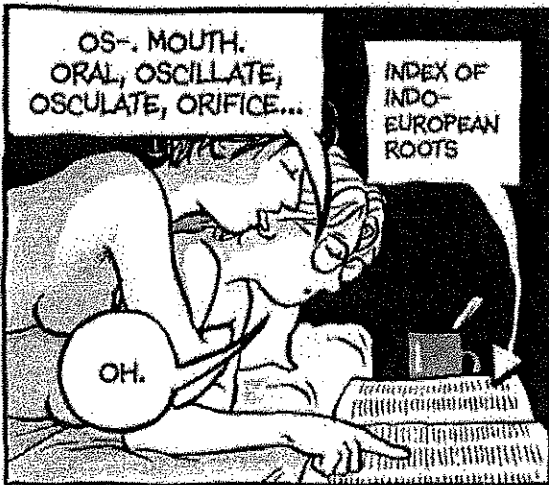
JOAN WAS A POET AND A "MATRIARCHIST." I SPENT VERY LITTLE OF THE REMAINING SEMESTER OUTSIDE HER BED.



THIS WAS STREWN WITH BOOKS, HOWEVER, IN WHAT WAS FOR ME A NOVEL FUSION OF WORD AND DEED.

I LOST MY BEARINGS. THE DICTIONARY HAD BECOME EROTIC.

SOME OF OUR FAVORITE CHILDHOOD STORIES WERE REVEALED AS PROPAGANDA...

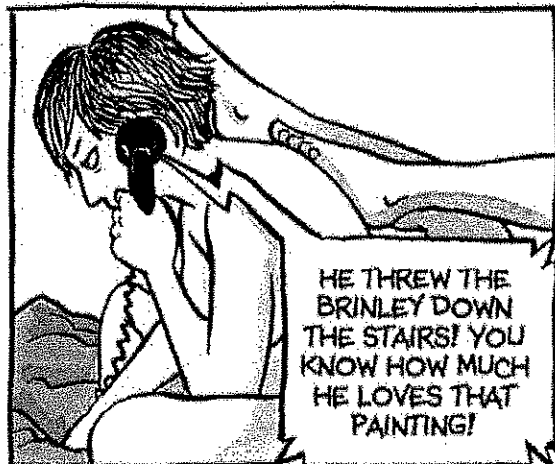


...OTHERS AS PORNOGRAPHY. IN THE HARSH LIGHT OF MY DAWNING FEMINISM, EVERYTHING LOOKED DIFFERENT.



THIS ENTWINED POLITICAL AND SEXUAL AWAKENING WAS A WELCOME DISTRACTION.

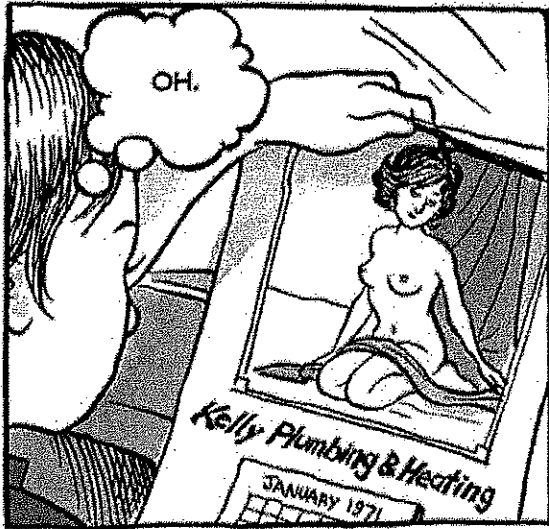
THE NEWS FROM HOME WAS INCREASINGLY UNSETTLING.



SOON AFTER JOAN AND I HAD MOVED IN TOGETHER FOR THE SUMMER, I GOT MOM'S CALL ABOUT THE DIVORCE.

AND TWO WEEKS AFTER THAT, THE CALL ABOUT THE ACCIDENT.



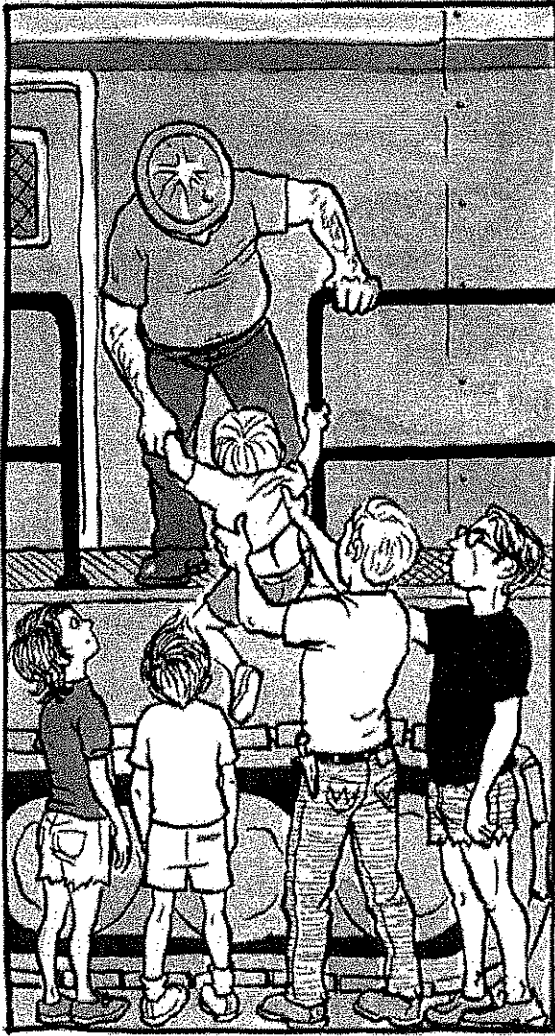
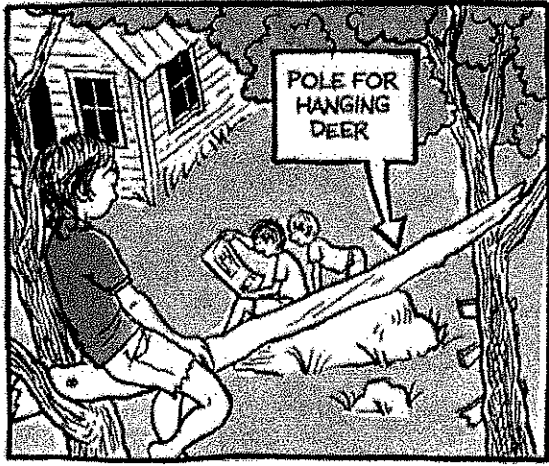


I FELT AS IF I'D BEEN STRIPPED NAKED MYSELF, INEXPLICABLY ASHAMED, LIKE ADAM AND EVE.

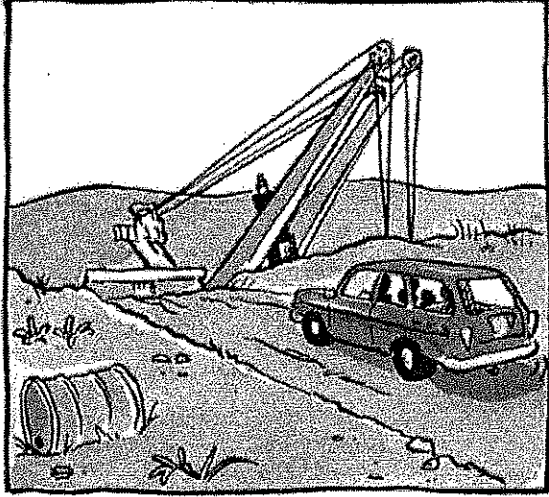


ONCE WE WERE AT THE BULLPEN, MY BROTHERS DISCOVERED THE CALENDAR.

THE SHOVEL WASN'T RUNNING, BUT THE OPERATOR LET US INTO THE CAB.

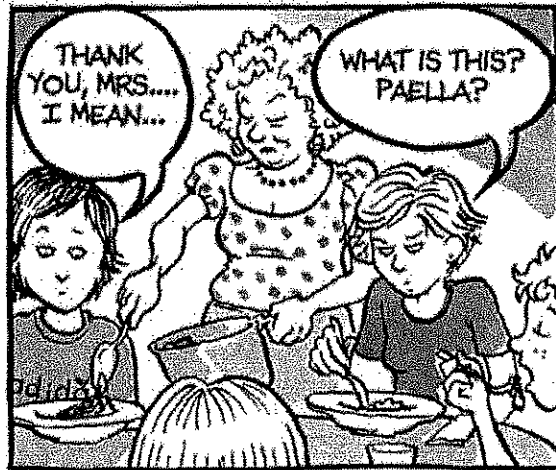


THAT AFTERNOON, WE DROVE OUT TO THE STRIP MINE.

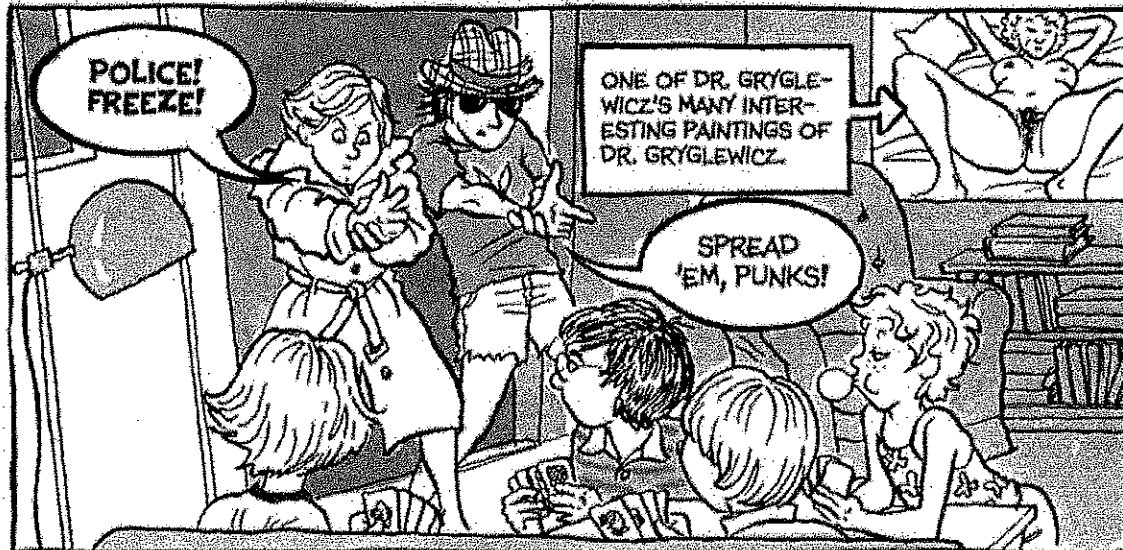


THE GRYGLEWICZES LIVED IN TOWN, ON THE EDGE OF THE COLLEGE CAMPUS WHERE BETH'S FATHER AND STEPMOTHER TAUGHT.

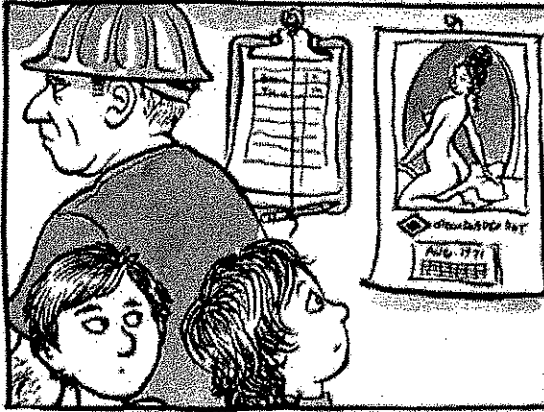
IT WAS HARD TO REMEMBER TO ADDRESS BOTH PARENTS AS "DR. GRYGLEWICZ."



OUR VISIT WAS A VERITABLE SATURNALIA, A TWO-DAY BINGE OF NONSTOP PLAY.



INSIDE I WAS ASTONISHED BY WHAT STRUCK ME AS A BIZARRE COINCIDENCE.



AS THE MAN SHOWED US AROUND, IT SEEMED IMPERATIVE THAT HE NOT KNOW I WAS A GIRL.



JOHN!
C'MERE!

WHAT?



CALL ME
ALBERT INSTEAD
OF ALISON.

WHY?

JUST
DO IT.

MY BROTHER
IGNORED ME. BUT
LOOKING BACK,
MY STRATAGEM
STRIKES ME AS A
PRECOCIUS FEAT
OF PROUSTIAN
TRANSPOSITION—

—NOT TO MENTION A TIDY
MELDING OF PROUST'S REAL
ALFRED AND HIS FICTIONAL
ALBERTINE.

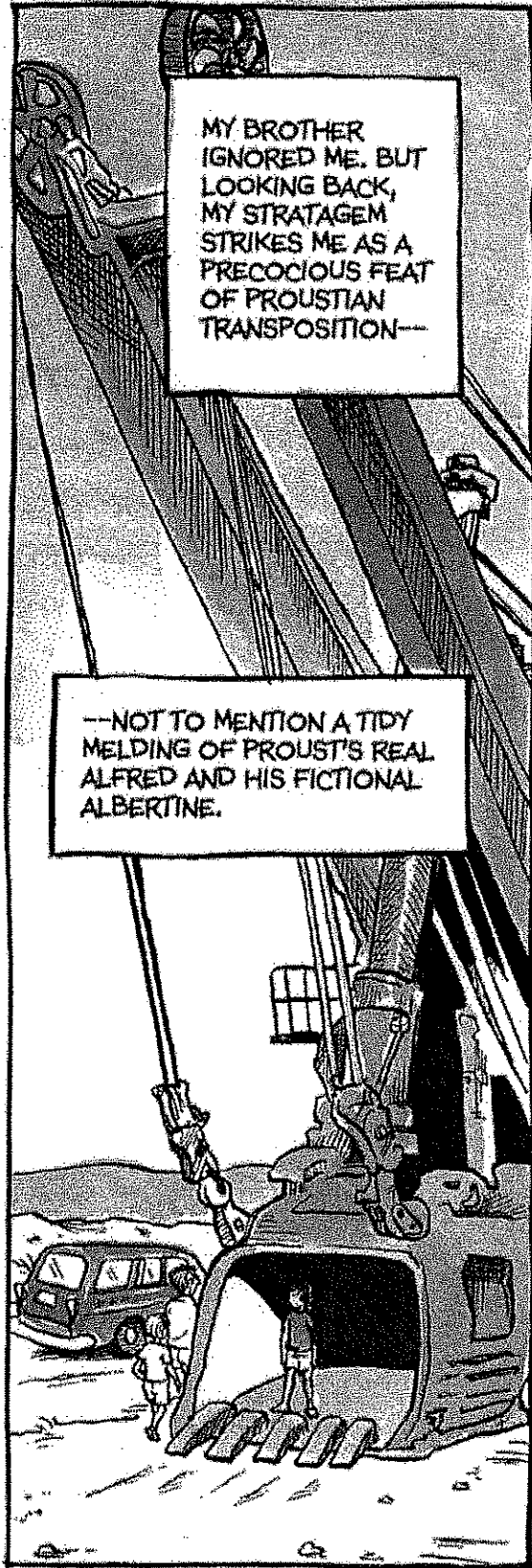


EXHIBIT B

I. CONVENE

Mr. Fallon called the meeting to order at 7:00 p.m.

A. Public Notice

This is the Regular Business Session of the Board of Education for which adequate notice under the Open Public Meetings Act was provided by written notice on January 8, 2018, to the Courier-News, the Echoes Sentinel, the Star Ledger, TAPinto Warren, and the Clerks of the Borough of Watchung and the Townships of Green Brook, Long Hill and Warren.

B. Roll Call:

Present: Mr. Peter Fallon, President
Mr. Christopher Collins, Vice President
Ms. Rita Barone, Ms. Lisa DeMizio,
Mr. John Fahy, Mr. Freddie Hayeck
Mr. Barry Hunsinger, Mr. Bruce Martins,
Mr. Robert Morrison, Dr. Gregory Przybylski

Absent: Ms. Emma Gaffney, Student Representative

Student Rep: Mr. Eris Ulaj

Also Present: Ms. Elizabeth C. Jewett, Superintendent
Mr. Timothy M. Stys, School Business
Administrator/Board Secretary
Ms. Beth Scheiderman, Director of Human
Resources/Personnel
Twenty-five Members of the Staff
One Hundred Twenty-five Members of the Public

C. Pledge of Allegiance

Mr. Fallon led the Pledge of Allegiance to the Flag.

II. EXECUTIVE SESSION

Motion by Ms. DeMizio, seconded by Mr. Morrison that the Board enters into executive session for the purpose of discussing confidential personnel and legal matters, after which action may be taken. The results of the meeting or discussion will be disclosed to the public upon adoption of an appropriate resolution at a public meeting. Motion passed unanimously at 7:03 p.m.

The Board returned to public session at 7:28 p.m. Attendance as noted prior to the executive session

III. REPORTS AND PRESENTATIONS

A. Recognition of Retirees

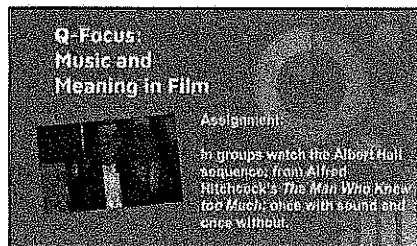
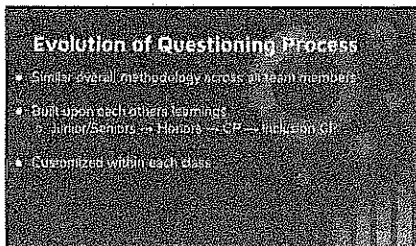
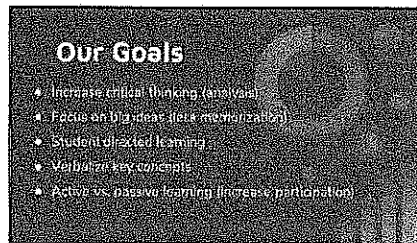
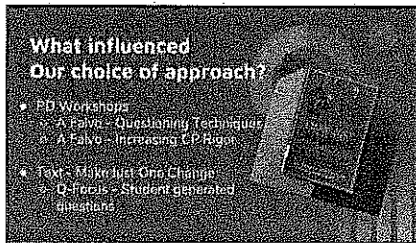
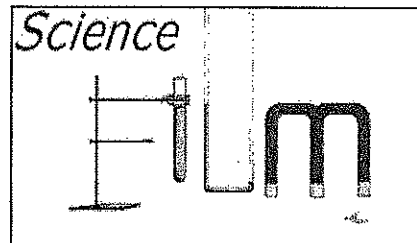
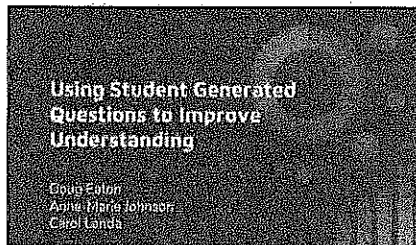
Motion by Mr. Collins, seconded by Ms. DeMizio to approve Recognition of Retirees.

Ms. Jewett spoke about the legacy of Ms. Julie Kumpf and what she has done for the students at WHRHS. Ms. Jewett read the retirement resolution for Ms. Kumpf and thanked her for the many years of dedicated service to the district. She also wished her well on the new endeavors she would be embarking on as she begins this new chapter in her life.

B. Report on Progress – PLCs


Mr. Alexis, Ms. Phelan, and a number of staff and students provided a Report of Progress – PLCs via powerpoint presentations.

Mr. Doug Eaton and Ms. Carol Landa presented Using Student Generated Questions to Improve Understanding




Based on specific visual criteria, student group leaders worked with groups to:

- Write their own Questions
- Improve their Questions
- Prioritize their Questions



Use Your Questions

- Use the three most important questions to elicit the best responses and discussion from your classmates



Student Generated Questions

- Was the "birds eye" shot used to show uniformity of the objects in the frame?
- What did the lack of dialogue do to build the sequence's tension?
- How does the constant "cutting" from the assassin back to the main character create suspense?


What was the outcome?

Student Questions:

- Encouraged deeper discussion
- Developed interest in visual meaning
- Increased rigor in critical thinking
- Allowed group collaboration

Instructional Outcome: Expand and refine Q-Focus in more lessons about text and in future classes

Q-Focus in Science



- Used questioning to improve 8th graders to take ownership of their own learning through:
 - Just Analysis
 - Understanding processes
 - Relating results to a process

Activities Using Text

NEWSIECA articles

- Current event positive reads (multiple levels)

Student generated questions:

- Right there questions: answers found a word
- Author's purpose: answer the author's key to writing?
- Reflective question: the answer cannot be found within the text (but it could have made a better answer)

Mixed Results


- Ninth graders (CP and some Honors) had difficulty with Author's purpose and Reflective Questions
- Activity was then modified to focus on generating questions around "visuals"
 - Diagrams of biological processes
 - Graphs

Question Generation Using Diagrams

- Pilot: Honors
- Two contrasting diagrams provided opportunity for complex and/or inferential questions (Q-D protocol)
- Revised questions utilized to create review guide
- Diagrams and group discussion generated "deep questions"

Diagram 3: Apples shown are:

A) normal enzymatic reaction of polyphenol oxidase
 B) apple soaked in lemon juice



A B Enzyme activity of polyphenol oxidase

Questions Generated


- Based on the results, what did we learn about the enzyme reaction? Does it begin? What cellular/energetic/chemical steps are it performing?
- How can the knowledge gained from enzymes (optimal pH for speed in process) why one apple decomposed and the other stayed firm?
- Does the lemon juice actively or deactivate the enzyme? Use the graph and graph to support your answer

Bonus Finding

Deep Questions - Bio H

Do some enzymes have both competitive and non-competitive inhibitors?

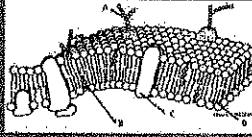
Best: understanding of how to study for exams



CP class


- Example modeled for the class first (see handout)
- Student pairs were asked to generate questions for four diagrams
- Each diagram had a "prompt" to start the questioning

What questions can you ask about this picture? Think about what you know about diagrams and how they represent ideas.



- What is it pointing to?
- Which letter identifies a phospholipid?
- What is the job of C?

The picture below and to the right are animal cells from a pond. They are identical. Use your knowledge of cell structure to identify the organelles in the diagrams.



- 1. When the animal cell is placed in fresh water, what is the final state of the cell? How do you know?
- 2. What do these diagrams represent? Which cell performs a role when the environment is hypotonic, isotonic, and hypertonic?

Simplify Further


Question generation/improvement only

Two diagrams/student pair

Teacher prioritized and created study guide

Cell Transport Diagram


Instructions: Use your notes to generate review questions for each diagram. Questions should be open ended or focus on big ideas from the unit.



1. What type of cell transport is in the diagram?
2. Does it require energy?


Cell Transport Diagram

CARRIER PROTEIN




1. Where is the plasma membrane located on the diagram?
2. Explain the concentration gradient in this diagram.

Diagram of Cell




1. Why does the cell have this shape?
2. What type of cell is it?

Energy Unit Diagram: Cell Respiration



1. What is fermentation?
2. What is the purpose of cellular respiration?
3. What would be the problem if cellular respiration took place in just one step?

Challenges



1. Finding the right visual prompts
2. Moving student from "right there" to "reluctant questions"
3. Getting to "yes!"
Pushback from CPs due to perceived difficulty
4. Engagement by all CP students (75% buy-in)

Measuring Success

Check list

Quality of answers

Incorporation of vocabulary/unit concepts

Quality of "final" questions

Richness of discussion resulting from questions

shared insights and small efforts - repeated day in and day out.

Aha! Moments

Visual (concrete) was the key for question generation

CP: "This is too hard" -> "This wasn't too bad"

Students liked creating questions for a purpose

Considered "whole picture"

Helped define "areas needing work" or misconceptions

Next Steps

Use summer to reflect on how to best utilize this technique more often in film class and expand use to Theatre class (Druja)

Start early with an introduction of the technique in "small doses" which expands to a "regular practice" (Anna, Marie, Carol)

Use visually as a stepping stone to text.

Mr. Eaton and Ms. Landa introduced Ms. Sandra Abdelbarr, Ms. Jessica Hirshberg, Mr. Scott Keele and Ms. Shelly Lettington who continued with a presentation on Creating a 21st Century Media Center to Harness the Power of STEAM

Creating a 21st Century Media Center
to Harness the POWER OF
STEAM
ART + SCIENCE = PROGRESS
Sandra Abdelbarr - Literacy
Jessica Hirshberg - Math
Scott Keele - Science
Shelly Lettington - Social Studies

Why? To FAIL
First Attempt
In Learning
So when they STUCK at learning they've never SEEN before

The School Library + STEAM = 21st Century Partners in Learning
Essential Questions:
How to improve literacy instruction across the curriculum?
How to integrate STEAM principles into the school library program?

The Future of Libraries
What every teacher who has ever taught a student knows is that every student has the potential to learn. But not every student has the opportunity to learn. The library is the place where every student has the opportunity to learn. The library is the place where every student has the opportunity to learn. The library is the place where every student has the opportunity to learn.

WHS Makerspace Journey

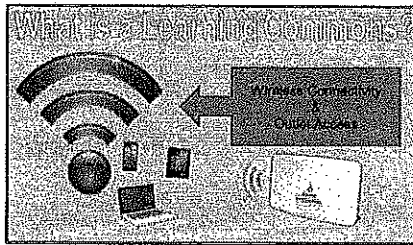
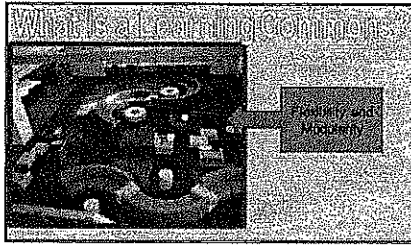
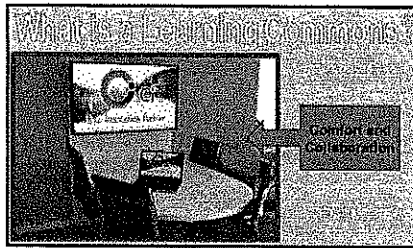
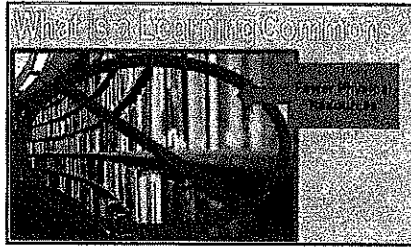
Centennial High School Learning Commons

Learning in the Library
Collaboration
Community
Curation

What's HOT
Physical and virtual libraries as hubs of creating new knowledge and educational innovation
What's NOT
libraries as stand-alone centers of knowledge consumption

What's HOT
Offering collaborative workspaces for students and noise-canceling headphones for those who want silence
What's NOT
Shutting students all day

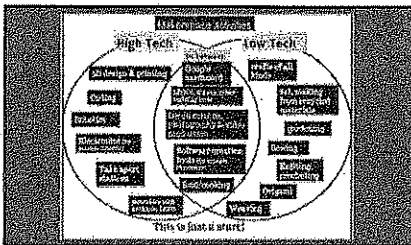
What's HOT
a welcoming, student-centered library that supports learning and curiosity
What's NOT
a library where students feel there are too many rules with no purpose



What is a Maker Space?

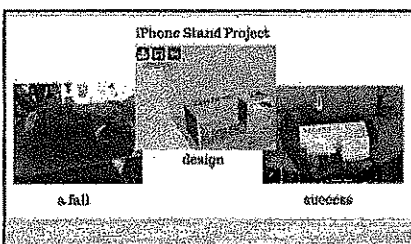
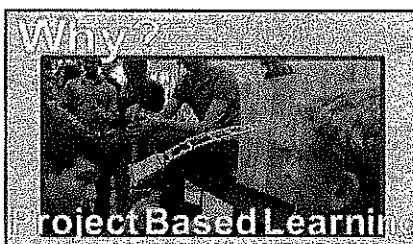
maker-space
 'māker spās/
 noun

1. a place in which people with shared interests, especially in computing or technology, can gather to work on projects while sharing ideas, equipment, and knowledge.
2. "the makerspace is equipped with 3D printers, laser cutters, various milling devices, and more" ©K12enjoy.com



Information Literacy and the Maker Space

Recognize need for information	What do I want to make? What do I need to know to make it?
Access information	What instructions, what help do I need?
Evaluate information	Do I have enough resources? Do I have enough time?
Use information	I need to use what I learned - often through multiple iterations - to integrate what I learned as new, transferable skill and share with others
Integrate information and ideas	



Why?

These are WHRHS students who worked on their own with the help and guidance of three teachers, Mr. McCullen in Music; Mr. Ponzio in Engineering; and Mr. Mulligan in Word Arts, to make a Windchime that is designed to play a very specific octave.

Interdisciplinary Learning

Why?

Real Life Applications

Application in the Curriculum

Students in Laura Ballon and Karen DeLamara's Geometry classes were asked to use their knowledge in calculating volume to give dimensions for Popcorn Holders to Chris Gibson's and Quinn Mount's engineering students. The Engineering kids had to use the dimensions to design and create the actual holders.

WHRHS Makerspace

- Average 1000 sq. ft. classes per month
- Avg. enrollment of 17-18 students per month for each
- Avg. age group: 12-18 students (16 per month (1600 sq. ft.))
- Average cost of 1000 sq. ft. class in library before school begins

The Herman Miller Company Study

This was a study done with university students and faculty on their perceptions about having a Learning Commons as opposed to a more traditional library.

Students

- 10% more likely to feel comfortable asking questions
- 28% more likely to be able to conduct group work
- 22% more likely to be valued

Faculty

- 32% more likely to engage collaboration between students in class
- 24% more likely to engage collaboration between faculty and students in class
- 47% more likely to feel valued

What do we do going forward?

- Staffing?
- Professional Development?
- Training of Student Leaders
- Keep up with the new Technology
- Financial Support
- Ongoing polling of students & staff. Organize a Makerspace committee
- High Tech? Low Tech? Both?
- Exemplary Programs & Active Learning
- Integrate the Humanities into STEM

NCSSU Libraries often emphasize the physical space, the social space and the information specialist. Together it enhances collaborative learning, then that whole mixture comes into a learning technology and people are just working there and they start learning with and from each other. - John Seely Brown

Ms. Lettington introduced members of the Accounting Club and Culinary Arts Club who discussed their presentation hillsHacks – Coding the Classroom.

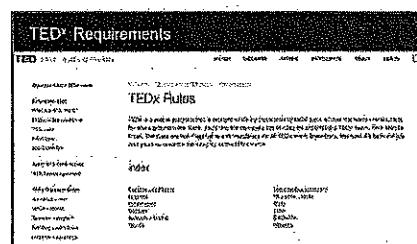
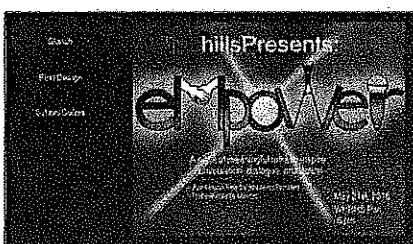
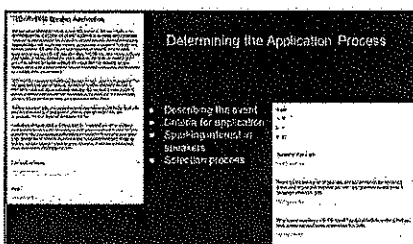
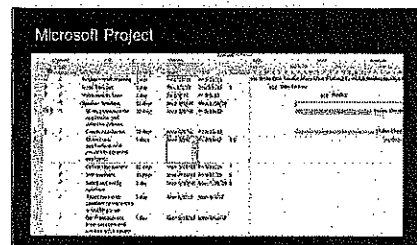
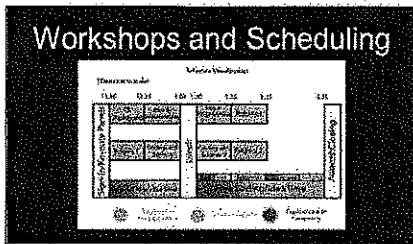
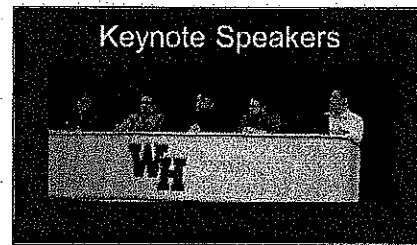
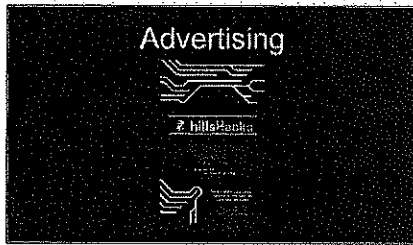
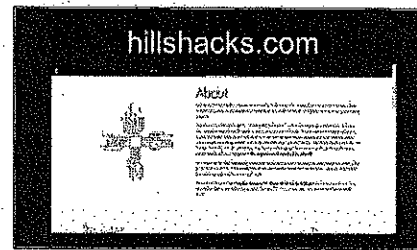
Goal: make computer science as accessible as possible

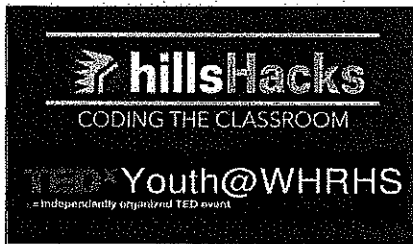
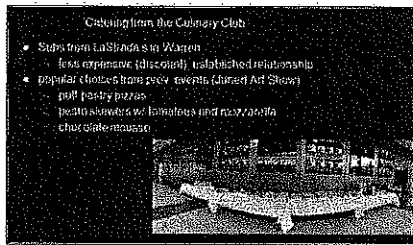
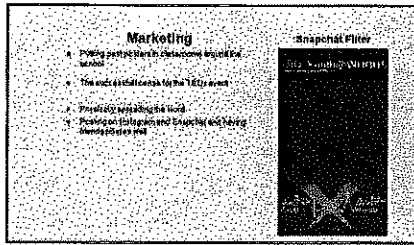
hillsHacks Budgeting

Category	Item	Amount	Notes
Equipment	3D Printer	\$1000	For prototyping
	Arduino Uno	\$10	For coding
	Micro:bit	\$10	For coding
	Scratch	\$0	For coding
Software	Scratch	\$0	For coding
	Scratch	\$0	For coding
Miscellaneous	Books	\$50	For learning
	Supplies	\$50	For projects

Culinary Club

- Subs from Greystone
- Thematic Snacks and Treats
- Celebrations – Buns and Bells
- “No-Bread” Breads
- Homemade Rice Krispie Treats
- Ice Creams all flavors - Baked not accessible





Ms. Jewett thanked the staff and students for their presentations. She complimented them on the work that was done to show the progress we are making in these areas.

Ms. Jewett also recognized the athletic teams who won state championship titles this spring. They included: Boys' Lacrosse, Boys' Golf, and Girls' Golf.

Mr. Morrison commented on the Maker Space presentation and suggested visiting Hopatcong to tour their area. He also spoke positively about the Tedx and hillsHacks presentation.

IV. BOARD CORRESPONDENCE

Mr. Fallon discussed a Notice of Hearing that was received from the Warren Township Planning Board. He said it was in reference to the upcoming meeting on Monday, June 11, 2018, at which an Application for Preliminary major site plan approval was being discussed. Mr. Fallon said this is for the construction of affordable housing units proposed to be built on Lindbergh Avenue.

V. COMMITTEE REPORTS

Education – Mr. Morrison, Chair

Mr. Morrison stated that there was a committee meeting held on May 22, 2018. He said they discussed the Dance program and the Music Tech Lab.

Mr. Morrison discussed the Summer Curriculum writing and the Summer Enrichment program offerings.

Operations – Tim Stys

Mr. Stys reported that the committee met on May 22, 2018 and reviewed the agenda items and the annual professional appointments. The committee discussed the Proprietary Support & Maintenance contracts for the 2018/2019 school year.

Mr. Stys discussed the renewal contract with Murray Hill Chinese school.

Mr. Stys explained the annual transfer of surplus will be calculated prior to the June 19th BOE meeting. He said he anticipates the reserve deposit to be approximately \$2,000,000 due to many cost saving efforts throughout the district.

Mr. Stys commented on the CarePlus contract that was awarded last year for mental health services. He said the administration is pleased with their services and will renew the contract for an additional year with no increase.

Mr. Stys reported that a number of services are out to bid. They include: trash removal services, custodial services (to be discussed later in the meeting), and broker of record services.

Ed Council Meeting – Ms. DeMizio, Representative

Ms. DeMizio indicated an Ed Council meeting was held prior to this evening's Board meeting. They discussed the results of the Diversity survey and areas of focus for Professional Development for next school year.

Delegate Assembly – Ms. Barone, Representative

Ms. Barone talked about 2 resolutions that were discussed. The first was a resolution Ensuring Student Safety, pertaining to gun laws. The second resolution was to change school funding as recommended by Senator Sweeney.

Mr. Morrison commented that the County School Boards Association is unsure of the outcome of the school funding plan. It was mentioned that the administration has taken proactive steps to ensure no disruptions will occur even if the district does not receive all of the funding.

VI. FIRST OPPORTUNITY FOR PUBLIC COMMENT

Mr. Daniel Gallic, Warren Township resident and President of the township Planning Board, encouraged residents to attend the June 19th Planning Board meeting. He also suggested that the Board consider moving public comment on non-agenda items prior to agenda items.

VII. BOARD DISCUSSION

Agenda Items

Dr. Przybylski asked about action item D2 regarding a specific end date. Mr. Stys pointed to the second paragraph which references the school procedures being available in the Business Office.

Future Agenda Items

Mr. Stys discussed a field trip that the Music Department would like to schedule to Disney in January 2019. Mr. Stys provided background for the trip and said it would be on a future agenda for approval. Mr. Stys commented that due to time constraints they are asking for approval to submit a deposit. The Board supported this request.

Mr. Stys discussed the custodial bid which was opened earlier today. He said the bid results came in higher than anticipated due to changes in the specifications designed to increase accountability. The potential bid is over budget. Mr. Stys said he will recommend approval at the next meeting to increase accountability.

VIII. FUTURE ACTION ITEMS TO BE VOTED ON AT THE JUNE 19, 2018 REGULAR BUSINESS MEETING

A. ADMINISTRATION

- 1 Recommends for approval the minutes of the regular work session meeting of June 5, 2018.
- 2 Recommends for approval the minutes of the executive session of June 5, 2018.
- 3 Recommends for approval the Danielson Framework (2007) for Teaching and Educational Specialists and the Marshall Principal Framework for Vice-Principals and Principals as the evaluation rubrics for certificated employees for the 2018/2019 school year.
- 4 Recommends for approval the attached list of professionals and rates, as approved vendors to provide evaluations and therapy services for the period July 1, 2018 – June 30, 2019.
- 5 Recommends to accept the following students from Green Brook Township Public Schools to attend the WHRHS 2018 Extended School Year Program with a tuition rate of \$5,600.00 and the 2018/2019 Learning and Language Disabilities Program with a tuition rate of \$50,500.00 for a total of \$199,150.00. Transportation will be the responsibility of the sending district.

Student ID	2018 ESY Tuition	2018/2019 Tuition	Status
2525	\$5,600.00	\$50,500.00	Full-time
2546	\$5,600.00	\$50,500.00	Full-time
2678	\$5,600.00	\$50,500.00	Full-time
2653	\$5,600.00	\$25,250.00	Shared Time

- *6 Recommends for approval the attached list of the Out of District placements for the 2018 Extended School Year Program and the 2018/2019 school year, for the period July 1, 2018 – June 30, 2019, for a total cost not to exceed \$2,253,842.45. Transportation will be provided by WHRHS using the most cost effective alternative.
- *7 Recommends for approval the following Out of District extraordinary instruction aide services for the 2018 Extended School Year Program and the 2018/2019 school year, for the period July 1, 2018 – June 30, 2019 for a total cost not to exceed \$186,470.39.

Student ID	Extraordinary Services	Cost Per Student
2508	1:1 Aide @ Academy 360 Upper School, Livingston, NJ	\$29,725.00
2467	1:1 Aide @ MUJC – DLC of Warren, Warren, NJ	\$81,535.50
2541	1:1 Aide @ YCS/Sawtelle Learning Ctr, Montclair, NJ	\$37,409.89
2656	1:1 Aide @ Horizon High School, Livingston, NJ	\$37,800.00

- *8 Recommends for approval out of district student 2467 to receive the following related services for the 2018 Extended School Year Program and/or the 2018/2019 school year at DLC of Warren (MUJC), for the period July 1, 2018 – June 30, 2019, with a total cost not to exceed \$39,743.50.

Student	Extraordinary Services	Cost
2467	Speech/OT Services at MUJC	\$14,400.00
2467	Intensive ABA Home Services including Supervisor Student Assessment provided by MUJC	\$25,343.50

- *9 Recommends for approval student 2654 to receive weekly, four (4) hours of Home Based Parent Counseling and/or Training Services provided by Ms. Catherine Bocage of Plainfield, during the 2018 ESY Program and the 2018/2019 school year at the rate of \$60.00 per hour for a total cost not to exceed \$10,800.00.

- *10 Recommends for approval student 2654 to receive monthly, six (6) hours of Behavioral Intervention Services at Banyan High School, provided by Ms. Elena Garcia-Alba, BCBA of Albright Consultation Services, LLC, during the 2018 ESY and the 2018/2019 school year at the rate of \$125.00 per hour for a total cost not to exceed \$8,250.00.
- *11 Recommends to accept students 2588 and 2589 from Clark Township Public Schools Board of Education, to attend the WHRHS 2018 Extended School Year Program and the 2018/2019 Learning and Language Disabilities Program with a per student tuition rate of \$56,100.00 for a total of \$112,200.00. Transportation will be the responsibility of the sending district.
- *12 Recommends for approval the following ABA therapists to provide ABA (Applied Behavior Analysis) services to student 2506 for the period July 2, 2018 – June 22, 2019 for a total cost not to exceed \$33,750.00.

Therapist	Hours	Hourly Rate	Annual Total
Ray Cepeda, BCBA	3 hours per month	\$125.00	\$4,500.00
Joyce M. Pekarsky	8 hours per week	\$60.00	\$18,720.00
Lori Jean Vigliotti	4.5 hours per week	\$60.00	\$10,530.00

- *13 Recommends for approval the following students to receive occupational therapy sessions weekly for the 2018 ESY Program at the rate of \$50 per 20-minute session and \$75.00 per 30-minute session provided by approved vendor Mr. Brian McDonald, for a total not to exceed \$1,050.00.

Student ID	Sessions
2665	Group
2688	Individual
2710	Individual

- *14 Recommends for approval the following students to receive weekly speech therapy sessions for the 2018 ESY Program at the rate of \$90.00 per hour provided by Ms. Jill Pila, with a total not to exceed \$6,480.00.

Student ID	Sessions
2662	Group
2665	Group
2708	Group
2706	Group
2709	Group
2711	Group
2704	Group
2548	Group
2661	Group
2667	Group

Student ID	Sessions
2553	Group
2544	Group
2688	Group
2689	Group
2630	Group
2680	Group
2708	Individual
2709	Individual
2710	Individual
2704	Individual

- *15 Recommends for approval student 2688 to receive weekly, one 30-minute individual physical therapy session for the 2018 ESY Program at the rate of \$64.00 provided by approved vendor Pediatric Workshop, with a total not to exceed \$384.00.
- *16 Recommends for approval Mrs. Jill Pila, M.S, Speech and Language Therapist to provide IEP Reporting Services during the IEP meetings for students 2548, 2553, 2563, 2583 and 2688 at the rate of \$45.00 per student, at the total cost not to exceed \$225.00.

B. CURRICULUM AND INSTRUCTION

None

C. PERSONNEL

- 1 Items discussed in Executive Session.

D. FINANCE

- 1 Certification of Board Secretary
Pursuant to N.J.A.C. 6A:23-2.12(c)3, I, Timothy M. Stys, Board Secretary/School Business Administrator, certify that as of May, 2018 no line item account has encumbrances and expenditures, which in total exceed the line item appropriation in violation of 6A:23-2.12(a).

Board Secretary	Date
-----------------	------

- 2 WHEREAS, the Board of Education has received the reports of the secretary for the month of May, 2018 consisting of:
 - 1. Interim Balance Sheets
 - 2. Interim Statements Comparing Budgeted Revenue with Actual to Date and Appropriations with Expenditures and Encumbrances to Date
 - 3. Schedule of Revenues-Actual Compared with Estimated
 - 4. Statement of Appropriations Compared with Expenditures and Encumbrances
 - 5. Food Service Enterprise Fund Monthly Profit and Loss Statements for April and May 2018

WHEREAS, in compliance with N.J.A.C. 6A:23-2.12(c)4, the secretary has certified that, as of the date of the reports, no budgetary line item account has obligations and payments (contractual orders) which in total exceed the amount appropriated by the district board of education;

NOW, THEREFORE, BE IT Recommended the Board of Education accepts the above referenced reports and certifications and orders that they be attached to and made part of the record of this meeting;

BE IT FURTHER Recommended, in compliance with N.J.A.C. 6A:23-2.12(c)4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriation section) and the treasurer of school monies for the month of May, 2018 and upon consultation with the appropriate district officials, to the best of its knowledge, no, major account or fund has been over expended in violation of N.J.A.C. 6A:23-2.12(b), and that sufficient funds are available to meet the district's financial obligations for the remainder of the year.

- 3 Recommends for approval the ratification of transfer of funds among the general, special revenue and capital projects fund's line items for May, 2018, as previously approved by the Superintendent and Business Administrator.
- 4 Recommends for approval, travel related reimbursement and attendance to various seminars and workshops for the 2018/2019 school year as per the attached.
- 5 Recommended for approval, the Board of Education approves the appointment of Timothy M. Stys as Board Secretary from July 1, 2018 – June 30, 2019, and that the Board Secretary be authorized to invest district funds and make all deposits for the district.
- 6 Recommended for approval, the Board of Education authorizes the School Business Administrator/Board Secretary to make electronic fund transfers between Board of Education bank accounts as well as to other state and federal agencies as required for the 2018/2019 school year.
- 7 Recommended for approval, the Board of Education authorizes William J. Scholts, Treasurer of School Moneys to sign checks for withdrawals on the payroll account for the 2018/2019 school year.
- 8 Recommended for approval, the Board of Education authorizes the following individuals to sign checks for withdrawals on the operating account and bond proceeds account, effective July 1, 2018 – January 3, 2019:

Peter Fallon - President
Timothy M. Stys - Board Secretary
William J. Scholts - Treasurer of School Moneys

- 9 Recommended for approval, the Board of Education, in accordance with N.J.S.A. 18:A:19-3, authorizes the Board Secretary to establish the following petty cash funds for the 2018/2019 school year:

District	\$750.00
Principal	\$250.00

- 10 Recommended for approval, the Board of Education, in accordance with N.J.S.A. 18:A:19-3, authorizes the following individuals to be responsible for the proper disposition for the district and principal petty cash funds, effective July 1, 2018 – June 30, 2019:

Timothy M. Stys	District
George P. Alexis	Principal

- 11 WHEREAS, the Board of Education meetings are scheduled for the first and third Tuesdays of a given month except in July, August, September, and December where there is one meeting scheduled on July 17, 2018, August 21, 2018, September 11, 2018, and December 11, 2018; and,

WHEREAS, the bill list is normally approved at the first meeting of the month and checks to vendors are released the next day; approval of the bill list at the July 17, 2018, August 21, 2018, September 11, 2018, and December 11, 2018, board meetings will delay all payments to vendors and may cause undue hardship.

NOW, THEREFORE, BE IT RECOMMENDED, the Board of Education authorizes the School Business Administrator to release checks for payment to vendors for the June 30, 2018 bill list on July 1, 2018, the July 31, 2018 bill list on August 1, 2018, the August 31, 2018 bill list on September 1, 2018 and the November 30, 2018 bill list on December 1, 2018, and after review by the Operations Committee members so that vendor payments are not delayed.

- 12 **Renewal and Initial Applications for Temporary Space**

WHEREAS, the Watchung Hills Regional High School anticipates a need for maintaining the current lunch schedule referred to as the Rotating Drop for 2017/2018 school year, and

WHEREAS, the said Board of Education anticipates the need to utilize, at a minimum, the same areas for cafeteria space in 2018/2019 that was used in 2017/2018

WHEREAS, the said Board of Education has investigated all possibilities for providing approved cafeteria areas.

NOW, THEREFORE, BE IT RECOMMENDED that the Watchung Hills Regional High School Board of Education hereby petitions the Executive County Superintendent of Schools in the County of Somerset, New Jersey to approve the following as Temporary Space for the 2018/2019 school year:

<u>Room</u>	<u>Initial/Renewal</u>	<u>Proposed Use</u>
Gym 3/4	Renewal	Gymnasium and cafeteria eating area
Weight Room (105B)	Renewal	Weight room and cafeteria eating area
Atrium/Lobby	Renewal	Lobby and Cafeteria eating area
Room 94	Renewal	Cafeteria eating area and music room
Room 106	Renewal	Cafeteria eating area and study hall

- 13 WHEREAS, the Watchung Hills Regional High School Board of Education and administration desire to add a music technology lab based on research and student interest, and

WHEREAS, the Watchung Hills Regional High School Board of Education approved budgetary expenditures in their 2018/2019 school budget for equipment and room upgrades to support a music technology lab, and

WHEREAS, the Board of Education with the assistance of their architect, have investigated all potential possibilities for providing approved space for the music technology lab and have determined that the best, most efficient plan was to convert rooms 111A and 111B from regular classrooms into a music technology lab;

NOW, THEREFORE, BE IT RECOMMENDED that the Watchung Hills Regional High School Board of Education hereby petitions the Executive County Superintendent of Schools in the County of Somerset, New Jersey to approve the following as Change of Use of Educational Space for the 2018/2019 school year:

<u>Room</u>	<u>Original Use</u>	<u>Proposed Use</u>
111(A/B)	Classroom	Music Tech Lab

- 14 Recommended for approval, the Board of Education enters into a license agreement and sets the rental charge for the use of the Watchung Hills Regional High School facilities by the Murray Hill Chinese School as tenants for the 2018/2019 school year in the amount of \$26,695.00. Additional fees will be charged in accordance with the district fee schedule for use of the theater or auditorium.

- 15 Recommended for approval the appointment of Willis of NJ as the School Insurance Agent of Record for Property, Casualty and Liability Insurance, for the 2018/2019 school year, effective July 1, 2018 as an extraordinary unspecified service in accordance with NJSIA 18A:18-5(a)(10). Willis of NJ will receive compensation as follows:

Worker's Compensation: 4.25%
Package: 12%
CAP: 10%
Student Accident: 10%
Bonds: 25%

- 16 Recommended for approval the reappointment the firm of Phoenix Advisors LLC as the District Continuing Disclosure Agent for all district bond issues for the 2018/2019 school year. The firm of Phoenix Advisors LLC will be compensated at the annual fee of \$850.00 for all bond issues.

- 17 Recommended for approval, the Board of Education reappoints Dr. Marc R. Silberman of NJ Sports Medicine and Performance Center, Gillette, NJ, as the School Physician for the 2017/2018 school year, effective July 1, 2018 – June 30, 2019, to perform medical services as follows:

Evaluations for child study team, determination of fitness for physical education performed at the school, sports physicals, examinations for working papers and medical advice. \$19,500.00/year

Employee physicals \$135/physical

Hepatitis B injections, physicals and testing for substance abuse, CDL physicals or any comprehensive physicals requested by the school. \$375.00/incident

Football and Lacrosse Home Games \$300.00/game

18 Transfer of Current Year Surplus to Reserve

WHEREAS, N.J.S.A. 18A: 7F-41 permits a Board of Education to establish and/or deposit into certain reserve accounts at year end, and

WHEREAS, the aforementioned statutes authorize procedures, under the authority of the Commissioner of Education, which permit a board of education to transfer anticipated excess current revenue or unexpended appropriations into reserve accounts during the month of June by Board resolution; and

WHEREAS, the Watchung Hills Regional High School Board of Education wishes to deposit anticipated current year surplus into a Capital Reserve account (up to \$XXXXXX), Tuition Reserve (up to \$XXXX.XX) and Maintenance Reserve (up to \$XXXX.XX), at year end; and

WHEREAS, the Watchung Hills Regional High School Board of Education has determined that up to \$XXXX.XX is available for such purpose of transfer.

NOW, THEREFORE, BE IT RECOMMENDED by the Watchung Hills Regional High School Board of Education that it hereby authorizes the district's School Business Administrator to make this transfer consistent with all applicable laws and regulations.

- 19 Recommends for approval contracts with the vendors listed below using the NJ Educational Services Commission cooperative pricing agreement, Hunterdon County cooperative pricing agreement, Ed Data cooperative pricing agreement or state contract in accordance with NJSA 18A:18A-5. The items listed below are within the 2017/2018 budget and are detailed on district purchase orders.

2017/2018 Budget Funds

<u>Vendor</u>	<u>Type</u>	<u>Service/Supply</u>	<u>Amount</u>
CDW-G	MRESC 15/16-11	50 Headsets (testing)	\$2,069.00
Eastern Datacomm	State #: 88132	20 Shore Tel phones	\$4,592.00
Troxell Comm.	EDS #: 8663	Audio Eqmt/Wireless Mics	\$4,997.32
Custom Bandag, Inc.	State#: 82528	5 new bus tires (2busses)	\$2,264.82

- 20 Recommends for approval the proprietary maintenance/support contract with the vendor listed below in accordance with NJSA 18A:18A-5 (a) 9 & 19. The items listed below are within the 2018/2019 district budget.

<u>Vendor</u>	<u>Service/Supply</u>	<u>Amount</u>
Frontline Education	Attendance/Substitute/Central	\$16,731.34
Frontline Education	IEP Software	\$13,276.57
Systems 3000	Accounting/Personnel/Payroll Software	\$24,961.00
Genesis	Student Database	\$15,024.00
Ed Data Services	Cooperative Bidding License/Support	\$7,810.00
Strauss Esmay Assoc.	Board Policy & Regulation Support	\$5,580.00
AHERA	Asbestos Inspection & Staff Training	\$2,800.00
Allied Fire & Safety	Annual & Wet Sprinkler Inspections (3)	\$5,517.87
Allied Fire & Safety	Semi Annual Kitchen Hood Cleanings	\$5,424.00
AME	Temperature Control System (Tridium)	\$12,205.85
Atlantic Tomorrows	Copier Maintenance (17) – State Cont #: A40467	\$31,500.00
Breakdown Products	Enzyme Treatment - Grease Traps	\$2,079.00
Burt Process	Quarterly Acid Tank Monitoring	\$3,040.00
Clean Mats	Floor Mats Service	\$12,097.00
Cummins	Scheduled Generator Maintenance	\$5,633.00

Vendor	Service/Supply	Amount
Daikin	Quarterly Inspections & Annual Combustion Analysis of McQuay Roof Top Units	\$8,904.00
DaLor Services	Quarterly Inspections of Nesbitt Units	\$8,640.00
DaLor Services	Quarterly Maintenance of Liebert HVAC Unit - Server Room	\$2,920.00
Hogan Security	Exterior Door Inspections	\$7,150.00
Johnson Controls	PM on York Air Cooled Chillers (2)	\$11,800.00
McGowan	Well Water Testing & Compliance Documentation	\$2,865.00
MPA	Annual Service & Maintenance – N/S Boilers	\$15,094.00
Mulvey Contracting	Inspection & Maintenance – Indoor Gym Equip	\$8,405.00
Mulvey Contracting	Inspection & Maintenance – Outdoor Bleachers	\$4,255.00
Natural Green	Turf Field Maintenance	\$3,930.00
Pro Green	Fall Fertilizer Application	\$9,800.00
Reliable Fire Protect	Semi Annual Kitchen Hood Suppression Cert.	\$3,109.50
Griggs Plumb & Heat	Steam Trap Maintenance	\$9,000.00
RSchool	Facilities Scheduler	\$2,489.00
Russell Electric/Data	Annual Maintenance – Transfer Switch	\$2,290.00
Russell Reid	Cleaning of Grease Traps	\$2,187.72
Russell Reid	Cleaning of Acid Tanks	\$4,513.50
School Dude	Maintenance Management System	\$4,750.00
Stank Environmental	Pest Control	\$4,800.00
The Portasoft Co.	Water Softener Inspections – Field House	\$2,385.00
Wasak	Maintenance of: <ul style="list-style-type: none"> • Boilers #1, #2, #3 • (2) Closed Heating Water Loops • Chilled Water Closed Loop 	\$5,668.00

- 21 Recommends for approval the additional nonpublic funding for Chapters 192/193 for the 2017/2018 school year in the amount of \$15,277.00 for a total of \$53,911.00.
- 22 Recommends to approve an award to Kohler Waste Services of Berkeley Heights for trash removal services in the amount \$15,900.00 for the period July 1, 2018 – June 30, 2019 based on their quotation received on May 23, 2018.
- 23 Bids were received on June 5, 2018 for the 2018/2019 Custodial Bid as follows:

<u>Vendor</u>	<u>Year 1 Base Bid</u>
Temco Service Industries	\$823,416.00
Pritchard Industries	\$853,277.45
Maverick Building Services	\$1,026,935.37

Recommends for approval the award of the 2018/2019 Custodial Bid publicly opened on June 5, 2018 to _____ based on their bid of _____.

- 24 Recommends for approval the renewal of the Mental Health & Behavioral Support Services contract to CarePlus NJ, Inc. for the period September 1, 2018 – June 30, 2019 in the amount of \$98,000.00 based on their RFP publicly opened on July 11, 2017. The award is made as a professional service in accordance with NJSA 18A:18A-5(1).
- 25 Recommends for approval the attached rental agreement for the WHRHS Performing Arts Center effective July 1, 2018.
- 26 Recommends for acceptance, with gratitude, a donation from AXA Foundation in the amount of \$1,000.00 from their AXA Achievement Scholarship Program. The funds should be used to promote student leadership activities and student field trips.

IX. ACTION ITEMS

A. ADMINISTRATION

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Dr. Przybylski, seconded by Ms. DeMizio that the following resolution numbers A1 – A3 be passed on a roll call vote:

- A1 RESOLVED, the Board of Education approves the minutes of the regular work session meeting of May 22, 2018. **Mins of May 22, 2018**
- A2 RESOLVED, the Board of Education approves the minutes of the executive session of May 22, 2018. **Exec Mins of May 22, 2018**
- A3 RESOLVED, the Board of Education approves six (6) students from the fencing team to travel to Central Middle School in Long Hill to participate in the Medieval Day program on Thursday, June 6, 2018 from 8:30 a.m. – 1:00 p.m. The students will be transported to the event by their parents and chaperoned by Mr. Terry MacConnell. There will be no cost to the district. **Fencing Team – Medieval Day – Central Middle School**

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, Dr. Przybylski, and Mr. Fallon voting the affirmative.

Motion by Mr. Morrison, seconded by Ms. DeMizio that the following resolution numbers A4 – A6 be passed on a roll call vote:

- A4 RESOLVED, the Board of Education approves student 2619 to receive a Speech and Language Evaluation Assessment provided by Jill Pila, services rendered on March 28, 2018 at Ridge High School, at the rate of \$390.00, with a cost not to exceed \$390.00. **Student 2619 – Speech Evaluation**

A5 RESOLVED, the Board of Education revises the end date for student 2621 attending Newmark High School of Scotch Plains, from June 30, 2018 to April 23, 2018. **Student 2621 – Revised End Date**

A6 RESOLVED, the Board of Education revises the end date for student 2577 attending Cornerstone Day School of Mountainside, from June 30, 2018 to April 27, 2018; and **Student – 2577 – Revised End Date & Home Instr.**

BE IT FURTHER RESOLVED, the Board of Education approves student 2577 to receive bedside instruction provided by Silvergate Prep Services for the period May 24, 2018 – June 29, 2018. Services will be provided at GenPsych of Livingston, at the rate of \$50.00 per hour, not to exceed ten (10) hours per week, and a total cost of \$2,500.00.

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Morrison, Dr. Przybylski, and Mr. Fallon voting the affirmative.

B. CURRICULUM AND INSTRUCTION

None

C. PERSONNEL

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Mr. Morisson, seconded by Ms. DeMizio that the following resolution numbers C1 – C5 be passed on a roll call vote:

C1 RESOLVED, the Board of Education approves the following teachers to proctor the Seal of Biliteracy test on June 11, 2018, June 12, 2018 and June 16, 2018 for up to 3.5 hours each, at the rate of \$35.00 per hour, not to exceed a total of \$122.50 per proctor. **Proctors – Seal of Biliteracy**

Tyana Truong Ashley Notbusch Lisa Scherzer

C2 RESOLVED, the Board of Education approves the appointment of Christopher Wyatt, as a teacher of Music, with an annual salary of \$58,415.00 BA/Step 5 for the period September 1, 2018 – June 30, 2019, pending the outcome and receipt of criminal history/fingerprinting clearance. **18/19 – Wyatt – Music Teacher**

C3 RESOLVED, the Board of Education approves Linda Kim as a teacher of Art, with an annual salary of \$58,075.00 BA+15/Step 2 for the period September 1, 2018 – June 30, 2019, pending the outcome and receipt of criminal history/fingerprinting clearance. **18/19 – Kim – Art Teacher**

- C4** RESOLVED, the Board of Education approves Dominique Ocello as a teacher of PE and Health with an annual salary of \$57,315.00 BA/Step 3 for the period September 1, 2018 – June 30, 2019, pending the outcome and receipt of criminal history/fingerprinting clearance. **18/19 – Ocello – PE Teacher**
- C5** RESOLVED, the Board of Education approves the paid administrative leave of employee 5517 for the period May 31, 2018 – June 30, 2018. **Employee – 5517 – Admin Leave**

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, Dr. Przybylski, and Mr. Fallon voting the affirmative.

D. FINANCE

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Mr. Morrison, seconded by Ms. DeMizio that the following resolution numbers D1 – D3 be passed on a roll call vote:

A – General Operating Account

Fund 10	General Fund – checks	\$3,274,673.01
Fund 20	Special Revenue Fund	\$47,975.01
Fund 30	Capital Projects Fund	\$0
Fund 40	Debt Service Fund	\$0
	Total	\$3,322,648.02

B - Food Service Account **\$162,539.51**

- D2** RESOLVED, the Board of Education hereby authorizes the following relative to its group medical and prescription drug benefits, administered by the Schools Health Insurance Fund (SHIF): **17/18 – SHIF – Revised Agreement**

- SHIF is authorized for dates of service 1/1/18 through 6/30/18 to process employee requests for out-of-network, non-hospital (OON-NH) claims to be re-adjudicated by Aetna (the claim payer for SHIF) at the reimbursement level indicated by the FAIR Health database at the 80th percentile. The Board will reimburse SHIF the actual cost of the re-adjudicated claim(s) within 60 days of being invoiced for same.
- Procedures for these employee requests have been proposed by the Board's SHIF Benefit Risk Manager (BRM), Brown & Brown Benefit Advisors, and are hereby accepted by the Board. A copy of such procedures is on file in the office of the Business Administrator. Such procedures are hereby approved retroactive to 5/21/18.

- SHIF is authorized effective 7/1/18 to increase the Board's monthly assessment rates by approximately +2.5%, per the rate report submitted by Brown & Brown Benefit Advisors, Inc. to the Board's Business Administrator on 5/10/18, which shall appropriately encompass coverage for out-of-network, non-hospital claims at the levels set forth in said report, a copy of which is on file in the office of the Business Administrator. All other aspects of the Board's membership in SHIF, as previously approved by the Board, shall remain unchanged.
- Upon approval, the Business Administrator is hereby authorized to execute and affect such documentation as necessary to implement the terms of this resolution.

D3 RESOLVED, the Board of Education approves travel related reimbursement and attendance to various seminars and workshops for the 2018/2019 school year as per the attached.

**18/19 – Travel
Reimbursement**

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, Dr. Przybylski, and Mr. Fallon voting the affirmative.

X. SECOND OPPORTUNITY FOR PUBLIC COMMENT

Mr. Fallon gave the following statement with regards to the Fun Home book:

Over the last two weeks we have received many emails and some telephone calls from people expressing their views about Fun Home: A Family Tragicomic, one of the books on our 12th Grade English Language Arts Curriculum. Some of those we heard from have expressed their support for keeping the book in our curriculum and others have made it clear that they do not want the book in our school. I want to thank everyone – on both sides of this issue – who reached out and contacted Board members to express their views concerning this book.

I also want to be very clear with you about two things. First, no one is “forced” to read this book. Just as with other controversial books, the teacher tells the students that if they are uncomfortable with the content or the images in the book, they can opt out of reading the book and another book will be assigned. Parents are able to inform themselves of what books are assigned reading for their children by reviewing the class curriculum for the various classes on our district website.

The second thing that I want you to know is that approval of the curriculum for the next school year is not on our Meeting Agenda for tonight. So I do not expect that the Board will take any vote tonight concerning the removal of this book from the 12th Grade English Language Arts curriculum. Despite that, we are happy to listen to the concerns of those who have come out tonight to address us. Your views will be considered by me and my fellow Board members. And depending upon how long the comments go tonight, you may hear some discussion by Board members about the book after the conclusion of the comment period.

Fun Home: A family Tragicomic is a graphic novel, a literary form that did not exist while I was growing up – unless you include Classics Illustrated – which summarized some classic literature in comic book format. But regardless of whether I am or you are a fan of the graphic novel, it is now a generally accepted form of literature. By their senior year in high school most of our students will have read at least five graphic novels in school, including one in eighth grade. And as our students progress from 8th to 12th grades the content of the graphic novels, just as the other literature they read, gets more mature.

Fun Home: A Family Tragicomic is a memoir. It tells the story of a young woman growing up in her family. When she was young she had a somewhat typical relationship with her parents in that they were more likely to not tell the truth and just say to her that everything and everyone was fine. In other words her parents projected a carefully cultivated, if not totally truthful image. As she grew up, she developed a more mature relationship with her parents and she learned more about them as people dealing with their own secrets and other issues. This helped Alison to forge her own identity independent from her parents.

This story is told in the context that as she grows into her own person, Alison realizes that she is a lesbian. And her father, who is both a high school teacher and a director of the local funeral home, is gay, but not open about his sexual identity. During her college years, her father is run over by a truck and killed in circumstances that – while ambiguous – look very much like he might have committed suicide. And so this book also deals with the pain and damage to all those left behind when someone commits suicide. It also deals with how her father's nondisclosure of his gay identity impacted Alison's discovery and realization of her own sexual identity.

The Board of Education adopted a Strategic Plan for the years from 2015 to 2020. The Strategic Plan included three goals. One of those goals is: Create and expand programs that enhance the social and emotional wellness of all students within a compassionate learning community. The Board of Education adopted a performance indicator for this goal which provides: Watchung Hills Regional High School will establish a district-wide Diversity Committee to examine and address issues regarding acceptance, respect and support throughout the school community and beyond. That District-wide Diversity Committee was established. One of its goals was to prepare a list of LGBTQ related titles for possible use in English Language Arts units of study. This led to an English Department initiative to expand LGBTQ voices in the curriculum. So the decision to expand the curriculum to include LGBTQ literature grew directly out of the Strategic Plan adopted by the Board of Education.

Based upon the work done in this area by the English Department, in November 2017, the Superintendent recommended to the Board of Education a revised English curriculum to include LGBTQ literature. The Board of Education then voted to accept the Superintendent's recommendation to revise the English curriculum to include *Fun Home: A Family Tragicomic* in the 12th Grade English Curriculum.

It is important for you to realize that the Board of Education does not select books to be included in the curriculum. Instead, we act to approve or disapprove the recommendation made to us by our Superintendent as to what is to be included in the curriculum. Generally, the Board of Education votes once per year to approve the curriculum – unless the Superintendent recommends a revision to the curriculum – in which case the Board is usually asked to approve or disapprove the revision.

The Board approved the revised 12th Grade curriculum to include *Fun Home: A Family Tragicomic* in November 2017. Since then we have piloted the revised curriculum in certain classes. This means that we purchased 75 copies of the book, brought in an English professor to train our teachers on LGBTQ studies and context for teaching the book, and this spring began teaching the book. That is why only some members of this year's senior class will have read the book by the end of this school year.

And as far as process going forward, there is not now scheduled another approval of the curriculum before school resumes in September. It is possible that after listening to your comments tonight some board members may want to revisit that and discuss whether or not the current curriculum – which does include *Fun Home: A Family Tragicomic* – should be revised. If there is no revision made to the curriculum, the next time this will be considered would likely be next January, when the Board typically is asked to approve or disapprove of the entire curriculum.

As I mentioned briefly earlier in my remarks, we have received many emails, some have been from people asking us to keep the book in the curriculum. We have also received emails from people who want the book removed from the curriculum. Many of those people opposed to the use of the book object to the graphic hand-drawn images contained in the book. Others have objected to both the images and the content of the book. The images objected to include a flaccid penis on a dead body in the funeral home; nude women with their heads between the legs of another woman, and a woman with her hand down her pants.

To those of you who find the images offensive, I am not here to tell you that you are wrong and they are not offensive to you. But once again I have to remind you that no one is forced to read this book, and there are many people who are not offended by these images.

The Board has adopted a policy, no. 2240, which deals with controversial issues. It is somewhat lengthy and I will not quote all of it here, but it is available on our website. It provides, in part, and among other things:

The consideration of controversial questions has a legitimate place in the work of the public schools. . . . The handling of a controversial question in school should be free from the assumption that there is one correct answer which will emerge from the discussion and be taught authoritatively to the student. Indoctrination is not the purpose; rather, the purpose is to have the student see as fully as possible all sides of the question.

The Controversial Issues policy goes on to provide:

The decision, by the professional staff, with the concurrence of the Superintendent of Schools, as to whether a controversial question should become a matter for school study should be based upon such considerations as the timeliness of the question, the maturity of the students, the needs of the students, and the purposes of the school.

Under Board of Education Responsibility, the policy provides:

The selection of instructional materials for library and classroom use is delegated by the Board of Education to the educational staff under administrative regulations issued by the superintendent and approved by the Board of Education.

Finally, the policy also provides that:

All complaints about instructional material directed to the Board of Education or the administration must be in writing. All complaints will be directed to the administration for resolution under the policy of the administrative regulations that implement it.

Now I am going to ask the Superintendent to briefly explain the rationale for using *Fun Home: A Family Tragicomic* in our 12th Grade English Language Arts Curriculum, and after that we will entertain public comment.

Ms. Jewett made the following statement regarding the *Fun Home* literature:

Watchung Hills is committed to engaging readers with high quality works of literature that present students with exceptional uses of language while providing rich and varied perspectives on life and living. Our LGBTQ literature curriculum writing project - started with research conducted in 2014 - grew from our commitment to actualize the school's Diversity Committee goals for developing inclusive curriculum. We chose *Fun Home* to advance the Diversity Committee's goals and to advance English Department goals for students' literacy learning.

We selected *Fun Home* for its literary quality. The novel is noteworthy for its presentation of characters who themselves engage with literature on a particularly sophisticated level. Both Bechdel and her father use reading as a means of self-exploration and discovery – as a way of understanding themselves in relation to the world around them - and we have not often encountered such vivid, engaged readers in other literary works.

Additionally, references to works of the literary canon as well as classical mythology, European and art history, and literary biography, *Fun Home* demonstrates an application of academic knowledge for the purpose of enriching self-awareness and self-understanding. The novel involves readers in Bechdel's lively, knowledge-rich, and compelling intellectual pursuit to better understand herself and her family history.

Fun Home also helps us teach intertextuality - a more complex form of literary reading. We want students to understand that no literary text we read exists in isolation, and we attempt to show students how each text exists in conversation with others – informed by its antecedents and, sometimes, opening new spaces for other texts to emerge. We want students' reading to be informed by an understanding of intertextuality – of this ongoing conversation among the literary works they read. We want them to develop context and make thoughtful, relevant connections. Bechdel's book demonstrates such connections among several important literary works.

We chose *Fun Home* to advance our goals for thoughtful, contextualized literary reading and to expand the LGBTQ voices in our curriculum. The concerns raised recently by some people have been leveled at the novel's images of sexual intimacy. We acknowledge that a few such images appear in the novel, but we do not feel their presence in any way diminishes the literary quality of the work. Thumbing through the novel and pointing to an image or two misses the context in which these images are presented. We endeavor to create readers who can analyze and evaluate an image – whether presented visually or rendered in prose – and who can view this image in context.

We welcome the responsibility of engaging students in a curriculum of diverse viewpoints in order to prepare them, as seniors, for the academic, social, and workplace environments they will encounter in just a few months. We recognize that some of the works we teach may challenge students' own worldviews, but as professionals with experience teaching literature, we know that structured, informed reading and discussion of text and image in the context of the classroom helps students to develop strategies to manage such challenge. We also know that a rigorous, inclusive curriculum prepares students well for success in college and career.

Ms. Anna Paterson from Green Brook commented that she is a WHRHS alumni and a former dance student. She said she is upset at the potential elimination of the dance program.

Another former student commented on the declining enrollment in the dance program, hoping that it increases so the dance program can continue.

Mr. Steven DiSturco thanked the Board for their volunteer work and thanked the community members for coming to discuss the Fun Home book. He said he met with the Administration and is not against the district goals to support the LGBTQ issue. He explained he is upset about the graphic sexually explicit pictures. He feels the book is not intended for students and is more appropriate for adults.

Ms. Connie Van Arsdale continued Mr. DiSturco's statement. She read "sexually explicit warning" listed in the book. Ms. Van Arsdale commented that some parents are offended by the sexually explicit pictures in the book and asked for removal of the book from the curriculum.

Mr. Jeff Behan, from Warren, was troubled by the images in the Fun Home book. He said he was against the graphic sexual images.

Ms. Marion Broder, Warren Township, spoke in favor of the book for our senior students. She stated it is an excellent book on self-discovery and she supports the English curriculum.

Mr. Ken Miller, a Warren Township resident, stated he is against the book. He spoke about the negative impact of pornography on children. He said the Board should consider the negative impact of pornography on students and referenced the Board policy on technology. Mr. Miller commented that opting out of reading could cause bullying and asked how the Board monitors what the teachers discuss in classroom.

Ms. April Larson said she considered the book to be offensive to religions who are not in favor of premarital sex. She said she would like to see the English department choose more appropriate traditional materials. She asked the Board to consider removing the book from the curriculum.

Ms. Robin Snyder from Warren Township commented that she researched the book. She continued by saying it is a controversial book at all levels and is not appropriate reading material due to the images.

Ms. Latisha Davis from Green Brook discussed a story about a person who committed suicide. She felt the book was helpful to students if we could move beyond the images.

Long Hill Township resident, Megan, said she is a creative arts therapist. She discussed mental health articles about exposure to pornography. She stated it is negative for adolescents and therefore is against the graphic images in "Fun Home."

Ms. Kristen Olesky from Long Hill Township commented she looked up the book and read the book. She said she debated whether or not it is appropriate but felt it is a very good book.

Mr. Mark Bisci said he agrees with the diversity program of the district and is satisfied with the school's education. He stated the images are not appropriate in media forums or the school board's technology policies, so he concluded that the pictures in the book are considered inappropriate.

Ms. Tamara Bene from Watchung Borough said she is offended by the images in the Fun Home book. Ms. Bene feels the book has no place in high school curriculum. She commented that she feels the Board has crossed the line by approving this book.

Ms. Christine Astordy, Watchung Borough stated she feels the Fun Home book was considered pornographic based on dictionary definition. She said parents should decide what images are appropriate and this should be included on the optional reading list.

Ms. Jenny DeMizio spoke in favor of the Fun Home book. She said she felt the book is positive and students of that age (teenagers) can handle the images.

Another resident agreed with Ms. DeMizio's support of the book.

Mr. Daniel Gallic stated he is concerned about the opt-out option for reading the book Fun Home as it could cause potential bullying.

Ms. Christine Smart stated she taught at Imaculata high school and doesn't agree Fun Home book is not appropriate for high school students.

Jenn Li commented that she is disturbed by the images in the book and considers them sexually graphic. She doesn't feel the book represents family values.

A Long Hill Township resident and alumni stated the book would not have helped transition into college.

Ms. Lisa Carisino from Warren said she was horrified about this book and that the Warren library has it in the adult section. She stated she feels the book is inappropriate.

Ms. Amy O'Mullan from Long Hill Township commented that this is a sensitive subject and expressed concern that the book would end up in the hands of younger children.

Another resident discussed other issues at school. He said a teacher compared Sheriff Joe Arpaio's treatment of illegal aliens to a concentration camp and discussed the negative impacts of capitalism. He felt this was not acceptable.

Ms. Sharon Williams from Warren is concerned about the Fun Home book and the possible impact on the younger students at home. She stated she would like to have the book removed.

Ms. Camilla Burke said she read the book last week and said it is a very good book. She feels it is appropriate for our students.

Ms. Doreen Levy expressed concern about pornography in the book. She stated she is offended by the explicit pictures and it doesn't promote proper values. Ms. Levy quoted criminal code regarding sexually explicit materials to children under the age of 18. She also felt the opt-out option could create a feeling of being ostracized.

Ms. Li commented on the Fun Home book and said she felt the book was inappropriate for high school students.

Ms. Sue Collins from Millington stated she read the book and her son read the book. She said she supported the book as a growth tool for students.

Ms. Christine Bloggar said the student presentations were fantastic. She stated the Fun Home book has divided our community. She doesn't feel the opt-out option is viable and doesn't like the sexual pictures.

Mr. Louis Finia from Warren spoke negatively about the division caused by the Fun Home book. He said he feels that the images in the book hurt the message. He stated the opt-out option is not a suitable solution.

Mr. Jason Lee stated he is against the images in the Fun Home book. He said it is not appropriate for the school district to expose students to this book.

Ms. Jennifer Nuzzi commented that not all children are 18 years old who are required to read this book. She expressed concern about the way this woman is over sexualized in the book and feels the book promotes over sexualizing.

Dr. Sean DiGiovanna, WHRHS staff member, said he is the advisor for the GSA club. He continued to say in his experience the Fun Home book is not harmful to the students.

At 11:00 p.m., Mr. Fallon suggested the Board needed to pass a resolution to extend the meeting beyond 11:00 p.m.

Motion by Ms. DeMizio, seconded by Mr. Martins to extend the meeting was approved by a unanimous voice vote.

Mr. Michael Mullen stated he is against the Fun Home book because of the sexually explicit images.

XI. OTHER BUSINESS

None

XII. ADJOURN

Motion by Ms. DeMizio, seconded by Mr. Collins that the meeting be adjourned was unanimously approved at 11:05 p.m.

Respectfully submitted,

Timothy M. Stys
Board Secretary
TMS/bf

EXHIBIT C

I. CONVENE

Mr. Fallon called the meeting to order at 6:00 p.m.

A. Public Notice

This is the Regular Business Session of the Board of Education for which adequate notice under the Open Public Meetings Act was provided by written notice on June 13, 2018, to the Courier-News, the Echoes Sentinel, the Star Ledger, TAPinto Warren, and the Clerks of the Borough of Watchung and the Townships of Green Brook, Long Hill and Warren.

B. Roll Call:

Present: Mr. Peter Fallon, President
Mr. Christopher Collins, Vice President
Ms. Rita Barone,
Ms. Lisa DeMizio (arrived at 6:05 p.m.),
Mr. John Fahy, Mr. Freddie Hayeck,
Mr. Barry Hunsinger, Mr. Bruce Martins,
Mr. Robert Morrison

Absent: Dr. Gregory Przybylski, Board Member (notified)
Ms. Emma Gaffney, Student Representative

Student Rep: Mr. Eris Ulaj, (arrived at 7:30 p.m.)

Also Present: Ms. Elizabeth C. Jewett, Superintendent
Mr. Timothy M. Stys, School Business
Administrator/Board Secretary
Ms. Beth Scheiderman, Director of Human
Resources/Personnel
Twenty-five Members of the Staff
One Hundred Fifty Members of the Public

C. Pledge of Allegiance

Mr. Fallon led the Pledge of Allegiance to the Flag.

II. EXECUTIVE SESSION

Motion by Mr. Martins, seconded by Mr. Morrison that the Board enters into executive session for the purpose of discussing the CSA evaluation and confidential personnel and legal matters, after which action may be taken. The results of the meeting or discussion will be disclosed to the public upon adoption of an appropriate resolution at a public meeting. Motion passed unanimously at 6:02 p.m.

The Board returned to public session at 7:35 p.m. Attendance as noted prior to the executive session with the exception of Ms. DeMizio who entered the meeting at 6:05 p.m.

III. BOARD CORRESPONDENCE

None

IV. REPORTS AND PRESENTATIONS

A. Superintendent's Comments

Ms. Jewett welcomed the students, parents, and members of the community and thanked them for attending tonight's meeting.

Ms. Jewett recognized and thanked Eris Ulaj, student representative, for his participation on the Board this year. She wished him well on his upcoming graduation and much success as he continues to college in the fall.

Ms. Jewett gave the following statement regarding the 12th grade English curriculum:

Since our last board meeting, I have reflected on the variety of feedback received regarding our 12th grade English curriculum and our addition of a unit of study centered upon LGBTQ literature in which students read the graphic novel Fun Home. I have had follow-up conversations with students, our principal, English Supervisor, Director of Curriculum, English teachers, and our Board President. The resounding theme and priority that has been vocalized consistently in all conversations and feedback is ensuring an inclusive curriculum for ALL students. Toward that end, the English supervisor will be working with members of the English department this summer to select additional titles to add to the LGBTQ literature unit of study in addition to the current graphic novel in that unit – Fun Home. This will allow for students to have several options from which to choose one work to read during the LGBTQ literature unit. Instruction for the unit will be restructured to incorporate strategies – which may include literature circles, book clubs, or the like – that facilitate instruction and learning within a classroom where groups of students may be reading different books from one another. Our proposed timeline has the additional titles being shared with the Education Committee in September and subsequently being recommended to the full board for approval at our September or early October board meeting.

B. Board President's Comments

Mr. Fallon thanked the student representatives for their service and wished them well as they head off to college in the fall.

Mr. Fallon commented that we would be discussing the 12th grade English curriculum during Board discussion.

C. Business Administrator's Comments

Mr. Stys shared that he had attended the June 11, 2018 Warren Township Planning Board meeting at which they reviewed and discussed the proposal for the development of 80 affordable housing units across Stirling Road. He said the only access to the development would be via Lindbergh Avenue. Mr. Stys said the units would be approximately 45' high and are proposed to be set back behind the treeline. Mr. Stys also commented that no additional traffic light has been recommended at this time.

D. Student Representative's Comments

Mr. Eris Ulaj gave the following report in events taking place as the school year winds down:

More than ninety juniors participated in the English Department's College Essay Workshop on Thursday evening, May 24. Participants listened to a panel of seniors share tips for managing the college application process and then joined small workshop sessions to generate ideas for their own college application essays. Two additional college essay workshops are scheduled for the summer to help students develop their essays from initial brainstorming to final, finished copy.

The community was invited to the WHRHS annual Spring Arts Festival, held from May 30 - June 1, which featured our students' artwork on display in the atrium and in the arts wing. On May 30, the visual arts exhibit opened. Later in the evening in room 94, our students performed a series of one-act plays revolving around the history of theatre.

On May 31, we showed multiple student films in the South Auditorium from 5:30 - 7:00 pm, followed by the annual Spring Orchestra, Band and Wind Ensemble performances in the PAC.

The Arts Festival concluded on June 1 with a dance performance from 5:30 - 7:00 pm in the South Auditorium, followed by the annual Spring Choral Concert in the PAC with outstanding performances from our chorus and advanced chorus.

The senior prom was held at the Hyatt Regency in New Brunswick on Thursday, June 7. It was a delightful evening of dining and dancing. Students and faculty enjoyed this memorable senior event.

The annual Scholarship Ceremony was held on June 13 at 6:30 pm in the PAC. We are grateful to our scholarship benefactors.

On June 14, the PTO sponsored the senior breakfast before the Senior Awards Ceremony at 9:00 am in the PAC. Parents of seniors being recognized were invited to the ceremony.

Mr. Ulaj continued with an update on spring sports:

The 2017-18 athletic year was a remarkable one for the Watchung Hills Warriors. We made school history multiple times, re-lived championships and are honored to have two coaches that have been named Coach of the Year. We appreciate the support of our students and staff, and families and fans. Here is a recap of the past memorable year:

While we won't be having our Spring Sports Student recognition until a Fall Board meeting, I want to point out some highlights from the recent spring sports season.

- Girls tennis brings home the North II, Group IV State Sectional title
- Golf coach Sean New was named the Watchung Hills recipient of the Positive Coaches Award.
- Boys' lacrosse made school history as their strongest season ever ended holding two state championship titles: The State Sectional Championship and the State Group IV Championship. They also won a Tournament of Champions game becoming the first team in school history to do this.
- The boys' lacrosse coaching staff was honored with the highly-coveted Len Roland Sportsmanship award and head coach Jamie Lovejoy was named NJ North Chapter Lacrosse Coach of the Year
- For the first time in school history, the Girls' track and field team sprinted to the top of the state championship chart, winning the Group 4 State Championship.

E. Student Recognition

Mr. George Alexis, Principal, introduced Mr. Terry MacConnell, Assistant Principal, and Mr. Dan Bertelli, Supervisor of Co-Curricular.

Mr. Alexis, Mr. MacConnell, and Mr. Bertelli thanked the Board and Administration for recognizing and supporting students in the area of student achievements, sports and co-curricular. The students were presented with recognition awards for their accomplishments and achievements in academics, sports and co-curricular activities.

V. ACTION ITEMS

A. PERSONNEL

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Mr. Collins, seconded by Ms. DeMizio that the following resolution numbers C37 be passed on a roll call vote:

C37 RESOLVED, the Board of Education rescinds the appointment of Daniel Root as teacher of World Language for the 2018/2019 school year; and **18/19 – Root – Rescind World Language Staff**

BE IT FURTHER RESOLVED, the Board of Education approves the appointment of Daniel Root, as Athletic Director, with an annual salary of \$124,439.00 MA/Step 1, for the period July 1, 2018 – June 30, 2019. **18/19 – Root – Appt – Athletic Director**

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, and Mr. Fallon voting the affirmative.

Mr. Fallon called for a brief recess at 8:17 p.m.

Mr. Fallon called the meeting back to order at 8:25 p.m.

VI. FIRST OPPORTUNITY FOR PUBLIC COMMENT

Ms. Kayla Eckert, former WHRHS color guard instructor, commented that she was disappointed about the decision not to retain her for the color guard instructor position for next season. She said she has seen growth in the team and wished them much success in the future.

A WHRHS student and member of the color guard spoke highly of Ms. Eckert and said she was disappointed that she is not being rehired for next season.

Another WHRHS student and color guard member spoke in support of Ms. Eckert and said she hoped that she would be returning next season.

A WHRHS student and color guard member spoke about Ms. Eckert and the progress the team has made under her direction. She said she had hoped Ms. Eckert would be able to return next season.

Mr. Mark Bisci from Warren Township commented on the 12th grade curriculum discussion regarding choosing of books. He asked for clarification on the steps moving forward according to the Superintendent's comments that were made earlier in the meeting.

Ms. Jewett responded and restated some of the comments that she previously made about how the English department and students will move forward with book selection.

Ms. April Larsen from Green Brook Township addressed the article that was published in Tapinto Warren and commented that it did not represent the public meeting. She said she does not approve of the Fun Home book selection.

Ms. Joelle Strona, Marching Band parent, commented favorably on the progress of the band and said she is disappointed with the administration decision not to bring Ms. Eckert back as color guard instructor next season.

Ms. Margaret Miller, Warren Township resident, asked if the emails and information from the June 5th meeting will be shared with the English department.

Mr. John Callegan from Watchung Borough, stated he feels the Fun Home book promotes pornography and suicide. He said the book should be removed from the curriculum.

Ms. Dawn D'Angelo spoke about the English curriculum and is supportive of the Fun Home book as a positive experience for students. She said she feels the book should be left in the English curriculum.

A student thanked the Board of Education for supporting the LGBTQ community. She stated she supports the book Fun Home as a positive source for students.

Ms. Sue Collins from Millington spoke in favor of the book, Fun Home. She said she agrees with the English curriculum. She expressed concern about religious pressure potentially causing Board members to remove this book from the curriculum.

Ms. Jennie Rocko commented that she supports the 12th grade English curriculum and also supports the Fun Home book as a positive source for students.

A Warren resident said he is offended by some of the statements that have been made. He is against having this book as part of the English curriculum.

Another Warren resident said he is disgusted by the book Fun Home and feels the book should be removed.

A former WHRHS student spoke in favor of the Fun Home book. He said he feels it could have helped him when he was a student at WHRHS.

Mr. Steve DiSturco, from Warren Township, commented about the 12th grade English curriculum and the Fun Home book. He stated he would like to see the book removed because of the inappropriate images.

Ms. Karen Magnella stated she reads the high school reading list and has read the Fun Home book. She said she sees this as a positive influence for students. Ms. Magnella said she is concerned that the Board may remove the book under pressure.

A Green Brook resident stated that she does not feel the Fun Home book is appropriate for high school students. She said she feels the book is pornographic. She asked about the selection process for the book.

A former WHRHS student spoke in support of the Fun Home book and said she is proud of the English department. She said she is against banning books in general and doesn't believe the Fun Home book should be banned.

A resident spoke highly of the district but was not supportive of the Fun Home book. He said he felt the pictures are inappropriate and there are better ways to teach tolerance and diversity.

Ms. Karen Show from Warren Township said the pictures in the Fun Home book are distasteful. She said she believes students may not read the book, just look at the pictures.

Ms. Christine Locker stated she is concerned with the explicit sexual images in the Fun Home book. She commented that she is hopeful that different alternatives will continue to be explored.

A Warren resident and former WHRHS student said he felt the book is a positive experience for LGBTQ students. He stated the book had a very positive influence on his life. He was in agreement with presenting other options but hoped all students would read this book.

Ms. Camilla Burke spoke in support of the Fun Home book as a work of art and not pornographic.

A Warren Township resident spoke positively about the Fun Home book. He said he felt it provides hope for the LGBTQ students.

Ms. Lisa Harrison from Warren did not support the reading of the Fun Home book and expressed concern about the other comments. She doesn't believe younger students should read this book and feels the book is not Art.

A Warren resident discussed the debate about the Fun Home book from both sides.

Mr. Fallon closed the first public comment session at 9:34 p.m.

VII. BOARD DISCUSSION

1. Special Meeting of the Board of Education

• **CSA Evaluation**

Mr. Fallon discussed the need to have a special meeting to discuss the CSA evaluation. He said it was decided that the Board would meet on Tuesday, June 26, 2018 beginning at 6:00 p.m.

• **Music Tech Lab**

Mr. Stys commented that there was not a need to add an additional meeting at this time to allow for approval of the Music Tech Lab.

2. 12th Grade English Curriculum

Mr. Fallon discussed the Superintendent and Public comments on the English curriculum. Some of the Board members expressed their support of the Superintendent's path, as discussed during the Superintendent's comments.

Mr. Morrison commented that he would like to see the process expedited and have a decision earlier. Mr. Morrison said he found it refreshing that the community is not debating the topic of inclusivity rather just the images. He stated he wanted to ensure we would be inclusive for all residents and students.

VIII. DISCUSSION OF ADDENDUM ITEMS

Mr. Morrison commented on the selection of the color guard instructor position. Ms. Jewett responded by explaining the process for the selection and stated that specific discussion related to school personnel would need to take place in executive session.

IX. ACTION ITEMS

C. ADMINISTRATION

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Mr. Morrison, seconded by Ms. Barone that the following resolution numbers A1 – A5 be passed on a roll call vote:

- | | | |
|-----------|--|----------------------------------|
| A1 | RESOLVED, the Board of Education approves the minutes of the regular work session meeting of June 5, 2018. | Mins. of June 5, 2018 |
| A2 | RESOLVED, the Board of Education approves the minutes of the executive session of June 5, 2018. | Exec Mins of June 5, 2018 |

- A3** RESOLVED, the Board of Education approves the Danielson Framework (2007) for Teaching and Educational Specialists and the Marshall Principal Framework for Vice-Principals and Principals as the evaluation rubrics for certificated employees for the 2018/2019 school year. **18/19 – Danielson Framework & Marshall Principal Framework**
- A4** RESOLVED, the Board of Education approves the attached list of professionals and rates, as approved vendors to provide evaluations and therapy services for the period July 1, 2018 – June 30, 2019. **18/19 – Eval and Therapy Vendors**
- A5** RESOLVED, the Board of Education accepts the following students from Green Brook Township Public Schools to attend the WHRHS 2018 Extended School Year Program with a tuition rate of \$5,600.00 and the 2018/2019 Learning and Language Disabilities Program with a tuition rate of \$50,500.00 for a total of \$199,150.00. Transportation will be the responsibility of the sending district. **18/19 – GB Students for ESY and LLD**

Student ID	2018 ESY Tuition	2018/2019 Tuition	Status
2525	\$5,600.00	\$50,500.00	Full-time
2546	\$5,600.00	\$50,500.00	Full-time
2678	\$5,600.00	\$50,500.00	Full-time
2653	\$5,600.00	\$25,250.00	Shared Time

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, and Mr. Fallon voting the affirmative.

Motion by Mr. Morrison, seconded by Ms. DeMizio that the following resolution numbers A6 – A22 be passed on a roll call vote:

- A6** RESOLVED, the Board of Education approves the attached list of the Out of District placements for the 2018 Extended School Year Program and the 2018/2019 school year, for the period July 1, 2018 – June 30, 2019, for a total cost not to exceed \$2,253,842.45. Transportation will be provided by WHRHS using the most cost effective alternative. **18/19 – OOD Placements**
- A7** RESOLVED, the Board of Education approves the following Out of District extraordinary instruction aide services for the 2018 Extended School Year Program and the 2018/2019 school year, for the period July 1, 2018 – June 30, 2019 for a total cost not to exceed \$186,470.39. **18/19 – OOD Instruction Aide Services**

Student ID	Extraordinary Services	Cost Per Student
2508	1:1 Aide @ Academy 360 Upper School, Livingston	\$29,725.00
2467	1:1 Aide @ MUJC – DLC of Warren, Warren	\$81,535.50
2541	1:1 Aide @ YCS/Sawtelle Learning Ctr, Montclair	\$37,409.89
2656	1:1 Aide @ Horizon High School, Livingston	\$37,800.00

- A8** RESOLVED, the Board of Education approves out of district student 2467 to receive the following related services for the 2018 Extended School Year Program and/or the 2018/2019 school year at DLC of Warren (MUJC), for the period July 1, 2018 – June 30, 2019, with a total cost not to exceed \$39,743.50. **18/19 – Student 2467 – Related Services**

Student	Extraordinary Services	Cost
2467	Speech/OT Services at MUJC	\$14,400.00
2467	Intensive ABA Home Services including Supervisor Student Assessment provided by MUJC	\$25,343.50

- A9** RESOLVED, the Board of Education approves student 2654 to receive weekly, four (4) hours of Home Based Parent Counseling and/or Training Services provided by Ms. Catherine Bocage of Plainfield, during the 2018 ESY Program and the 2018/2019 school year at the rate of \$60.00 per hour for a total cost not to exceed \$10,800.00. **18/19 – Student 2654 – ABA services**

- A10** RESOLVED, the Board of Education approves student 2654 to receive monthly, six (6) hours of Behavioral Intervention Services at Banyan High School, provided by Ms. Elena Garcia-Alba, BCBA of Albright Consultation Services, LLC, during the 2018 ESY and the 2018/2019 school year at the rate of \$125.00 per hour for a total cost not to exceed \$8,250.00. **18/19 – Student 2654 – Behavioral Intervention Services**

- A11** RESOLVED, the Board of Education accepts students 2588 and 2589 from Clark Township Public Schools Board of Education, to attend the WHRHS 2018 Extended School Year Program and the 2018/2019 Learning and Language Disabilities Program with a per student tuition rate of \$56,100.00 for a total of \$112,200.00. Transportation will be the responsibility of the sending district. **18/19 – Clark Student – ESY and LLD**

- A12** Recommends for approval the following ABA therapists to provide ABA (Applied Behavior Analysis) services to student 2506 for the period July 2, 2018 – June 22, 2019 for a total cost not to exceed \$33,750.00. **18/19 – Student 2506 - ABA Vendors**

Therapist	Hours	Hourly Rate	Annual Total
Ray Cepeda, BCBA	3 hours per month	\$125.00	\$4,500.00
Joyce M. Pekarsky	8 hours per week	\$60.00	\$18,720.00
Lori Jean Vigliotti	4.5 hours per week	\$60.00	\$10,530.00

- A13** RESOLVED, the Board of Education approves the following students to receive occupational therapy sessions weekly for the 2018 ESY Program at the rate of \$50.00 per 20-minute session and \$75.00 per 30-minute session provided by approved vendor Mr. Brian McDonald, for a total not to exceed \$1,050.00. **18/19 ESY - OT services**

Student ID	Sessions
2665	Group
2688	Individual
2710	Individual

- A14** RESOLVED, the Board of Education approves the following students to receive weekly speech therapy sessions for the 2018 ESY Program at the rate of \$90.00 per hour provided by Ms. Jill Pila, with a total not to exceed \$6,480.00. **18/19 ESY – Speech Services**

Student ID	Sessions
2662	Group
2665	Group
2708	Group
2706	Group
2709	Group
2711	Group
2704	Group
2548	Group
2661	Group
2667	Group

Student ID	Sessions
2553	Group
2544	Group
2688	Group
2689	Group
2630	Group
2680	Group
2708	Individual
2709	Individual
2710	Individual
2704	Individual

- A15** RESOLVED, the Board of Education approves student 2688 to receive weekly, one 30-minute individual physical therapy session for the 2018 ESY Program at the rate of \$64.00 provided by approved vendor Pediatric Workshop, with a total not to exceed \$384.00. **18/19 ESY – Student 2688 – PT Services**
- A16** RESOLVED, the Board of Education approves Ms. Jill Pila, M.S, Speech and Language Therapist to provide IEP Reporting Services during the IEP meetings for students 2548, 2553, 2563, 2583 and 2688 at the rate of \$45.00 per student, at the total cost not to exceed \$225.00. **Pila – IEP Reporting Services**
- A17** RESOLVED, the Board of Education revises the end date for student 2539 attending Hunterdon Preparatory School from June 30, 2018 to May 23, 2018. **17/18 – Student 2539 – Revised End Date**
- A18** RESOLVED, the Board of Education rescinds the approval for student 2537 to attend Newmark High School in Scotch Plains for the 2018/2019 school year; and **18/19 – Student 2537 – Rescind OOD Placement**
- BE IT FURTHER RESOLVED, the Board of Education approves student 2537 to attend Newmark High School in Scotch Plains for the 2018 Extended School Year at the rate of \$313.69 per day with a total cost not to exceed \$5,960.11; **18/19 - Student 2537 - ESY**

NOW, THEREFORE, BE IT RESOLVED the Board of Education approves student 2537 to attend Union County Career and Technical Institute (UCCTI) Transition Program in Scotch Plains for the 2018/2019 school year with a total cost not to exceed \$15,000.00. **18/19 – Student 2537 - UCVT**

A19 RESOLVED, the Board of Education approves student 2659 to attend Newmark High School in Scotch Plains for the 2018 Extended School Year at the rate of \$313.69 per day with a total cost not to exceed \$5,960.11. **18/19 ESY – Student 2659 – Newmark School**

A20 RESOLVED, the Board of Education approves student 2575 to attend The Center School in Somerset for the 2018 Extended School Year and the 2018/2019 school year, at the rate of \$348.23 per day with a total cost not to exceed \$69,646.00. **18/19 – Student 2575 – Center School**

A21 RESOLVED, the Board of Education accepts the tuition audit overcharge adjustment in the amount of \$225.00 from The Community School for student 2507 for the 2016/2017 school year, in accordance with N.J.A.C 6A:23A-18.2(a). **16/17 – Tuition Overcharge Refund – Student 2507**

A22 RESOLVED, the Board of Education revises the end date for student 2577 receiving bedside instruction from June 29, 2018 to June 13, 2018; and **17/18 – Student 2577 – Revised End Date**

BE IT FURTHER RESOLVED, the Board of Education approves student 2577 to attend Union County ESC – Lambert’s Mill Academy for the period June 18, 2018 – June 26, 2018, at the rate of \$295.39 per day for a total cost not to exceed \$2,067.73. **17/18 – Student 2577 – Lambert’s Mill Academy**

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Morrison, and Mr. Fallon voting the affirmative.

B. CURRICULUM AND INSTRUCTION

None

C. PERSONNEL

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Mr. Morrison, seconded by Ms. Barone that the following resolution numbers C1 – C36 minus number C13 be passed on a roll call vote:

C1 RESOLVED, the Board of Education approves the reappointment and salaries of non-affiliated staff members for the 2018/2019 school year as per the attached. **18/19 – Non-Affiliated Staff Appointments**

- C2** RESOLVED, the Board of Education approves the appointment of Kristian Byk as the Director of Operations, for the period July 1, 2018 – June 30, 2019, at an annual salary of \$107,285.00. **18/19 – Byk – Director of Operations**
- C3** RESOLVED, the Board of Education approves the reappointment and salaries of Buildings and Grounds staff for the 2018/2019 school year as per the attached. **18/19 – Buildings and Grounds Staff**
- C4** RESOLVED, the Board of Education approves of the following staff members to receive a stipend of \$500.00 for holding a current black seal boiler license for the 2018/2019 school year: **18/19 – Black Seal Boiler License Stipends**
- | | |
|-------------------|---------------------|
| Kristian Byk | Michael Pisani |
| Mark Koehler | Gregory Ross |
| Stephen Masterson | Steven Sandholm |
| Kareem Nurse | Christopher Scherer |
| Ryan Piesco | Alan Speziale |
- C5** RESOLVED, the Board of Education approves the reappointment of Alan Speziale and Kareem Nurse, Building and Grounds staff, to be paid an annual night shift differential of \$200.00 each for the period of July 1, 2018 – June 30, 2019. **18/19 – Speziale & Nurse – 2nd shift Stipend**
- C6** RESOLVED, the Board of Education approves the reappointment of William J. Scholts as treasurer of school moneys with an annual salary of \$9,000.00, for the period July 1, 2018 – June 30, 2019. **18/19 – Scholts – Treasurer of School Moneys**
- C7** RESOLVED, the Board of Education approves the reappointment of home instructors for the 2018/2019 school year as per the attached. **18/19 – Home Instructors**
- C8** RESOLVED, the Board of Education approves the reappointment of substitute teachers, nurses and secretaries for the 2018/2019 school year as per the attached. **18/19 – Substitute teachers, nurses, secretaries**
- C9** RESOLVED, the Board of Education approves the reappointment of the following adult PAC workers for the period July 1, 2018 – June 30, 2019, on an as needed basis, at the rate of \$25.00 per hour, not to exceed 25 hours per week. **18/19 – Adult PAC Workers**

Rick Clark	Matt Guarino	Joseph McKie	Jonathan Ritchie
Christopher Ghaffor	Corey Kirschner	Adam Novack	Brett Siksnius
Danny Griffin	Jenna Leski	Christopher Oakes	Joseph Voorhees
Kate Griffin	Melissa Markowich	Brian Reilly	Tracy Voorhees

- C10** RESOLVED, the Board of Education approves the appointment of the following new adult PAC workers for the period July 1, 2018 – June 30, 2019, on an as needed basis, at the rate of \$25.00 per hour, not to exceed 25 hours per week, pending the outcome and receipt of appropriate documentation. **18/19 – New Adult PAC Workers**
- Kiefer Handschuh Mario Zamora Colin Berry
Jeanette Aultz Anthony Bevacqua
- C11** RESOLVED, the Board of Education approves the appointment of Michael Maloney and Alex Martin as student PAC workers for the period July 1, 2018 – June 30, 2019, on an as needed basis, at the rate of \$10.00 per hour, not to exceed 25 hours per week. **18/19 – Student PAC Workers**
- C12** RESOLVED, the Board of Education approves the following appointments for the 2018/2019 school year. **18/19 - Officers**
- | | |
|--|----------------------|
| Affirmative Action Officer/Title IX Coordinator (Students) | Catherine Angelastro |
| Affirmative Action Officer (Staff) | Beth Scheiderman |
| 504 Officer | Catherine Angelastro |
| Custodian of Public Records | Tim Stys |
| Certified Purchasing Agent | Tim Stys |
| Attendance Officer | Patricia Toubin |
| Asbestos/AHEARA Management Coordinator | Kristian Byk |
| Indoor Air Quality Designee | Kristian Byk |
| Integrated Pest Management Coordinator | Kristian Byk |
| Anti-Bullying Coordinator | Steve Searfoss |
| Anti-Bullying Specialist | Catherine Angelastro |
| Public Agency Compliance Officer | Tim Stys |
- C14** RESOLVED, the Board of Education approves the appointment of year one and year two mentors and stipends for the 2018/2019 school year, as per the attached. All mentor stipends will be paid through the FY19 ESSA/ESEA Title IIA grant. **18/19 – Mentors and Stipends**
- C15** RESOLVED, the Board of Education approves the appointment of John Doherty as a summer 2018 buildings and grounds worker for the period of July 2, 2018 – August 31, 2018, at the rate of \$10.00 per hour, not to exceed 25 hours per week and not to exceed a total amount of \$5,000.00, pending the outcome and receipt of appropriate documentation. **18/19 – Doherty – Summer B&G worker**
- C16** RESOLVED, the Board of Education approves the revised appointment of Celia Coimbra from a .8 teacher of German and a .2 ESL teacher to a .4 teacher of German and .4 ESL teacher for the period September 1, 2018 – June 30, 2019, with an annual salary of \$61,235.00 MA/Step 3, prorated to \$48,988.00 (80%). **18/19 – Coimbra – revised appointment**

- C17** RESOLVED, the Board of Education approves the revised appointment of Jannette Vega from a substitute bus driver to a part-time bus driver for the period September 1, 2018 – June 30, 2019, at the rate of 26.06 per hour. **18/19 – Vega – Bus Driver**
- C18** RESOLVED, the Board of Education approves the appointments of Jamie Vituli as a summer ESY substitute teacher, at the rate of \$35.00 per hour and Josephine Testa as a summer ESY substitute aide at the rate of \$15.00 per hour. **18/19 – Vituli and Testa - ESY**
- C19** RESOLVED, the Board of Education approves the approval the appointment of Janet Svenson as a summer ESY teacher at the rate of \$35.00 per hour for four hours per day, for the period July 2, 2018 – August 13, 2018, not to exceed a total amount of \$4,200.00. **18/19 – Svenson – ESY teacher**
- C20** RESOLVED, the Board of Education approves the following teaching staff for summer curriculum writing for new courses, at a rate of \$35.00 per hour, not to exceed 20 hours per course. **18/19 – Curriculum Writing**

<u>Staff Member</u>	<u>Course</u>
Peter Ponzio	Robotics
Patti Grunther	Italian Cultural Studies
Katie Corrigan	The Emerging Self
Lynn Raimondo	Expository Writing
Christopher Wyatt/Paul McCullen	Music Technology (shared)
Christopher Wyatt/Paul McCullen	Guitar (shared)
Christopher Wyatt/Paul McCullen	Keyboarding (shared)
Paul McCullen	Freshman Band
Ann Marie Linz	AP Design

- C21** RESOLVED, the Board of Education approves the following teaching staff for summer curriculum writing for revised courses, at a rate of \$35.00 per hour, not to exceed 10 hours per course: **18/19 – Revised Curriculum Writing**

<u>Staff Member</u>	<u>Course</u>
Jennifer Basini/Jill Gleeson	Health 12 (shared)
Stephanie Ormaeche	Foods 1
Susan Jaslove	Foods 2
Angela Bird	Advanced Chorus
TBD	Financial Literacy

- C22** RESOLVED, the Board of Education approves the following teaching staff to work in the 2018 Summer Enrichment Program, at the rate of \$35.00 per hour, not to exceed 20 hours per week. **18/19 – Summer Enrichment Staff**

Instructor	Course	Dates	Hrs	Payment
Kristen Mannion	College Writing	6/25/18-6/28/18	16	\$560.00
Stephanie Ormaeche	Culinary Arts	8/6/18-8/10/18	32	\$1,120.00
Jana Battiloro	College Writing	8/13/18-8/16/18	16	\$560.00
Michelle Lettington	Freshman Study Skills	8/13/18-8/16/18	16	\$560.00

Instructor	Course	Dates	Hrs	Payment
Sean DiGiovanna	Freshman Study Skills	8/13/18-8/16/18	16	\$560.00
Laura Salton	Transitional Math Skills	8/20/18-8/23/18	16	\$560.00
Michelle Lettington	Freshman Study & Research Skills	8/27/18-8/30/18	32	\$1,120.00
Michelle Germinario	Freshman Literacy	8/27/18-8/30/18	32	\$1,120.00

- C23** RESOLVED, the Board of Education approves the appointment of Lauren Krueger, guidance counselor, to work one (1) day during the period of July 2, 2018 – August 31, 2018, at the per diem rate of \$356.03. **18/19 – Krueger – Summer Hours**
- C24** RESOLVED, the Board of Education approves the revised leave of absence dates for Rebecca Sharp, teacher of students with disabilities, from paid time off March 19, 2018 – May 19, 2018, then unpaid NJFLA/FMLA from May 20, 2018 – October 12, 2018 to paid time off from March 20, 2018 – May 29, 2018, then unpaid FMLA/NJFLA from May 30, 2018 – October 12, 2018. **Sharp – LOA Adjustment**
- C25** RESOLVED, the Board of Education approves the maternity/childcare leave of Allison Oliveira, school psychologist, for the period of September 11, 2018 – March 1, 2019. Beginning September 11, 2018 – October 19, 2018, Dr. Oliveira will be on paid time off, from October 20, 2018 – January 19, 2019, Dr. Oliveira will be on unpaid FMLA/NJFLA, and then an unpaid leave of absence from January 20, 2019 – March 1, 2019. **Oliveira – LOA Adjustment**
- C26** RESOLVED, the Board of Education approves the maternity/child care leave of Cassie Biniukow, school social worker, for the period of October 8, 2018 – April 12, 2019. Beginning October 8, 2018 – December 16, 2018, Ms. Biniukow will be on paid time off, from December 17, 2018 – March 15, 2019, Ms. Biniukow will be on unpaid FMLA/NJFLA, and then an unpaid leave of absence from March 16, 2019 – April 12, 2019. **18/19 - Biniukow – LOA**
- C27** RESOLVED, the Board of Education approves the maternity/child care leave of Annanda Pagenkopf, instructional aide, for the period of September 5, 2018 – January 8, 2019. Beginning September 5, 2018 – September 28, 2018, Ms. Pagenkopf will be on paid time off, from September 29, 2018 – January 1, 2019, Ms. Pagenkopf will be on unpaid FMLA/NJFLA and then an unpaid leave of absence from January 2, 2019 – January 8, 2019. **18/19 – Pagenkopf - LOA**
- C28** RESOLVED, the Board of Education approves the unpaid FMLA/NJFLA leave for Kenneth Karnas, teacher of Social Studies, for the period September 24, 2018 – November 4, 2018. **18/19 – Karnas – FMLA/NJFLA**
- C29** RESOLVED, the Board of Education approves the appointment of Spenser Brenn as a volunteer football coach for the 2018/2019 school year. **18/19 – Brenn – Volunteer Football coach**

WHRHS BOARD OF EDUCATION MINUTES OF JUNE 19, 2018

7960

- C30** RESOLVED, the Board of Education approves Nancy Marsillo as a volunteer cross country coach for the 2018/2019 school year, pending the outcome and receipt of appropriate documentation. **18/19 – Marsillo – volunteer cross country coach**
- C31** RESOLVED, the Board of Education accepts of the resignations of Laura Goodson and Megan Finneran as field hockey coaches (shared position) for the 2018/2019 school year; and **18/19 – Goodson & Finneran – resignation field hockey coaches**
- BE IT FURTHER RESOLVED the Board of Education approves the appointment of Jordan Back, teacher of Physics, as an assistant field hockey coach, at an annual stipend of \$5,122.00 (13 units x \$394.00). **18/19 – Back – asst field hockey coach**
- C32** RESOLVED, the Board of Education accepts the resignation of Annanda Pagenkopf as an assistant gymnastics coach for the 2018/2019 school year. **18/19 – Pagenkopf – resignation gymnastics coach**
- C33** RESOLVED, the Board of Education accepts of the resignation of Alicia Michalitsianos, teacher of students with disabilities, effective June 30, 2018. **Michalitsianos - resignation**
- C34** RESOLVED, the Board of Education approves the attached job description for the Director of Guidance. **Job Description – Director of Guidance**
- C35** RESOLVED, the Board of Education revises the start dates for Angela Valerio and Theresa Gallic as part-time summer nurses at the rate of \$35.00 per hour, not to exceed a total of 20 hours combined per week, and not to exceed a total amount of \$7,000.00, from July 2, 2018 to June 25, 2018. **18/19 – ESY Nurses revised start date**
- C36** RESOLVED, the Board of Education approves the appointment of Kalvin Elamurugan and Peter Linder as summer student IT workers for the period July 2, 2018 – August 31, 2018, on an as needed basis, at the rate of \$10.00 per hour, not to exceed 25 hours each per week and a total cost of \$6,000.00. **18/19 – Linder & Elamurugan – IT summer workers**

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, and Mr. Fallon voting the affirmative.

D. FINANCE

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Mr. Morrison, seconded by Ms. DeMizio that the following resolution numbers D1 – D27 be passed on a roll call vote:

- D1** Certification of Board Secretary
Pursuant to N.J.A.C. 6A:23-2.12(c)3, I, Timothy M. Stys, Board Secretary/School Business Administrator, certify that as of May, 2018 no line item account has encumbrances and expenditures, which in total exceed the line item appropriation in violation of 6A:23-2.12(a).

**Board Secretary
Certification**

Board Secretary Date

- D2** WHEREAS, the Board of Education has received the reports of the secretary for the month of May, 2018 consisting of:
1. Interim Balance Sheets
 2. Interim Statements Comparing Budgeted Revenue with Actual to Date and Appropriations with Expenditures and Encumbrances to Date
 3. Schedule of Revenues-Actual Compared with Estimated
 4. Statement of Appropriations Compared with Expenditures and Encumbrances
 5. Food Service Enterprise Fund Monthly Profit and Loss Statements for April and May 2018

**Board
Certification**

WHEREAS, in compliance with N.J.A.C. 6A:23-2.12(c)4, the secretary has certified that, as of the date of the reports, no budgetary line item account has obligations and payments (contractual orders) which in total exceed the amount appropriated by the district board of education;

NOW, THEREFORE, BE IT RESOLVED the Board of Education accepts the above referenced reports and certifications and orders that they be attached to and made part of the record of this meeting;

BE IT FURTHER RESOLVED, in compliance with N.J.A.C. 6A:23-2.12(c)4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriation section) and the treasurer of school monies for the month of May, 2018 and upon consultation with the appropriate district officials, to the best of its knowledge, no major account or fund has been over expended in violation of N.J.A.C. 6A:23-2.12(b), and that sufficient funds are available to meet the district's financial obligations for the remainder of the year.

- D3** RESOLVED, the Board of Education approves the ratification of transfer of funds among the general, special revenue and capital projects fund's line items for May, 2018, as previously approved by the Superintendent and Business Administrator.

**May 2018
transfers**

- D4** RESOLVED, the Board of Education approves travel related reimbursement and attendance to various seminars and workshops for the 2018/2019 school year as per the attached. **18/19 Travel Reimbursements**
- D5** RESOLVED, the Board of Education approves the appointment of Timothy M. Stys as Board Secretary from July 1, 2018 – June 30, 2019, and that the Board Secretary be authorized to invest district funds and make all deposits for the district. **18/19 – Stys – Board Secretary**
- D6** RESOLVED, the Board of Education authorizes the School Business Administrator/Board Secretary to make electronic fund transfers between Board of Education bank accounts as well as to other state and federal agencies as required for the 2018/2019 school year. **18/19 – SBA Electronic transfer authorization**
- D7** RESOLVED, the Board of Education authorizes William J. Scholts, Treasurer of School Moneys to sign checks for withdrawals on the payroll account for the 2018/2019 school year. **18/19 – Scholts – authorized signer – payroll account**
- D8** RESOLVED, the Board of Education authorizes the following individuals to sign checks for withdrawals on the operating account and bond proceeds account, effective July 1, 2018 – January 3, 2019: **18/19 – Stys, Fallon, Schults – authorized signers – Operating & Bond accounts**
- Peter Fallon - President
Timothy M. Stys - Board Secretary
William J. Scholts - Treasurer of School Moneys
- D9** RESOLVED, the Board of Education, in accordance with N.J.S.A. 18:A:19-3, authorizes the Board Secretary to establish the following petty cash funds for the 2018/2019 school year: **18/19 – Petty Cash Accounts**
- | | |
|-----------|----------|
| District | \$750.00 |
| Principal | \$250.00 |
- D10** RESOLVED, the Board of Education, in accordance with N.J.S.A. 18:A:19-3, authorizes the following individuals to be responsible for the proper disposition for the district and principal petty cash funds, effective July 1, 2018 – June 30, 2019: **18/19 – Stys, Alexis – signers Petty Cash**
- Timothy M. Stys District
George P. Alexis Principal
- D11** WHEREAS, the Board of Education meetings are scheduled for the first and third Tuesdays of a given month except in July, August, September, and December where there is one meeting scheduled on July 17, 2018, August 21, 2018, September 11, 2018, and December 11, 2018; and, **18/19 – Release of Bill List**

WHEREAS, the bill list is normally approved at the first meeting of the month and checks to vendors are released the next day; approval of the bill list at the July 17, 2018, August 21, 2018, September 11, 2018, and December 11, 2018, board meetings will delay all payments to vendors and may cause undue hardship.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education authorizes the School Business Administrator to release checks for payment to vendors for the June 30, 2018 bill list on July 1, 2018, the July 31, 2018 bill list on August 1, 2018, the August 31, 2018 bill list on September 1, 2018 and the November 30, 2018 bill list on December 1, 2018, and after review by the Operations Committee members so that vendor payments are not delayed.

D12 Renewal and Initial Applications for Temporary Space

**18/19 –
Temporary Space**

WHEREAS, the Watchung Hills Regional High School anticipates a need for maintaining the current lunch schedule referred to as the Rotating Drop for 2017/2018 school year, and

WHEREAS, the said Board of Education anticipates the need to utilize, at a minimum, the same areas for cafeteria space in 2018/2019 that was used in 2017/2018

WHEREAS, the said Board of Education has investigated all possibilities for providing approved cafeteria areas.

NOW, THEREFORE, BE IT RESOLVED that the Watchung Hills Regional High School Board of Education hereby petitions the Executive County Superintendent of Schools in the County of Somerset, New Jersey to approve the following as Temporary Space for the 2018/2019 school year:

<u>Room</u>	<u>Initial/Renewal</u>	<u>Proposed Use</u>
Gym 3/4	Renewal	Gymnasium and cafeteria eating area
Weight Room (105B)	Renewal	Weight room and cafeteria eating area
Atrium/Lobby	Renewal	Lobby and Cafeteria eating area
Room 94	Renewal	Cafeteria eating area and music room
Room 106	Renewal	Cafeteria eating area and study hall

D13 WHEREAS, the Watchung Hills Regional High School Board of Education and administration desire to add a music technology lab based on research and student interest, and

**18/19 – Change of
Use**

WHEREAS, the Watchung Hills Regional High School Board of Education approved budgetary expenditures in their 2018/2019 school budget for equipment and room upgrades to support a music technology lab, and

WHEREAS, the Board of Education with the assistance of their architect, have investigated all potential possibilities for providing approved space for the music technology lab and have determined that the best, most efficient plan was to convert rooms 111A and 111B from regular classrooms into a music technology lab;

NOW, THEREFORE, BE IT RESOLVED that the Watchung Hills Regional High School Board of Education hereby petitions the Executive County Superintendent of Schools in the County of Somerset, New Jersey to approve the following as Change of Use of Educational Space for the 2018/2019 school year:

<u>Room</u>	<u>Original Use</u>	<u>Proposed Use</u>
111(A/B)	Classroom	Music Tech Lab

- D14** RESOLVED, the Board of Education enters into a license agreement and sets the rental charge for the use of the Watchung Hills Regional High School facilities by the Murray Hill Chinese School as tenants for the 2018/2019 school year in the amount of \$26,695.00. Additional fees will be charged in accordance with the district fee schedule for use of the Performing Arts Center.

18/19 – Murray Hill Chinese School
- D15** RESOLVED, the Board of Education approves the appointment of Willis of NJ as the School Insurance Agent of Record for Property, Casualty and Liability Insurance, for the 2018/2019 school year, effective July 1, 2018 as an extraordinary unspecified service in accordance with NJSA 18A:18-5(a)(10). Willis of NJ will receive compensation as follows:

Worker’s Compensation: 4.25%
Package: 12%
CAP: 10%
Student Accident: 10%
Bonds: 25%

18/19 – Willis of NJ – School Ins. Agent
- D16** RESOLVED, the Board of Education approves the reappointment the firm of Phoenix Advisors LLC as the District Continuing Disclosure Agent for all district bond issues for the 2018/2019 school year. The firm of Phoenix Advisors LLC will be compensated at the annual fee of \$850.00 for all bond issues.

18/19 – Phoenix Advisor – Disclosure Agent
- D17** RESOLVED, the Board of Education reappoints Dr. Marc R. Silberman of NJ Sports Medicine and Performance Center, Gillette, NJ, as the School Physician for the 2017/2018 school year, effective July 1, 2018 – June 30, 2019, to perform medical services as follows:

18/19 – Silberman – School Physician

Evaluations for child study team, determination of fitness for physical education performed at the school, sports physicals, examinations for working papers and medical advice. \$19,500.00/yr.

Employee physicals \$135/physical

Hepatitis B injections, physicals and testing for substance abuse, CDL physicals or any comprehensive physicals requested by the school. \$375.00/incident

Football and Lacrosse Home Games \$300.00/game

D18 Transfer of Current Year Surplus to Reserve

**17/18 – Transfer
Surplus to
Reserve**

WHEREAS, N.J.S.A. 18A: 7F-41 permits a Board of Education to establish and/or deposit into certain reserve accounts at year end, and

WHEREAS, the aforementioned statutes authorize procedures, under the authority of the Commissioner of Education, which permit a board of education to transfer anticipated excess current revenue or unexpended appropriations into reserve accounts during the month of June by Board resolution; and

WHEREAS, the Watchung Hills Regional High School Board of Education wishes to deposit anticipated current year surplus into a Capital Reserve account up to \$1,900,000, Tuition Reserve up to \$100,000 and Maintenance Reserve up to \$300,000, at year end; and

WHEREAS, the Watchung Hills Regional High School Board of Education has determined that up to \$2,300,000 is available for such purpose of transfer.

NOW, THEREFORE, BE IT RESOLVED by the Watchung Hills Regional High School Board of Education that it hereby authorizes the district's School Business Administrator to make this transfer consistent with all applicable laws and regulations.

D19 RESOLVED, the Board of Education approves contracts with the vendors listed below using the NJ Educational Services Commission cooperative pricing agreement, Hunterdon County cooperative pricing agreement, Ed Data cooperative pricing agreement or state contract in accordance with NJSA 18A:18A-5. The items listed below are within the 2017/2018 budget and/or 2017/2018 Lease Purchase and are detailed on district purchase orders.

**17/18 – Co-Op
Purchases**

2017/2018 Budget and L/P Funds			
Vendor	Type	Service/Supply	Amount
CDW-G	MRESC 15/16-11	50 Headsets (testing)	\$2,069.00
Eastern Datacomm	State #: 88132	20 Shore Tel phones	\$4,592.00
Troxell Comm.	EDS #: 8663	Audio Eqmt/Wireless Mics	\$4,997.32
Custom Bandag, Inc.	State#: 82528	5 new bus tires (2 busses)	\$2,264.82
Staples	ED Data #: 8004	Copy Paper & Clorox Wipes	\$4,336.70
Hoover Truck Center	State#: A89257	Bus Repairs – Heui Pump	\$4,158.52
CDW-G	MRESC 15/16-11	5 SmartBoards	\$28,629.87

D20 RESOLVED, the Board of Education approves the proprietary **18/19 – maintenance/support contract** with the vendor listed below in **Maintenance** accordance with NJSA 18A:18A-5 (a) 9 & 19. The items listed **Agreements** below are within the 2018/2019 district budget.

Vendor	Service/Supply	Amount
Frontline Education	Attendance/Substitute/Central	\$14,320.91
Frontline Education	IEP Software	\$13,276.57
Systems 3000	Accounting/Personnel/Payroll Software	\$24,961.00
Genesis	Student Database	\$15,024.00
Ed Data Services	Cooperative Bidding License/Support	\$7,810.00
Strauss Esmay Assoc.	Board Policy & Regulation Support	\$5,580.00
AHERA	Asbestos Inspection & Staff Training	\$2,800.00
Allied Fire & Safety	Annual & Wet Sprinkler Inspections (3)	\$5,517.87
Allied Fire & Safety	Semi Annual Kitchen Hood Cleanings	\$5,424.00
AME	Temperature Control System (Tridium)	\$12,205.85
Atlantic Tomorrows	Copier Maintenance (17) – State Cont #: A40467	\$31,500.00
Breakdown Products	Enzyme Treatment - Grease Traps	\$2,079.00
Burt Process	Quarterly Acid Tank Monitoring	\$3,040.00
Clean Mats	Floor Mats Service	\$12,097.00
Cummins	Scheduled Generator Maintenance	\$5,633.00
Daikin	Quarterly Inspections & Annual Combustion Analysis of McQuay Roof Top Units	\$8,904.00
DaLor Services	Quarterly Inspections of Nesbitt Units	\$8,640.00
DaLor Services	Quarterly Maintenance of Liebert HVAC Unit - Server Room	\$2,920.00
Hogan Security	Exterior Door Inspections	\$7,150.00
Johnson Controls	PM on York Air Cooled Chillers (2)	\$11,800.00
McGowan	Well Water Testing & Compliance Documentation	\$2,865.00
MPA	Annual Service & Maintenance -- N/S Boilers	\$15,094.00
Mulvey Contracting	Inspection & Maintenance -- Indoor Gym Equip	\$8,405.00
Mulvey Contracting	Inspection & Maintenance -- Outdoor Bleachers	\$4,255.00
Natural Green	Turf Field Maintenance	\$3,930.00
Pro Green	Fall Fertilizer Application	\$9,800.00
Reliable Fire Protect	Semi Annual Kitchen Hood Suppression Cert.	\$3,109.50
Griggs Plumb & Heat	Steam Trap Maintenance	\$9,000.00
RSchool	Facilities Scheduler	\$2,489.00
Russell Electric/Data	Annual Maintenance – Transfer Switch	\$2,290.00
Russell Reid	Cleaning of Grease Traps	\$2,187.72
Russell Reid	Cleaning of Acid Tanks	\$4,513.50

Vendor	Service/Supply	Amount
School Dude	Maintenance Management System	\$4,750.00
Stank Environmental	Pest Control	\$4,800.00
The Portasoft Co.	Water Softener Inspections – Field House	\$2,385.00
Wasak	Maintenance of: <ul style="list-style-type: none"> • Boilers #1, #2, #3 • (2) Closed Heating Water Loops • Chilled Water Closed Loop 	\$5,668.00
Dyntek Services, Inc.	Meraki Cloud License	\$8,116.01
Dyntek Services, Inc.	Cisco SMARTNET Switches: State #: 87720	\$9,426.43
Oncourse Systems	200 Licenses - Lesson Planner, Curriculum Blder	\$19,243.71
SHI International	VMare Support & Subscript. – NJEdge #278834	\$41,678.46

D21 RESOLVED, the Board of Education approves the additional nonpublic funding for Chapters 192/193 for the 2017/2018 school year in the amount of \$15,277.00 for a total of \$53,911.00. **17/18 – Chap 192/193 Funds**

D22 RESOLVED, the Board of Education approves an award to Kohler Waste Services of Berkeley Heights for trash removal services in the amount \$15,900.00 for the period July 1, 2018 – June 30, 2019 based on their quotation received on May 23, 2018. **18/19 – Kohler Waste**

D23 Bids were received on June 5, 2018 for the 2018/2019 Custodial Bid as follows: **18/19 – Temco – Custodial Bid**

<u>Vendor</u>	<u>Year 1 Base Bid</u>
Atalian Global Services (Temco Service Industries)	\$823,416.00
Pritchard Industries	\$853,277.45
Maverick Building Services	\$1,026,935.37

RESOLVED, the Board of Education approves the award of the 2018/2019 Custodial Bid publicly opened on June 5, 2018 to Atalian Global Services (Temco Service Industries) based on their bid of \$823,416.00.

D24 RESOLVED, the Board of Education approves the renewal of the Mental Health & Behavioral Support Services contract to CarePlus NJ, Inc. for the period September 1, 2018 – June 30, 2019 in the amount of \$98,000.00 based on their RFP publicly opened on July 11, 2017. The award is made as a professional service in accordance with NJSA 18A:18A-5(1). **18/19 – Care Plus Renewal**

D25 RESOLVED, the Board of Education approves the attached rental agreement for the WHRHS Performing Arts Center effective July 1, 2018 – June 30, 2019. **18/19 – PAC Agreement**

D26 RESOLVED, the Board of Education accepts, with gratitude, a donation from AXA Foundation in the amount of \$1,000.00 from their AXA Achievement Scholarship Program. The funds should be used to promote student leadership activities and student field trips. **Donation – AXA Foundation**

D27 **Resolution to Amend the Long Range Facility Plan, and Submit a DOE “Other Capital Project” Application for the Conversion of a regular classroom to a Music Technology Lab** **LRFP Amendment**

WHEREAS, the Watchung Hills Regional High School administration and district architect of record have identified the need for the improvement of an existing classroom to a Music Technology Lab, and

WHEREAS, the Board of Education, after consultation with district officials, has decided to convert room 111 from a regular classroom to a Music Technology Lab, and

WHEREAS, the Board of Education has identified funds within their existing 2018/2019 budget to cover the costs of the project;

NOW, THEREFORE, BE IT RESOLVED, the Watchung Hills Regional High School Board of Education hereby grants authority to the School Business Administrator/Board Secretary and School Architect of Record to amend the District’s Long Range Facility Plan to convert room 111 from a regular classroom to a Music Technology Lab and submit a project application to the New Jersey Department of Education.

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, and Mr. Fallon voting the affirmative.

Motion by Mr. Morrison, seconded by Ms. DeMizio that the following resolution number D28 be passed on a roll call vote:

D28 RESOLVED, the Board of Education approves the transportation costs from Educational Services Commission of New Jersey (ESCNJ) to transport one (1) student to/from an out-of-district school for the 2018 Extended School Year (ESY), for the period July 5, 2018 – July 31, 2018, for a total cost not to exceed \$5,090.59 as follows: **18/19 – ESY Transportation**

Route #	Destination	# of Students	Aide Required	Cost
S8128	Sawtelle Learning Center - Montclair	1	Yes	\$4,802.44
	6% Administration Fee			\$288.15
			Total	\$5,090.59

The above motion passed with Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Morrison, and Mr. Fallon voting the affirmative.

X. SECOND OPPORTUNITY FOR PUBLIC COMMENT

Mr. Fallon stated that there would not be any additional public comments made during this time as there was one hour allotted for public comments and it was previously used.

XI. OTHER BUSINESS

None

XII. EXECUTIVE SESSION

Motion by Mr. Morrison, seconded by Mr. Martins that the Board enters into executive session for the purpose of discussing confidential personnel matters, after which action may be taken. The results of the meeting or discussion will be disclosed to the public upon adoption of an appropriate resolution at a public meeting. Motion passed unanimously at 9:53 p.m.

The Board returned to public session at 10:16 p.m. Attendance as noted prior to the executive session

XIII. ACTION ITEMS

C. ADMINISTRATION

THE SUPERINTENDENT RECOMMENDS THAT IT BE:

Motion by Mr. Morrison, seconded by Ms. DeMizio that the following resolution number C13 be passed on a roll call vote:

- C13** RESOLVED, the Board of Education approves the appointment of co-curricular advisors with stipends and volunteer advisors for the 2018/2019 school year as per the attached, pending the outcome and receipt of the appropriate documentation. **18/19 – Co-curricular Advisors**

The above motion passed with, the exception of the color guard instructor position, Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Fahy, Mr. Hayeck, Mr. Hunsinger, Mr. Martins, Mr. Morrison, and Mr. Fallon voting the affirmative.

With regards to the color guard instructor position, Ms. Barone, Mr. Collins, Ms. DeMizio, Mr. Hunsinger, and Mr. Fallon all voted in favor and Mr. Fahy, Mr. Hayeck, Mr. Martins, and Mr. Morrison all voted in the negative on the candidate for the position of Marching Band Color Guard Advisor. This appointment was defeated with a vote of 5 in favor and 4 opposed. This motion needs a majority of the full board or 6 positive votes in order to pass.

XIV. ADJOURN

Motion by Mr. Morrison, seconded by Ms. DeMizio that the meeting be adjourned was unanimously approved at 10:21 p.m.

Respectfully submitted,

Timothy M. Stys
Board Secretary
TMS/bf

EXHIBIT D

Report from the Education Committee Meeting
Robert Morrison, Chair
September 6, 2018

HIB Policy

Ms. Jewett discussed the revisions to our HIB policy 5512 as per changes to the administrative code that now give principals, in consultation with the anti-bullying specialist, the ability to make a preliminary determination as to whether the incident is within the scope of the administrative code regarding HIB. The changes also include district investigations of HIB for a student attending an approved private school for students with disabilities. The revised policy will be on the agenda for first reading and the October 2nd meeting for second reading at which time the regulation will be abolished since all requirements now in policy are no longer needed.

Vaping/Smoking – Student Handbook Update

Given the challenges we are facing with vaping, changes to the vaping/smoking guidelines were made in the student handbook. The student handbook has been updated as follows:

Pursuant to Board Policy 5533, smoking by students will not be permitted on school buses, school grounds, or in school buildings or at school events. This includes all tobacco products and water vapor/electronic cigarettes.

- All paraphernalia will be confiscated and may be turned over to the School Resource Officer for testing.
- Students in possession of paraphernalia may be sent out for testing. If the test results are positive, consequences for substance abuse will be administered.

Penalties for students found smoking are cumulative over the four years of their high school career and are based on the following:

- First Offense: Saturday detention and a mandatory parent meeting.
 - Seniors will automatically lose parking privileges.
 - Juniors will lose parking privileges for junior year and not be eligible for parking senior year.
- Second Offense and Subsequent Offenses: Suspension(s) and Saturday detentions(s). Mandatory parent meeting. Student will lose parking privileges permanently.

Report from the Education Committee Meeting
Robert Morrison, Chair
September 6, 2018

Integrity Guidelines

Mr. Alexis informed the committee that after the integrity concerns that arose last year, a committee was formed to review and make recommendation on revisions to our integrity guidelines. The committee consisted of five teachers, Vice Principal Searfoss and Supervisor James Aquavia who also headed the committee. The new guidelines have been included in our Student Handbook and are being discussed with students in class this week. Parents will also be informed of the new guidelines in a letter going home next week. There will be a review at the end of the year as to the effectiveness of the new guidelines and if further revisions are needed.

One of the issues addressed was discipline. All infractions have been reorganized and assigned levels (Level 1, 2, 3 etc). Each level of offense has a corresponding punishment.

Level 1

- Copying homework or classwork from another student, the internet, or any source that is not their own.
- Sharing homework or any of your own original work with another student, unless the teacher has explicitly stated that collaboration is allowed. [All assignments are independent unless otherwise specified by the teacher.]

Level 2

- Sharing specific questions or answers verbally or in writing about quizzes and tests.
- Cheating on tests and quizzes through various methods, such as using unauthorized sources, looking at someone else's paper, using cell phones.
- Plagiarism - taking information from any source and not properly attributing that source. This can be on any assignment, essay, open-ended questions, research papers, etc.

Level 3

- Obtaining and/or distributing copies of tests and quizzes by any means in or out of school.

For ANY offense an IN PERSON meeting will be held with the student, teachers, guidance and parents.

Penalties will include Saturday suspensions and loss of parking privileges, loss of credit, exclusion from Honor Society and mandatory counseling.

I would encourage all board members to review this work.

The new guidelines were presented by a teacher, supervisor and the Principal at the start of the year and have been very well received by the faculty.

Report from the Education Committee Meeting
Robert Morrison, Chair
September 6, 2018

LGBTQ Literature

Mr. Aquavia presented a summary of the book selection process as follows:

Formed committee of six experienced teachers (Jana Battiloro, Roy Bumiller, Sean DiGiovanna, Laura Goodson, Courtney Griffith, and Jeff Wasserman).

The charge for this committee was to recommend additional works of LGBTQ literature for a unit of study in the grade 12 English curriculum.

July 17th: first meeting at high school to establish the charge and determine criteria for selection.

The criteria for selecting and evaluating books are as follows:

1. Complex, fully-realized LGBTQ characters
2. Stylistic complexity (promotes emotional as well as intellectual engagement)
3. Relevance of themes to students' lives and to the grade 12 English curriculum.

Mr. Aquavia provided several titles and invited teachers to propose additional titles. They also consulted New York Public Library Rainbow Reading List for Teens, LGBTQ resources provided by consultant Caroline Dadas, and the American Library Association's Top 250 LGBTQ Books for Teens.

19 books were selected and reviewed by committee

On Monday, August 13th: Follow up meeting to discuss recommendations. Two works emerged as most fitting for English 4 curriculum to be included with *Fun Home*:

We Are Okay Nina La Cour
Speak No Evil Uzo-dinma E-we-ala

Mr. Aquavia then provided a summary of the two books selected for inclusion in the unit.

Mr. Aquavia then provided the following overview of how our teachers will approach teaching the revised unit where students select from 3 books.

Presenting the books in class:

- Unit to be taught during second semester
- If parent says "My child will not read this book," we will honor that.

The Language Arts Department will:

- Revise unit of study to include all texts - no longer a unit focused only on *Fun Home*
- Provide reviews of each novel to facilitate student choice; present each book as valuable and worthwhile, without privileging one title over another.

Report from the Education Committee Meeting
Robert Morrison, Chair
September 6, 2018

- Plan unit around structured, small group discussion of chosen novels. (There is a precedent for this work in senior English.)
- Dr. Dadas is scheduled to provide additional professional development (October 2018) for teachers of seniors focused on particulars of this unit.

To avoid the issue of students clustering to one book the faculty will:

- Invite students to indicate first and second choice of novel for the unit.
- Review requests prior to start of unit.
- Coordinate with students, perhaps by moving to second requests, to build groups focused on novels of first or second choice.
- With shorter novels like these, students sometimes read more than one novel for the unit.

Communications: If the suggested change to the curriculum is approved by the board at the next meeting the following will occur:

- Back-to-School night, outline process for teaching a unit with three titles.
- Outline procedure for communicating with teacher if parent wishes to make inquiries

Mr. Aquavia lastly provided an overview of the committee's decision to keep the graphic novel *Fun Home* as an option and not to introduce the play version.

Lisa Kron - author of *Fun Home* acting edition, a script for a musical adaptation of Alison Bechdel's novel - acknowledges a limitation of this form of the novel:

"Theater can't show you a person's inner life; it can only show you behavior. Activities like thinking, feeling, drawing, or remembering can only be shown on a stage if they are externalized."

Of course this inability to render a character's inner life does not disqualify theatrical scripts as texts worthy of classroom study - we read several plays as part of the instructional core.

The Department chose *Fun Home* largely because of the richness of the inner life its central figure portrays - and because of the stylistic complexity and rich intertextual design of the novel.

One point Mr. Aquavia made clear: This is not a unit to teach about LGBTQ it is a unit to teach literature.

The majority of the education committee supports the administration's recommendation.

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.:

Civil Action

-vs-

CERTIFICATION OF
JUDITH REISMAN, Ph. D.

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY GRIF-
FITH, ELIZABETH JEWETT, MARY
ELLEN PHELAN, and JOHN DOES 1-10
and JANE DOES 1-10 (SUCH NAMES
BEING FICTITIOUS)

Defendants.

I, Judith Reisman, Ph. D. hereby certify as follows:

1. I have been asked to render an opinion about the harmful effects of the contested comic book, "Fun Home" which I have reviewed. Attached as Exhibit A is a true and accurate copy of my curriculum vitae. (See Exhibit A.)
2. I am submitting this Certification in support of Plaintiffs' Order to Show Cause to compel Defendants to remove the book from their curriculum because it is harmful to the children and it is obscene material as defined by the New Jersey Criminal Code. Attached as Exhibit B is a copy of my preliminary report. (See Exhibit

port sets forth the harmful effects of the book *Fun Home: A Family Tragicomic*. For purposes of this Order to Show Cause, it is my opinion within a reasonable degree of certainty that the book *Fun Home: A Family Tragicomic* contains obscene material as defined by New Jersey Statute and, further, is harmful to children.

3. Specifically, the effect of cartoons such as those in the graphic *Fun Home* are more dangerous to children than a narrative treatment which would require at least a modicum of verbal literacy--thinking. The comic book exposes the child's undeveloped brain to sexually traumatic stimuli wrapped in a "humor" that can be life-altering. Such trauma has caused immeasurable (having not been measured), probable irreparable injury to the 75 students forced to consume the comic content and others threatened with imminent exposure. Defendants who hold themselves out as pedagogical experts in child development and education would be aware that this is an "adult" book unlisted in the reading indexes for children's literature. Indeed, libraries commonly shelve it in the adult section. Hence, Defendants must have a strong pedagogical justification for ignoring universal "harmful to minors" laws, meant to protect youths from the dangers of obscene material on young brains and behaviors. Defendants should be stopped immediately from the recklessly abusive action of assigning these humor cartoons to additional experimental children where they can do further radicalizing harm.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: April 30, 2019

Justin A. Korman, Ph.D.

**CERTIFICATION OF FACSIMILE SIGNATURE IN ACCORDANCE WITH
RULE 1:4-4(c)**

I, Demetrios K. Stratis, hereby certify that the affiant of the attached certification has acknowledged the genuineness of the signature and that the document with the original signature will be filed if requested by the court.

Dated: 4-30-19

By: 

DEMETRIOS K. STRATIS, ESQ.

EXHIBIT A

Curriculum Vitae of Judith A. Reisman, Ph.D.
Judith A. Reisman, Ph.D.
Liberty University School of Law
1971 University Ave.
Lynchburg, VA 24502
(434) 592-3091
jreisman@liberty.edu

AUTHOR: BOOK PUBLICATIONS

Stolen Honor Stolen Innocence, Liberty Counsel, 2013

Sexual Sabotage, WND Books, Washington DC, 2010

Kinsey, Crimes & Consequences, The Institute for Media Education, Crestwood, KY, 1998, 2000, 2003, 2011

Partner Solicitation Language as a Reflection of Male Sexual Orientation, with Charles B. Johnson, Ph.D., The Institute For Media Education, Arlington Virginia, 1995

Soft Porn Plays Hardball, Huntington House, Lafayette, LA, 1991

Kinsey, Sex and Fraud, Judith Reisman et al., Huntington House, Lafayette, LA, 1990

Images of Children, Crime and Violence in Playboy, Penthouse, and Hustler
US Dep. Justice Grant No. 84-JN-AX-K007, 1986, 1987, 1989, 1990
[DoJ website citation](#) (link opens new window)

EDUCATION

Ph.D. 1980 in Communications, Case Western Reserve University
M.A. 1976 in Communications, Case Western Reserve University

ACADEMIC POSITIONS

- Director, Child Protection Institute (now Reisman Institute), Liberty University School of Law, 2015-current
- Research Professor, Liberty University School of Law, 2015-current
- Visiting Professor of Law, Liberty University School of Law, 2011-2015
- Adjunct faculty, George Mason University, 1990
- Research Full Professor, The American University, 1983-85
- Asst./Assoc. Prof., (Martze) University of Haifa, Israel, 1981-83

PARTIAL LIST OF INCLUSIONS/CITATIONS TO RESEARCH AND FINDINGS IN BOOKS AND OTHER PUBLICATIONS:

- Savage, M., (2005) *Liberalism is a Mental Disorder*, Nashville, Tennessee, Nelson Current. Savage's criticism of Kinsey's use of fraudulent data and sex crimes against children to launch the sexual revolution
- Kupelian, D., (2005) *The Marketing of EVIL*, Nashville, Tennessee, WND Books, The citation of Reisman's findings of Kinsey's fraudulent data and sex crimes against children launched a bizarre and aborted faculty attack on Ohio State University Reference librarian, Scott Savage, April-May 2006--as of this writing Mr. Savage is contemplating defamation litigation.
- Brinkman, S., (2004) *The Kinsey Corruption: An Expose*, Catholic Standard and Times, Ascension Press, West Chester PA (book based on Reisman's findings)
- Wagner, T., (2003) *Back to the Drawing Board*, "The Kinsey Culture: Sex on Demand, Abortion on Demand," South Bend, St. Augustine's Press (chapter)
- Kastleman, M. (2001) *Internet Pornography: The Drug of the New Millennium*, Orem, UT, Granite Pub. (Foreword, citation)
- Jones, E. Michael (2000) *Libido Dominandi: Sexual Liberation and Political Control*, South Bend IN: St. Augustine's Press (citation)
- Ericksen, J. and Steffen, S., *Kiss and Tell: Surveying Sex in the Twentieth Century*, Cambridge, Harvard University Press, 1999 (citation)
- Jones, E. Michael (1993) *Degenerate Moderns: Modernity as Rationalized Sexual Misbehavior*, San Francisco, CA, Ignatius (citation)
- Chalfant, J. (1999) *Abandonment Theology: The Clergy and the Decline of American Christianity*, Winter Park, FL (citation)
- Mack, D. (1997) *The Assault on Parenthood* Simon and Schuster, (citation)
- Brennen, W. (1995) *Dehumanizing the Vulnerable*, Loyola University Press (citation)
- Zillmann, D. (1994) *Media, Children and The Family*, NJ: Erlbaum (JAR article)
- Ruggiero, V.R. (1994) *Warning, Nonsense is Destroying America*, Nashville: Nelson (citation)
- Wolinsky, M. (1993) *Gays and the Military*, Princeton University Press: Princeton, NJ: Judge Gasch's ruling and the *Lancet* cite to Dr. Reisman on Kinsey's fraud.
- Hattermer, B. (1993) *Don't Touch That Dial*, Lafayette, LA: Huntington House (JAR article)
- Trento, S. (1992) *The Power House*, NYC: The New Press (citation)
- Kincaid, C. (1992) *The Playboy Foundation*, Washington DC: Capital Research Center (citation)
- Bolton, R. (1992) *Cultural Wars*, NYC: The New Press (JAR article)
- Osaka, F. (1989) *Source Book of Pornography*, MA: Lexington (citation)
- Zimbardo, P. (1988) *Psychology and Life*, MA: Scott, Foreman (citation)
- Mawyer, M. (1987) *Silent Shame*. Westchester, IL: Crossways (citation)
- Burgess, A. (1986) *Sexual Exploitation of Patients*, NYC: Garland (JAR article)
- McCuen, E. (1985) *Pornography and Sexual Violence*, WI: Gem (JAR article)
- Lederer, Laura (1981) *Take Back the Night*, NYC: Bantam (JAR article/interview)
- Skirball Museum (1974) *A Walk Through the Past*, CA: Hebrew Union College (JAR epic poem)

GUEST LECTURER

- Liberty University
- Princeton University
- Georgetown University
- American University
- University of Jerusalem
- University of Haifa
- Rutherford Institute
- Texas Woman's University
- Clarkson College
- Notre Dame University
- University of Kentucky
- Pepperdine University
- Council for National Policy
- Human Life International
- Johns Hopkins University Medical School
- Tel Aviv University
- Accuracy in Academic
- Accuracy in Media
- Concerned Women for America
- Rutherford Institute
- The Abstinence Clearinghouse
- American Society of Criminology
- North Carolina Psychiatric Association
- Israeli Army Air Force Academy, Israel
- International Assoc. of Police Women
- Criminal Division/Executive US Attorney
- NOVA, NCASA, CCAVE, NCTV, NET...
- Federal Bureau of Investigation
- Vice and Police Organizations
- Child Protection Organizations
- United States Air Force Academy, Colorado
- etc.

EXPERT WITNESS: COURT, MILITARY, CIVIC HEARINGS

- Expert Witness: Senate Hearing on "The Science Behind Pornography Addiction" Science, Technology and Space Committee, November 18, 2004
- Invited Paper: HR 3300: The Military Honor & Decency Act (Pornography Law) May 1996
- Invited Paper: South Africa Film and Publications Bill of 1995 (Pornography Law) 1995
- Briefed: Selected Lansing Michigan Legislators (Pornography Law) May 1994
- Briefed: Kirkland & Ellis (Re: Oral Argument, United States v. Knox) April 1994
- Briefed: Australian Parliament Standing Committee on Social Issues (Media Effects) 1992, 1994

- Invited Paper: Ontario Human rights Commission (Pornography Effects) 1993
- Invited Paper: Senate Committee on Armed Services (Homosexuality) July 1993
- Briefed: Army Chief of Staff Gordon Sullivan, Senator Malcolm Wallop (Homosexuality in the Military) December 1993 Invited Paper,
- Testimony: Presidential Commission on the Assignment of Women in the Armed Forces 1992
- Briefed: Inspector General Roland Griffith (Homosexuality) December 1993
- Expert Research Younger et al., v. Stroh (Federal Court Sex Harassment) 1992
- Testified: Australian Parliament, Senate Select Committee (X & R Rated Effects) April 1992
- Invited Paper: Office of US Surgeon General (Mass Media Harms) March 1992
- Testified: State of Georgia Senate Ed Committee (Kinsey-Sex Ed Curriculum) February 1992
- Testified: Hamilton County Prosecutor's Office: OH (Mapplethorpe Trial) August & October 1990
- Testified: City Council; Newport News, VA (Nude Dancing & Public Order) June 1986
- Invited Paper: US Attorney General Commission on Pornography: NYC (Effects) January 1986
- Testified: US Attorney General Commission on Pornography; Miami (Effects) November 1985
- Invited Paper: US Attorney general Task Force, Domestic Violence: DC (Effects) August 1985
- Testified: Michigan State Senate Juvenile Justice, Corrections: MI (Effects) October 1980

SELECTED GRANTS/POSITIONS

- Bureau of Justice Assistance, US Department of Justice: Grant Reviewer, "Reducing Community Gun Violence" 2002
- Bureau of Justice Assistance, US Department of Justice: Grant Reviewer, Evaluation of Child Protection Proposals, 1991
- HHS: Administrator for Children, Youth, and Families: Grant Reviewer 1991
- Eastern Division Vice Investigators Association: Inservice Trainer 1987-89
- HHS Dept. of Substance Abuse Prevention: Research Paper 1989
- Skaggs Foundation: Visual Literacy Training Grant 1987-89
- Department of Education: "Drug Free Schools" Grant Reviewer 1987
- Department of Education: "Drug Free Videos" Grant Reviewer 1985
- Georgetown Pediatrics Department: Inservice Training Seminars Grand Rounds 1984
- FBI Academy: Erotica/Pornography Effects: Inservice Training Seminar/Video 1983
- OJJDP Missing Children - Serial Murder Task Force: Inservice Trainer 1983-85
- DoJ Office of Juvenile Justice: Principal Investigator, Pornography, Media Research 1983-94
- Israel Science Ministry Department of Sex Education: Kinsey and Inservice trainer, Media 1980-83
- Scholastics Magazine, NYC: Art & Education Writer, Producer 1970-80
- Milwaukee Public Museum: Art/Anthropology Television Writer, Producer 1970s
- Cleveland Museum of Art: Art/Head Start, Education Videos/Captain Kangaroo 1970s

- Los Angeles Skirball Museum: History/Archeology Educational Videos 1966-81
- Captain Kangaroo CBSTV: Segment Producer, Performance Artist 1976-1982

PAST/PRESENT ADVISORY BOARD MEMBER

Science Adviser, California Protective Parents Association

Science Adviser, Education Task Force, Subcommittee on Science Fraud in the Classroom, for The American Legislative Exchange Council (ALEC)

Founder, Institute of Media Education and the Family, Israel

Bereaved Parents Association (Juvenile autoerotic deaths), AZ

Paul & Lisa, Inc. (Child prostitute rescue organization), CT

Accuracy in Academia, Washington, D.C.

SELECTED JOURNAL ARTICLES

- *Liberty University Law Review*, 2018, *Materials Deemed Harmful to Minors are Welcomed into Classrooms and Libraries via Education "Obscenity Exemptions,"* co-authored with Mary E. McAlister.
- *Journal of Law & Social Deviance*, 2018, *The "Cosmo Girl" Invades Middle Schools: Grooming Girls for Disease and Depression*, co-authored with Mary E. McAlister.
- *Thurgood Marshall School of Law Journal on Gender, Race and Justice*, 2016, *Nearly 60 Years After His Death, Alfred Kinsey's Pansexual Worldview Takes Root in Marriage Decisions*, co-authored with Mary E. McAlister.
- *Ave Maria International Law Journal* 2012, *B4U-Act'S 2011 Symposium On Pedophilia, Minor-Attracted Persons And The DSM*, co-authored with Geoffrey B. Strickland.
- *Ave Maria International Law Journal* 2012, *Global Sex Deviance Advocacy: The Trojan Horse to Destroy The Family and Civil Society*, a report on UNESCO and International Planned Parenthood Federation, co-authored with Mary E. McAlister and Paul E. Rondeau.
- *Regent University Law Review* 2002
- *International Journal of Politics, Culture, and Society*, (Netherlands) 1992 (cite)
- *The Journal of Human Sexuality* (Lewis & Stanley) 1996
- *Law & Justice: The Christian Law Review* (UK) 1995
- *Collected Papers from the National Association for Research & Therapy of Homosexuality Conference* (NARTH) July 1995
- *Ethnology and Sociobiology* (USA) 1984
- *New Universities Quarterly: Culture, Education, and Society* (UK) 1981
- *Journal of Educational Thought and Practice in Collective Settlements* (Israel) 1983
- *New York University Review of Law and Social Change* (USA) 1978-79
- *Women Speaking* (UK) July-September 1978
- "A Walk Through the Past," Los Angeles Skirball Museum, (Hebrew Union College) 1974

PAST/PRESENT SELECTED MEMBERSHIPS

- Distinguished Senior Fellow, The Inter-American Institute
- Women in Neuroscience
- The American Statistical Association
- The Society for the Advancement of Sexual Health
- Western Society of Criminology
- National Association of Scholars
- National Council on Family Relations
- American Public Health Association
- The New York Academy of Sciences
- The International Communication Associations
- The National Black Child Development Institute Research
- Council on Ethnopsychology
- The Society for the Scientific Study of Sex
- American Society of Composers, Authors and Publishers
- The World Association of Infant Psychiatry & Allied Disciplines
- American Association for the Advancement of Science
- National Association for Research & Therapy of Homosexuality (Fellow)

MEDIA/PRESS CITATIONS AND APPEARANCES

- *Ted Baehr Movieguide*
- *The American Spectator*
- *The Weekly Standard*
- *Fidelity - The Australian*
- *The London Times*
- *TIME*
- *New Dimensions*
- *The Los Angeles Times*
- *Reader's Digest, April 1997*
- *The Lancet (British Medical Journal)*
- *International German Medical tribune - Science*
- *The Scientist*
- *Archives of Sexual Behavior*
- *The (British Physicians) Quarterly*
- *Newsweek*
- *700 Club, CBN NBC, ABC, CBS, PBS,*
- *The Washington Post*
- *The National Review, May 19, 1997 "Cover Story"*
- *German Arts Television*
- *Dutch Television - Faith Daniels (NBC)*
- *Entertainment Tonight*
- *O'Reilly - Jenny Jones*
- *BBC, Great Britain*
- *The Washington Times*

- *Larry King Live*
- *Donahue*
- *The Today Show*
- *People are Talking*
- *Sally Jesse Raphael*
- *Crier & Crier*
- *Crossfire, CNN*
- *The Princeton Peninsula*
- *The New York Times*
- *D. James Kennedy*

SELECTED MEDIA CO-AWARDS

Learning Magazine, Best Filmstrip of Year, w/ Scholastics 1981-82

US Industrial Film Festival Gold Camera w/ Scholastics 1982

Dukane Award Outstanding Creative Sound Films w/ Scholastics 1982

US Industrial Film Festival Silver Camera w/ Scholastics 1982

ACT Award Children Music w/CBSTV Captain Kangaroo 1976-79

1st Place Local PSA/TV series w/ Jewish Family Service Assoc. 1974

SELECTED PAST/PRESENT HONORS

"Guardian of the Light Award" The Lighted Candle Society, 2006

"Research Award" The Abstinece Clearinghouse, 2005

"Protector of Children" Citizens for Families, 2005

Nomination by the US Dpt of Defense Inspector General, 2003 (link opens new window)

Interview at Awards ceremony with *BrotherWatch*, 2003 (link opens new window)

"Save Our Children Scientist Of The Year For 1993," The Save Our Children National Alliance

- Who's Who in Science and Engineering
- The World Who's Who of Women
- Who's Who of American Women
- International Who's Who in Education
- International Who's Who in Sexology
- Two Thousand Notable Americans
- International Book of Honor

EXHIBIT B

REPORT OF JUDITH A. REISMAN, PhD

“FUN HOME: A GRAPHIC NOVEL”

Table of Contents

REPORT OF JUDITH A. REISMAN, PhD..... 1

BACKGROUND..... 2

A Forensic Analysis Of “Fun Home: A Graphic Novel.” 4

 “Educators” Force Children to Witness Harmful Visions of Inter Alia, Autopsy of Male Corpse w/Huge
 Phallus, Oral Sodomy, Masturbatory Acts, Other Obscene Materials..... 4

Abstract..... 5

Preliminary Definition of Terms Detailed In Appendix A 5

“Fun Home” “Pilot Study” Questions 7

The School Institution Requires Procedures & Informed Consent..... 8

Special Protections for Children as Research Subjects HHS.gov..... 8

So Many Questions but No Answers..... 9

 Kinsey: Children Are Sexual at Birth, Sex Is Fluid & Spawns Sex Ed Field..... 10

“Fun Home” A Hidden Agenda in Text Readability Targeting Ages 8-9 12

Reflecting on Another’s Mind..... 13

The Protect Act Includes Cartoons--as Child Pornography..... 14

 Cartoons/Humor a Historic, Affective/Information Delivery Systems 14

The Research Backstory 15

Decades of Cartoons Have Been Used to Groom Adults & Children 17

It’s Perfectly Normal: Changing Bodies, Growing Up, Sex, and Sexual Health 17

No Immature, Undeveloped Brain Can Give Sexual Informed Consent..... 19

Now Grown, Adult College Students Relive Unwanted Sexual Thoughts..... 20

Conclusion 21

Appendix A: Definition of Terms..... 23

Appendix B: Pornography’s Psychopharmacological Matrix..... 25

Appendix C: Children, Crime and Violence in Playboy, Penthouse and Hustler 26

Appendix D Praise: National Center for Missing & Exploited Children 27

Appendix E: Sex Crimes Post Kinsey Fraud Data & Playboy, Penthouse Hustler 28

Appendix F: TABLE 34, *Sexual Behavior in the Human Male*, p. 180 (1948) 29

Appendix G: Novels Are Daily Supported by “Sex Education” Curriculum 30

BACKGROUND

My background and experience in the fields of Pilot Studies, Science Fraud, Human Sexuality, Child Sexual Abuse, and Mass Media Effects; a list of some of my published articles, books, and book chapters are in my curriculum vitae, attached to this Declaration as Exhibit A.

My background and experience in Educational and Commercial television included years of television employment as a writer, segment producer and performance artist for The Milwaukee Public Museum, The Cleveland Museum of Art, Scholastics Magazine, ETV, NBC, CBS, ABC, Captain Kangaroo, etc.

After receiving my PhD, I conducted original research in Science Fraud, Human Sexuality, Child Sexual Abuse, and Mass Media Effects. A list of many of my published articles, books, and book chapters are described in my curriculum vitae.

I hold a Masters and a Doctorate in Communications, both from Case Western Reserve University. I am currently a Research Professor of Law at Liberty University School of Law, shortly to join the faculty as a Liberty Research Professor in the Behavioral Science. Formerly, I was Research Full Professor, The American University; later adjunct faculty of George Mason University and prior, Associate Professor "Martze" at the later University of Haifa, Israel.

I am a former consultant to four U.S. Department of Justice administrations, the U.S. Department of Education, as well as the U.S. Department of Health and Human Services with expertise in Media Forensics. Formerly, I was Associate Professor "Martze" at the University of Haifa, Israel; Research Full Professor, The American University; and was part of the adjunct faculty of George Mason University.

I am a former consultant to the 1983 FBI/DOJ "Missing Children, Serial Murder Task Force", Scientific Advisor to the California Protective Parents Association, and the American Legislative Exchange Council (ALEC) on Sex Science Fraud, which published my findings on Alfred Kinsey's criminal and fraudulent scientific data and methods, and the invalidity of subsequent academic works and policy decisions derived from him and from those who followed and used his work as legitimate science. See The ALEC Report, attached as Exhibit B.

I am a former consultant to the US Senate Committee on Commerce, Science and Transportation, providing expert testimony on The Science Behind Pornography Addiction, providing expert testimony examining brain science related to the media called pornography and its addiction and the effects of such addiction on families and communities.

The United States Department of Justice published my report on the Role of Pornography and Media Violence in Family Violence, Sexual Abuse and Exploitation, and Juvenile Delinquency, (Images of Children, Crime and Violence in Playboy, Penthouse and Hustler, 1987). Based on my hypothesis that sexual images are instantiated and can remain

embedded in memory, directing attitudes and motoric actions, a pilot study was initiated. My DoJ/OJJDP pilot study tested that hypothesis which, after several trials, training and analysis of problems, became the full study. We screened roughly 20 male and female adult coders, over age 21, to analyze sexual images in Playboy, Penthouse and Hustler (1953-1987). Those selected, survived a battery of tests to ascertain their state of mental health to assure, as much as possible, that they had healthy past and present sociosexual lives. Our study included weekly team meetings with a part time psychologist should any untoward emotions emerge, which indeed they did. All 84-JN-AX-K007 material available at NCJRS website Role of Pornography and Media Violence in Family Violence, Sexual Abuse and Exploitation, and Juvenile Delinquency, Part 1 NCJ 107147, [PDF \(24.7 MB\)](#) [NCJRS Abstract](#); Role of Pornography and Media Violence in Family Violence, Sexual Abuse and Exploitation, and Juvenile Delinquency, Part 2; NCJ 107148, [PDF \(27.1 MB\)](#) [NCJRS Abstract](#); Role of Pornography and Media Violence in Family Violence, Sexual Abuse and Exploitation, and Juvenile Delinquency, Part 3; NCJ 107149, [PDF \(16.8 MB\)](#) [NCJRS Abstract](#); Role of Pornography and Media Violence in Family Violence, Sexual Abuse and Exploitation, and Juvenile Delinquency, Part 4; NCJ 109944, [PDF \(7.5 MB\)](#) [NCJRS Abstract](#); The full report and executive summary are freely available from drjudithreisman.com.

I have lectured at American universities such as Johns Hopkins University School of Medicine, Georgetown Medical School, Princeton, Notre Dame, Pepperdine; and globally at the University of Jerusalem, University of Haifa, Tel Aviv University and the University of Croatia Medical School. Additionally, I lectured at Rutherford Institute, the Council for National Policy, the Federal Bureau of Investigation, and the Israeli Air Force, the United States Air Force Academy, among many other institutions.

I have been cited by or appeared on a lengthy list of media sources: The London Times, Time Magazine, The Los Angeles Times, Newsweek, Washington Post, Washington Times, Entertainment Tonight, Larry King Live, Donahue, The Today Show, Crossfire, The New York Times, Ted Baehr's Movieguide, and many more.

I have earned honors including listings in "Who's Who in Science and Engineering," "Who's Who of American Women," International "Who's Who in Education," "The World's Who's Who of Women," "Who's Who in Sexology," and others.

I have authored many books and articles and have been cited in numerous scholarly works. Among my published works are; *Stolen Honor, Stolen Innocence*, 2013; *Sexual Sabotage*, 2010; *Kinsey: Crime and Consequences*, 1998 and 2000; *Soft Porn Plays Hardball*, 1991; and *Kinsey, Sex and Fraud*, 1990.

I have been an expert witness in many court, military, and civic hearings concerning child pornography, child custody, pornography, homosexuality, sexual harassment, and media issues. My works have been referenced in lower court decisions, and in the following United States Supreme Court cases: *Oakes v. Massachusetts*, 491 U.S. 576 (1989) and *Osborne v. Ohio* 495 U.S. 103 (1990). One relevant lower court case was Phillip Greaves, *Pedophile's Guide to Love and Pleasure* (2011). Internationally, in 1994, The Netherlands, I won a lawsuit against *Playboy Magazine* charging slander for my claim that *Playboy* systematically published child pornography. My scholarly works have also been the impetus behind the proposed child protection legislation HR

2749 (Washington, D.C., 1995), *The Child Protection and Ethics in Education Act*.

In addition to the numerous books and scholarly articles that I have written and the extensive education I have received in the United States, I have also participated in numerous international training seminars occurring all over the world in places including the Philippines, the Vatican, Austria, Ireland, Israel, Switzerland, and Croatia.

In Croatia, as a direct result of my documentation of the fraudulent research of Alfred Kinsey, on May 22, 2013, Croatia's Supreme Court - the "Croatian Constitutional Court" abolished the Health Education Curriculum, which took effect in February 2013, and ordered that until the adoption of a new curriculum, mandated that Health Education be taught according to the curriculum that had been in force before the start of the 2013 school year. The court assessed the constitutionality of the Kinsey-based curriculum and Education Minister Zeljko Jovanovic's decision to introduce it. Even though only the curriculum's Module 4, which dealt with sexual and gender equality and sexually responsible behavior was disputed, the Constitutional Court approved the abolition of the entire curriculum because the disputed points related to the entire document. In speaking for the Court, Judge Mato Arlovic said that "In this case, the government has not fulfilled its procedural constitutional obligation to align the Health Education Curriculum in state schools with constitutional law and parental freedom to choose education for their children," The curriculum was in violation of the Croatian Constitution, the Education Act, the Family Act and international conventions such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child.¹

A Forensic Analysis Of "Fun Home: A Graphic Novel."

"Educators" Force Children to Witness Harmful Visions of Inter Alia, Autopsy of Male Corpse
w/Huge Phallus, Oral Sodomy, Masturbatory Acts, Other Obscene Materials

It is my professional opinion, that the effect of the graphic *Fun Home* is more dangerous to children than a narrative treatment which would require at least a modicum of verbal literacy--thinking. The comic book exposes the child's undeveloped brain to sexually traumatic stimuli that can be life-altering. Such trauma has caused immeasurable harm, one does not "see" at the moment, to at least some if not all of the 75 students forced to consume the graphic content and others threatened with imminent exposure. The book contains obscene material as defined by New Jersey Statutes and further, is harmful to the Students given the dangers of obscene material on young brains and behaviors. Defendants should be stopped immediately from distributing these materials before further harm is done.

Abstract

The VERIFIED COMPLAINT FOR DECLARATIVE AND INJUNCTIVE RELIEF, included the statements below which I will refer to throughout my declaration:

Plaintiffs bring this claim seeking to stop Defendants Watchung Hills Regional High School Board of Education (hereinafter “WHRHS Board” or “Board of Education”) from violating the criminal statutes of New Jersey by permitting and causing to be distributed to minors under the age of 18, materials that are obscene and pornographic The [comic] book was originally approved by the WHRHS Board as required 12th grade reading in November of 2017, when all the school curriculum was approved. At that point, (75) students were selected to read the [comic] book, "Fun Home: A Family Tragicomic" by Alison Bechdel *as part of a pilot program*.

Based on the definition of “pilot program” these 75 children were a test group “in advance of a planned project” of exposure to the larger group of school children. The effect of cartoons such as those in the graphic *Fun Home* are more dangerous to children than a narrative book treatment which requires a modicum of verbal literacy—thinking. The *comic book* exposes the child’s undeveloped brain to sexually traumatic stimuli wrapped in visual macabre, ghoulish sexual stimuli, as “Fun Home” that can be permanent and life-altering. Such trauma has caused immeasurable (can never be measured), unsolicited injury to some or all of the 75 students forced to consume the visual lurid content Defendants who hold themselves out as pedagogical experts in child development and education would be aware that this cadaverous comic is an “adult” comic unlisted in the reading indexes for children’s literature and commonly shelved in the adult section. Indeed, Defendants must have a strong pedagogical justification for ignoring universal “harmful to minors” laws, meant to protect youths from the dangers of obscene material on young brains and behaviors. Defendants should have this material embargoed immediately. Defendants should desist from the recklessly abusive action of assigning these cartoons to additional numbers of experimental children where they can do further radicalizing harm. *Nor should the Defendants be permitted to offer other GLBTQUI+ or similar sexualized books to captive children as Defendants are herein documented as irrational ideologues indifferently exposing school children to obscenity and pornography.*

Preliminary Definition of Terms Detailed In Appendix A

Before entering into the discussion of pornography and obscenity a/effects in this declaration we should note the way brain, mind and memory are used in this monograph. The issue of obscenity harms, especially for those under 18 recognized as “minors” or “children” concerns itself with the emotional (biochemical) responses to pornographic stimuli as these are supranormal in a/effect. For children, unable to give informed consent, pornographic material are psychopharmacologically subversive.

Brain: Dr. Richard Restak defined the brain as “The part of the central nervous system that is contained within the skull. The rest of the central nervous system can be found in the spinal cord.”

Mind: In *The Mind*, Restak explains “Brain and mind are intertwined, that without the brain the mind could not exist, and that the mind evolves in tandem with the brain.... When the healthy mind is stimulated, the brain flourishes.... Mind puts meaning and purpose into our lives. Mind is conscious awareness and unconscious processes operating together to provide each of us with a world view.” So, as with the “Fun Home” comic book, the child’s mind interprets the visual sex scenes stored in their immature brains to help create a world view.

Memory: is “the mental faculty of retaining and recalling past experience, (or biologically, the persistent modification of behavior resulting from an animal’s experience).” The “Fun Home” will be retained and recalled in memory, even when the child chooses not to recall these intrusive stimuli.

Pornography: originally the drawing or “writing of prostitutes” still applicable. Pornography is also defined here as voyeurism, as the viewing of intimate, at-risk, private space behaviors displayed in public space forums. Oral sodomy (private) seen in a comic (public); media, film, television, video games, music videos, theater, dance, pop or fine “art,” novels, poems, cartoons, illustrations, telephone, Internet sites and the like. These, by their nature are high excitatory transmitter stimuli which overwhelm rational left (logic, risk avoidant, reality) hemisphere thinking.

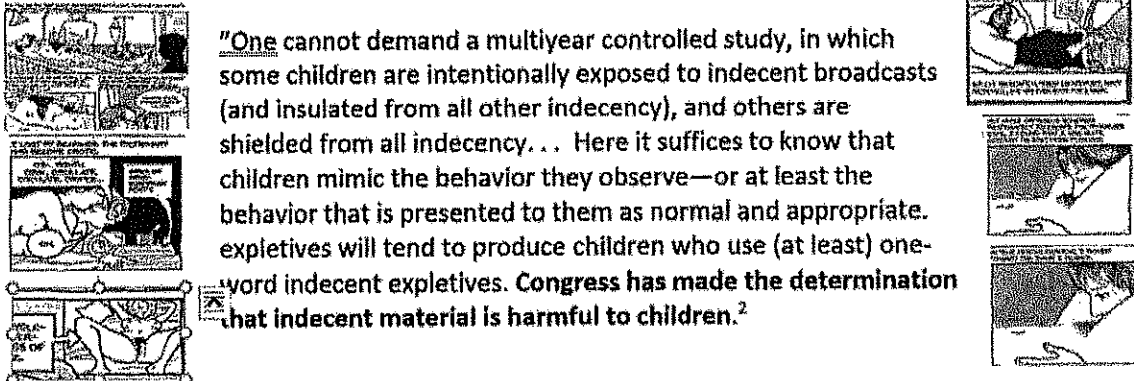
Comic book: “*Noun*, a magazine with one or more comic strips.”

Pilot Program: (aka: Pilot Study) “A small study conducted in advance of a planned project, specifically to test aspects of the research design (such as stimulus material) and to allow necessary adjustment before final commitment to the design.¹

¹ **About the AQR Glossary:** This glossary is compiled and maintained by the Association for Qualitative Research, the foremost authority on qualitative practice, training and innovation, and the global hub of qualitative thinking.

“Fun Home” “Pilot Study” Questions

“LeDoux was the first to work out neural pathways for *feelings that bypass the neocortex*,” the seat of rational thought.²



“One cannot demand a multiyear controlled study, in which some children are intentionally exposed to indecent broadcasts (and insulated from all other indecency), and others are shielded from all indecency. . . Here it suffices to know that children mimic the behavior they observe—or at least the behavior that is presented to them as normal and appropriate. Expletives will tend to produce children who use (at least) one-word indecent expletives. Congress has made the determination that indecent material is harmful to children.”²

Above are six unelided thumbnail obscenity excerpts from the “Fun Home” which LeDoux explains stirs “feelings” that override rationality. Normally, sex stimulation proceeds down the spinal cord into targeted genital organs (pp. 44, 81, 159, 206, 213). These images and texts are obscene/illegal for the 75 children selected as ‘experimental subjects’ in a “pilot study” Forced to view sado-sexual stimuli, children cannot “unsee” these neurochemically, instantiated images.

Justice Antonin Scalia (dec.) delivered the opinion of the Court, except as to Part III–E.

There are some propositions for which scant empirical evidence can be marshaled, and the harmful effect of broadcast profanity on children is one of them. One cannot demand a multiyear controlled study, in which some children are intentionally exposed to indecent broadcasts (and insulated from all other indecency), and others are shielded from all indecency....Here it suffices to know that children mimic the behavior they observe—or at least the behavior that is presented to them as normal and appropriate. Programming replete with one-word indecent expletives will tend to produce children who use (at least) one-word indecent expletives. Congress has made the determination that indecent material is harmful to children, and has left enforcement of the ban to the Commission. If enforcement had to be supported by empirical data, the ban would effectively be a nullity....government’s interest in the ‘well-being of its youth’ ... justified the regulation of otherwise protected expression.” Federal law prohibits the broadcasting of “any ... indecent ... language...which includes expletives referring to sexual or excretory activity or organs.” see *FCC v. Pacifica Foundation*, 438 U. S. 726 (1978)

² Daniel Goleman and Richard Davidson, Ed, *Consciousness: Brain, States of Awareness, and Mysticism*. 1979; see Galin at 22, A.R. Lauria at 10. Emphasis added. “[P]rocesses of excitation taking place in the waking cortex obey a *law of strength*, according to which every strong (or biologically significant) stimulus evokes a strong response, while every weak stimulus evokes a weak response.”

As Justice Scalia noted above, “children mimic the behavior they observe... presented to them as normal and appropriate.” This “pilot study” appears, on its face, to be a “study, in which some [75] children are intentionally exposed to indecent material,” exactly what the US Supremes rejected (April 28, 2009). Hence, we expect to see the hypothesis of the Defendants and their predictions of what

“mimicking” outcomes resulted from this experimental “pilot study” imposed on 75 selected minor subjects; to which no experimental subject could give informed consent.

Magazine Issue		No. Discrepancies	No. Cartoon x Required Answers
March	1971	16	185
June	1971	23	269
January	1973	24	148
February	1973	16	148
April	1973	24	148
September	1973	38	222
October	1973	16	74
March	1975	12	111
September	1979	21	185
		195	1,480

At left is a report of some details from the pilot study results for “*Images of Children, Crime and*

Violence in Playboy, Penthouse and Hustler (1987)” discussed shortly. As is standard in any pilot study each instrument went through large and small revisions in the course of its development. Exposing children to “Fun Home” should have required pre and post tests for responses of each of the 75 children; except that the entire project constituted child sex abuse.

The School Institution Requires Procedures & Informed Consent

Most pedagogical institutions have strict requirements for human subject research, “overseen by... IRB....to ensure the rights and welfare of human subjects are protected during their participation.” The following is required of any human experimental study, especially of minors, by any Institutional Review Board (IRB). The US Supreme Court and Congress already made clear that some images are “harmful to minors”.

An institutional review board (IRB), also known as an independent ethics committee (IEC), ethical review board (ERB), or research ethics board (REB), is a type of committee used in research in the United States that has been formally designated to approve, monitor, and review biomedical and behavioral research involving humans.

Special Protections for Children as Research Subjects HHS.gov

By regulatory definition, children are persons who have not attained the legal age for consent law considers any person under 18 years old to be a child. ...IRB also must consider the potential benefits, risks, and discomforts of the research to children and assess the justification for their inclusion in the research....health status, age, and ability to understand what is involved in the research-as well as potential benefits to subjects, other children with the same disease or condition, or society as a whole....[T]he risk is justified by the anticipated benefits to the subjects....and adequate provisions are made for soliciting the assent of the children and the permission of their parents or guardians....The research will be conducted in accordance with sound ethical principles.

Did the Defendants, who hold themselves out as educational experts and pedagogues fulfill the protections for these 75 children as outlined above by excerpts from the issue noted by Health and Human Services? Answers are easily found regarding Defendants ethics or abuses. Several algorithms suggest themselves.

E.g., were these children asked or told they must read “Fun Home-A Graphic Novel”. Were they screened before the experiment? Once chosen, what did these Defendants predict would occur to the children, and in what percentages of the 75 conscripted children? Were the children screened for early sex abuse, such images potentially triggering PSD? For health, for cutting, which indicates the same. For home trauma? Or, death of their loved ones? Did predictions differ for boys and girls, by race, by religion or lack thereof? For several of the genders perhaps? What did the Defendants predict would be learned from “Fun Home”? Did this “pilot study” yield statistical test scores on learning from these storied images? All should be available for review. Were these and other questions part of the “pilot study” proposal and results published for independent analysis?

What were the stated aims of the “pilot study”? Was it to find more acceptance of oral sex by all genders or just by females? Were the children tested before and after on their readiness to display themselves nude; legs open for others to view, share, distribute, photograph, comment upon, evaluate, laugh at, judge? Did the graphic “readers” express more or less acceptance, before or after these displays, of pornography? Did the Defendants question any changed views of sex work?

So Many Questions but No Answers

Did the children express their greater comfort with their body images? Was this one of the aims of picturing for them, of how to pose thusly, arms up, behind the head, looking straight ahead at strange viewers? Or, the value of positioning one’s head between a girl’s legs to sniff or lick her vaginal area? Or, did they, (percentages by gender) express greater acceptance of intimate graphic conduct (e.g., how to lick a naked girl’s ear)? Or, statistically, did the Defendant pedagogues wish to relax attitudes toward masturbation by urging the activity in association with reading at the same time? Were the children expected to estimate penis size after death to lessen dissection fears? (Recall for years “death education” was popular in schools--including Columbine—experimenting on “the minds and souls of the millions of children who are subjected to it.”)

What was the pedagogical aim in forcing the consumption of this graphic cartoon book? Was there debriefing of group or of individual students? And, was individual debriefing carried out by Defendants of both or more genders with the same-like gender student balance to offset any sexual loading bias? Children report headaches, guilt, confusion, shame, fitful “sleep,” fear, anger, vomiting, etc., following sexual exposure. Juvenile sexual crimes have of course been reported mimicking viewed sex activity. This was the key reason for my assignment by DoJ to produce, *Images of Children, Crime and Violence in Playboy, Penthouse and Hustler* (1987). And, such mimicking is confirmed by former Surgeon General Everett Koop, and by John Rabun of The National Center of Missing and Abducted Children, Inter Alia.

Kinsey: Children Are Sexual at Birth, Sex Is Fluid & Spawns Sex Ed Field

As the “LGBT History Month” attest, “Alfred Kinsey is known as the father of sexology. His groundbreaking and controversial research on human sexuality profoundly influenced social and cultural values.”³ Certainly among the most profound changes and influences birthed by Kinsey is the sex education “field” which is still dominated by the Sexuality Information and Education Council of the United States (SIECUS), founded in 1964 and which drew its sex “science” from information contained in Kinsey’s original data on human sexuality.⁴ The “groundbreaking and controversial research” touted by the founders of LGBT History Month was *Sexual Behavior in the Human Male* released in 1948 and *Sexual Behavior in the Human Female* released in 1953.⁵ Among the revolutionary ideas launched by the books, and still permeating academia today, are that children are sexual from birth and that sexuality is fluid. This has been the foundation of the LGBTQUI+ texts and novels in schools of which “Fun Home” is one example.

Hidden in plain sight amid 840 pages of fraudulent statistics and pseudo-scientific discussion in Kinsey’s *Male* book are tables 30-34,⁶ documenting his team’s systematic sex abuse of infants and children as young as two months old for “orgasm.” As the following excerpt from *Human Sexuality: An Encyclopedia*, (1994) demonstrates, Kinsey’s mantra that “children are sexual from birth” is a recurring theme:

Kinsey reported that one seven-month-old infant and five infants under age one were observed masturbating . . . Kinsey, reporting on stimulation to orgasm in nine male infants under age one, found that the response involved a series of gradual physiological . . . Further, Kinsey reported that 32 percent of boys two to 12 months old were able to reach climax. One boy of 11 months had ten climaxes in an hour and another of the same age had 14 climaxes in 38 minutes.⁷

In 1955, Yale’s Dr. Lawrence Kubie, praised Kinsey’s “conclusion” about infant sexuality as a major scientific breakthrough: “If . . . Dr. Kinsey and his coworkers [do] no more than present us with incontrovertible statistics concerning the incidence of manifest infantile sexuality . . . it will be a major contribution to our understanding of human development and culture.”⁸ Ernest Lockridge provides empirical evidence of key elites who secretly shaped repudiation of these moorings for their own.

³ See LGBT History Month, October: 31 days, 31 icons: Alfred Kinsey, sex researcher, <http://lgbthistorymonth.com/alfred-kinsey>.

⁴ Claire Chambers, THE SIECUS CIRCLE, 12, 38-39 (Western Islands, 1977).

⁵ Alfred Kinsey *et al.*, SEXUAL BEHAVIOR IN THE HUMAN MALE, (W. B. Saunders 1948); Alfred Kinsey *et al.*, SEXUAL BEHAVIOR IN THE HUMAN FEMALE, (W. B. Saunders 1954).

⁶ *Male*, at 175-80. Table 34 is included as Appendix A.

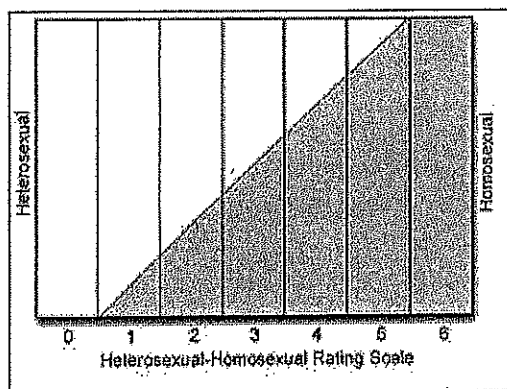
⁷ Vern Bullough and Bonnie Bullough (eds), HUMAN SEXUALITY: AN ENCYCLOPEDIA (Garland Publishing Company, 1994). https://www.ipce.info/booksreborn/martinson/articles/1994_children.html

⁸ Reisman *et al.*, KINSEY, SEX AND FRAUD, (1991), citing SEXUAL BEHAVIOR IN AMERICAN SOCIETY: AN APPRAISAL OF THE FIRST TWO KINSEY REPORTS, 291 (Himeloch and Fava [eds.] 1955)

On January 1, 1948, Professor Alfred C. Kinsey...came out with *Sexual Behavior in the Human Male*...which topped the best-seller list for nonfiction simultaneously with *Raintree County* topping the list for fiction ... A published novelist...I bring to my memoir ...a novelist's vision of the intricate, poisonous web of cause-and-effect that ultimately trapped my father and asphyxiated him...My story is concretely and personally grounded in the culture of the time—e.g., the Kinsey Institute, and the Hollywood of Elizabeth Taylor, Montgomery Clift, Eva Marie Saint, and others connected with the making of the motion-picture version of *Raintree County*...Wardell Baxter Pomeroy, Alfred C. Kinsey's colorful right-hand man, was our Bloomington, Indiana neighbor, and as a child playing with the Pomeroy children I was privy to certain "peculiarities" of cultural significance that shed light on my father's place in history.⁹

Lockridge reports that, "Kinsey, himself a closeted homosexual and self-mutilating masochist, would have granted Ross Sr. high standing among pedophiles..." Lockridge addresses the "badgering" (bullying) by the "sexpert" Pomeroy to get the boy to talk about sex:

"Wardell Pomeroy, Ph.D., resided across the road from us ...where I hobnobbed with his three kids [and witnessed] Dr. Pomeroy's apelike nakedness. A coarse blanket of hair draped his genitalia as he padded about....We little playmates enjoyed a jolly old time...."Hey Ern! Mom and Dad are having sexual intercourse! Wanna watch?!" Dr. Pomeroy explained to me how "couples" were soon to be observed, filmed and "electrically measured through the glass while engaging in acts of sexual intercourse."¹⁰ The Kinsey Report" is fiction in science-drag."



Another radical breakthrough in Kinsey's reports was his creation of the infamous Kinsey Scale, used worldwide today to validate the notion that 10 to 37 percent of men have homosexual experiences at some time in their lives and that sexuality is fluid.¹¹ He drew a diagonal seven-point "scale" to represent a man's sexual behavior during his life.

Zero denotes solely heterosexual and six denotes solely homosexual.¹² Homosexual experiences included any same-sex "contact," including in dreams, fantasies, even rape during a drunk or drugged sleep.¹³ The male "subjects" described in the scale included the infants and toddlers whose rapes were recorded in Tables 30-34, (Appendix F) and who would therefore be labeled as at least somewhat homosexual due

⁹ Ernest Lockridge, *SKELETON KEY TO THE SUICIDE OF MY FATHER, ROSS LOCKRIDGE, JR.* AUTHOR OF *RAINTREE COUNTY*. Global Enterprises. Kindle Edition.

¹⁰ *Id.*

¹¹ Kinsey *MALE*, 436-41.

¹² *Id.*

¹³ *Id.*

to their “contacts” with their abusers.¹⁴ As discussed *infra*, the Kinsey Scale is widely featured in the growing plethora of novels written on “GLBTQ youth.”

Kinsey also sought to normalize all manner of sexual activity, much of which is demonstrated in “Fun Home” calling activities such as vaginal intercourse, oral and anal sodomy, animal “contacts” and masturbation as equally acceptable “outlets” for sexual expression.¹⁵ With regard to masturbation, he criticized what he termed America’s national narrow-mindedness. Kinsey correctly represented that during the 1940s and 50s, autoerotic activity was seriously frowned upon. However, he falsely claimed that self-stimulation was harmless and never obsessive, faithfully repeated in modern sex education and in the current images.¹⁶ Kinsey wrote:

The physician . . . may lecture before the local high school on the dangers of masturbation . . . [claiming it] is likely to lead to all sorts of nervous disorders and neurotic disturbances . . . Such physicians may imply that they have scientific authority for these opinions, when in actuality they are merely verbalizing the standards of the social level in which they were raised.¹⁷

Yet Kinsey himself refuted his claims for he was an obsessive, violent masturbator who was frequently seen engaging in masochistic masturbation.¹⁸ He had brutalized his sexual organs to such an extent that he contracted orchitis, a disease involving painful swelling of the testicles, believed to have contributed to his untimely death.¹⁹

“Fun Home” A Hidden Agenda in Text Readability Targeting Ages 8-9

“Capturing the imagination of adolescents is no easy task...the job of a teacher becomes doubly hard when they confront adolescents with something as passive as a book.” Sara Hutchinson says attract young readers; “Let’s Write About Sex – YA fiction as a means of learning about sexuality.” Whose “sexuality”? To what end? How and why pornographic comic strips for children? One needs no English to experience sexual arousal to YA pornography, apparently the pedagogical aim.

In 1975 Judy Blume’s “*Forever...allows* [teens] to read them-selves into the...sexual experience.” Blume wrote “explicit sexuality...for a generation of teenagers.” “The Secret Source: Sexually Explicit Young Adult Literature as an Information Source” wants to immerse youth in sexually explicit stories. In “Queering Sex Education: Young Adult Literature with LGBT Content as Complementary Sources of Sex and Sexuality Education,” the author wants “queer” sex stories to “fill the gap in sex education classes regarding queer sexuality.” “[E]xplicit sexuality [will] combat homophobia by explor[ing] sexuality in all its forms...especially queer sexuality...considered deviant.” Sexy stories give “young people” new ideas. In Discourse of Desire, Fine argues, more sex equals more LGBTQI acceptance.

¹⁴ *Id.*

¹⁵ *Id.* at 678.

¹⁶ *Id.* at 197-516.

¹⁷ *Id.* at 437.

¹⁸ James H. Jones, ALFRED KINSEY A PUBLIC/PRIVATE LIFE, 609-11 (W.W. Norton 1997).

¹⁹ *Id.* at 739-41

This preliminary peek at the direction of YA “literature” would exploit or ignore data on classroom averages of 1 in 4 girls and 1 in 6 boys who are currently or who have been sex victims.²⁰ Additionally, children commonly deal with other dramatic issues; divorce, family illness, a parent’s job loss, economic tragedy, and multiple other forms of trauma. Yet in this “literature” children under 18²¹ are tasked to mentally and emotionally imagine their father’s suicide and even his possible pederasty. They are pedagogically expected to inhabit one of the characters most fitting to their image. Girls will uneasily imagine being one of the heroic lesbians in oral sodomy, in masturbation, showing contempt for religion, and interest in the large phallus, and the man undergoing dissection with “you” as father’s helper. Boys have a similar identification dilemma when feeling their way through “Fun Home”. Macabre death underpins sexual scenes and, as the authors above argued, embracing the experiences of LGBTQ. Were these issues included in the pilot test?

Although this cartoon picture book is allegedly mandated for 12th graders, a readability assessment of pages 12-13 of “Fun Home” using multiple readability instruments, identifies children 8-9 years old, 3rd through 4th grade would find the comic; “fairly easy to read.” The cartooning, as primitive as some may find it, adds to its “readability”. What is the contribution of these cartoons to its emotional impact?

1. **Flesch-Kincaid Grade Level:** 5.8
Grade level: Sixth Grade.
2. **The SMOG Index:** 6.6
Grade level: Seventh Grade
3. **Automated Readability Index:** 4.5
Grade level: 8-9 yrs. old (Fourth and Fifth graders)
4. **Linsear Write Formula :** 5.6
Grade level: Sixth Grade.

Reflecting on Another’s Mind

“When you see me perform an action -- such as picking up a baseball -- you automatically simulate the action in your own brain,” said Dr. Marco Iacoboni, a neuroscientist at the University of California, Los Angeles, who studies mirror neurons. “Circuits in your brain, which we do not yet entirely understand, inhibit you from moving while you simulate,” he said. “But you understand my action because you have in your brain a template for that action based on your own movements”
“Mirror neurons are powerfully activated by pornography, several scientists said. For example, when a man watches another man have sexual intercourse with a woman, the observer’s mirror neurons spring into action. The vicarious thrill of watching sex, it turns out, is not so vicarious after all.”²²

So graphic neurological factoids lead to the “Grooming” template, the FBI warns against, commonly a major part of what is mislabeled as “sex education”.

²⁰ https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf.

²¹ In 47 states, the age of majority—at which a person has the legal rights and responsibilities of an adult—is 18.

²² Sandra Blakesleejan, “Cells That Read Minds,” *The New York Times*, Jan. 10, 2006.

- Demonstrate sex acts to children. Offenders commonly use pornography to teach or give instructions to naive children about how to masturbate, perform oral sex and/or engage in sexual intercourse.
- Lower the sexual inhibitions of children. ...it is all right to have sex with an adult because lots of other boys and girls do the same thing.
- Desensitize children to sex....before they are naturally curious...
- Sexually arouse children. Offenders commonly use pornographic images of other children to arouse victims, particularly those in adolescence. Desensitizing to the sexual acts, convincing them that the behavior is acceptable And Fun.²³

The Protect Act Includes Cartoons--as Child Pornography

18 USCA § 1466A (a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1466 the following: “§ 1466A. Obscene visual representations of the sexual abuse of children “(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—“(1)(A) depicts a minor engaging in sexually explicit conduct; and “(B) is obscene;”²⁴

Including cartoons in the definition of child pornography properly recognizes the power that cartoon images have on the brain as was confirmed by my Department of Justice funded research grant.

Cartoons/Humor a Historic, Affective/Information Delivery Systems



Clearly cartoons trigger conduct seen in the backlash (conduct) against The New York Times for its antisemitic cartoon. *"A political cartoon....depicting the prime minister of Israel as a guide dog with a Star of David collar leading the president of the United States, shown wearing a skullcap. The image was offensive, and it was an error of judgment to publish it."*

This hate Trump-Jews-Israel “cartoon” like “Fun Home” is its author’s propaganda. No evidence exists that the April 27 shooting of Jews at prayer in San Diego was “ignited” or abetted by this April

²³ Michael Heimbach, Criminal Investigative Division, Crimes Against Children Unit Federal Bureau of Investigation Before the United States Senate, Subcommittee on Crime, Terrorism, and Homeland Security, Washington, DC, May 01, 2002.

²⁴ “(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and “(B) lacks serious literary, artistic, political, or scientific value; or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction. “(b) ADDITIONAL OFFENSES—any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—“(1)(A) depicts a minor engaging in sexually explicit conduct; and “(B) is obscene; or “(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and “(B) lacks serious literary, artistic, political, or scientific value; or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction. <https://www.govinfo.gov/content/pkg/PLAW-108publ21/html/PLAW-108publ21.htm>

27 antisemitic attack by our American Newspaper of Record. However, my experience as Principal Investigator of: *Images of Children, Crime and Violence in Playboy, Penthouse, and Hustler* (Grant No. 84-JN-AX-KOO7, Office of Juvenile Justice and Delinquency Prevention, Dept of Justice) afforded me extensive experience in decoding cartoon imagery. I draw from that \$800,000.00, two-year study for this current cartoon media analysis.

The Research Backstory

Scholarly investigations of the cartoon as a powerful and influential form of expression can be traced at least as early as the 1930s with the works of Schaffer (1930) and Johnson (1937). Scores of scholars have since entered this field of study, each contributing to the dialogue from a range of disciplinary perspectives (e.g., Bogardus, 1945; Bryant, Gula, and Zillmann, 1980; Gombrich, 1980; Harrison, 1981; Ryan and Schwartz, 1956; Saenger, 1955). The importance of cartoons was adroitly summarized by Harrison:

By most standards-social, psychological, economic, political, or artistic-the cartoon is a unique force in modern society. And it seems to be growing in importance. European scholars have long studied the cartoon....They see it as....shap[ing] a society's perceptions. But in America, where the art of cartooning has flourished as perhaps nowhere else in the world, cartoons have not been studied until recently. Now, however, growing attention is focused on this form of communication in courses on popular culture, the mass media, and a range of classes across the humanities, arts, and social sciences.

The cartoon, according to Harrison, is "communication to the quick." It is fast, lively, and penetrating. It grabs the reader on the run (Johnson, 1937). Both Harrison's and Johnson's observations regarding the immediacy of cartoon reception are supported by the work of Ryan and Schwartz (1956). They found that among the four modes of graphic representation-photographs, line drawings, shaded drawings, and cartoons-cartoons are seen, processed, and remembered "in the shortest time" (p. 69).

During World War II the Allies circulated countless thousands of propaganda cartoons ridiculing our Axis enemies. Simultaneously, Germany, Japan, and Italy circulated countless thousands of cartoons ridiculing the Allies. The general and scholarly literatures are replete with such cross-cultural examples of nationalistic, racist, and sexist cartoon humor.'

Because of its power to depict feelings, the cartoon makes a wide appeal-wider, for instance, than the editorial, with its reflection of opinions and ideas ... but its possibilities in this connection have scarcely been dreamed (pp. 143-147). Bryant, Zillmann, and Brown (1983) observed that, for children, "visual attention is greatly facilitated by humor and special effects. Some child advocates argue that the interest children show in cartoons may contribute in some measure to the effect of certain cartoons on children's self-identity and their opinion of others. [Thus, the research on] erotic/pornographic cartoons which may now reach children or which may have reached children over the past several decades.

With this in mind, the "Spiderman" comic book format was chosen by expert educators and child development specialists to help teach children, nationwide, appropriate safety via child/adult sexual attitudes and interactions with the boy Spiderman being show "sexy" magazine in order to molest him (NCP A, 1984). Our project asked therefore, how do cartoons in Playboy, Penthouse, and Hustler graphically demonstrate adult/child sexual attitudes and interactions? What have they been "teaching" children about sexual behavior?

If one form of sex cartoon teaches children about appropriate sex behavior, what do erotic/pornographic cartoons teach children and what have they taught children about sex for the past several decades? Even adults never seem too old to appreciate ideas and humor propagated through cartoons. In fact, Playboy and Penthouse adult readers commonly rate cartoon pictorials as favored features (Stauffer and Frost, 1976, *The Penthouse Reader*, 1981, p. 31).

In discussing cartoon research, Robinson noted that research on newspaper comic reading from 1939 to 1950 found the comics the highest read material in these papers (White and Abel, 1963, p. 180). Children discussed "situations, content, and comic characters with friends at school" (p. 182). Not surprisingly, comics appear to be a "lifelong source of pleasure" and memory (p. 185). The appeal to children "lies 'in the pleasure and humor that the comics provide" (p. 187).

These observations contrast starkly with current difficulties for children and with the treatment of children found in erotic/pornographic cartoons since 1954. Along this line George Newton Gordon pointed to the cartoonist as feeling freer than others to depict what he wishes, and to truly reveal his own reality or "self-image" (p. 160). However, while the cartoonist may be truthful about himself or herself, the child in the cartoon will be perceived by some as a kind of truth about children. Bogardus argued that some readers may identify with certain comic characters, others are drawn to them for other reasons, deriving "different gratifications from the same strips" (p. 238) but that to children, the cartoon characters appear to be real and alive. "Even some adult readers invest these characters with a high degree of reality ... speaking of them as though they, in fact, existed" (1945, p. 238).

Writing in "Sweet Madness," William Fry addresses the meaning of communication: "To be strictly accurate, one would say that communication theory concerns all that by which a nervous system might be influenced ... (Fry, 1963, p. 44).

Mass media communication serves as a vast and extensive information delivery system ostensibly influencing the receiver's "nervous system." The express purpose of mass media is to relay messages from a given "sender" to one or more "receivers" (e.g., Schramm, 1973). We found sex cartoons inevitably produce disturbing genital, or arousal feelings the child cannot articulate or understand. As noted, even adults appreciate cartoons. Below, both Playboy and Penthouse adult users favor cartoons over nude pictorials.²⁵ Not surprisingly, comics appear to be a "lifelong source of pleasure" and memory (p. 185).

²⁵ Stauffer and Frost, 1976, *The Penthouse Reader*, 1981, p. 31.

Decades of Cartoons Have Been Used to Groom Adults & Children

A hypothesis suggested by the literature would be that images of nude children when seen by juvenile or adult readers-could provoke unwarranted mental associational images of "sex" with mental images of younger sisters or other children and daughters. Dr. Wambolt and Negley address the incest potential in these images. A cartoon activity had to be depicted graphically as occurring or just occurred/about to occur, discussed, or implied in the cartoon. A visual activity could be depicted as occurring or just occurred/about to occur, implied in the visual itself, or implied in the surrounding pages of text referring to the visual. In the latter case it could be said that the surrounding text of a photograph tended to serve a similar function served by the cartoon caption. (p. 69)

Planned Parenthood distributed "*You've Changed the Combination!!!*" to secondary level schoolchildren. It is illustrated by nude, *Playboy*-like, abnormally large-bosomed women towering over small, wimpy nude males absent sex organs. The cartoon booklet recommended children have sex—with their "friends" plural. It equated virginity with prostitution for some girls were virgins until marriage. There is no question that these materials have been used to "groom" children into sex abuse.

Your parents do not want you to be a homosexual, so they begin to focus you on girls sexually about the time you hit puberty.²⁶ By the time most girls are through high school, their abilities and minds are permanently warped.²⁷ Sex is best between friends. Not quickest, just best. Ask anyone who knows.²⁸ There are only two basic kinds of sex: sex with victims and sex without. Sex with victims is always wrong. Sex without is always right.²⁹

"Do you want a warm body? Buy one. That's right. There are women who have freely chosen that business, buy one.... Do you want a virgin to marry? Buy one. There are girls in that business too. Marriage is the price you'll pay, and you'll get the virgin. Very temporarily."³⁰

It's Perfectly Normal: Changing Bodies, Growing Up, Sex, and Sexual Health

That was 1974 in junior high. Now children beginning at age 10, are exposed to cartoon images of naked children masturbating and naked adults having sex in *It's Perfectly Normal*.³¹ Widely promoted by SIECUS, Planned Parenthood, library associations and educational organizations, the book was originally published in 1994. In its 10th anniversary edition the author reported that the book was available in 21 languages.³²

²⁶ *You've Changed the Combination*, Rocky Mountain Planned Parenthood Publications, 1974, . at 5.

²⁷ *Id.* at 7.

²⁸ *Id.* at 9.

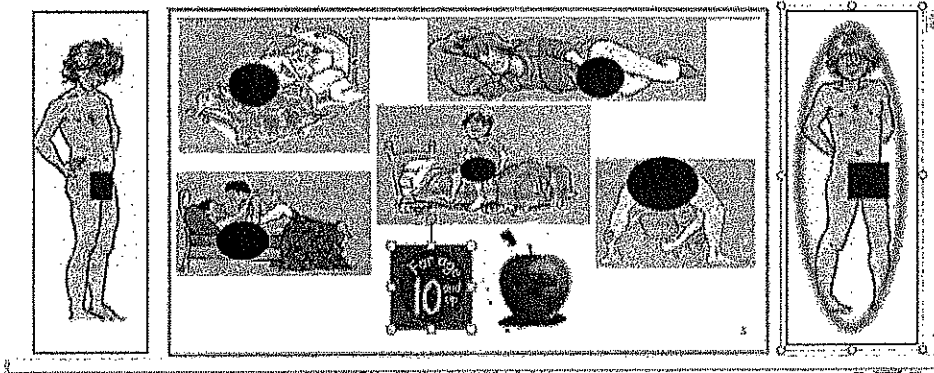
²⁹ *Id.* at 10.

³⁰ Judith Reisman, *KINSEY: CRIMES & CONSEQUENCES*, at 177

³¹ Robie Harris, *IT'S PERFECTLY NORMAL CHANGING BODIES, GROWING UP, SEX & SEXUAL HEALTH*, (Candlewick Press 2004).

³² *Id.*

With an abundance of cartoon drawings such as the ones below, which are sanitized here but not in the children's book, the material in the book is easily accessible to young children, who will learn that the male and female sex organs now include the anus, all clearly identified for them. They are instructed in masturbation and homosexuality all "perfectly normal," and various forms of birth control.³³



The text and illustrations are considered by zealous "sex educators" to be "developmentally appropriate programmatic instruction" for ages 10 and up.³⁴ This cartoon-filled book fits the FBI definition of grooming by pedophiles. Remember? "Grooming: lower the sexual inhibitions . . . indicating that it is all right to have sex . . . Then "demonstrate sex acts to children . . . pornography . . . how to masturbate, perform oral sex and/or engage in sexual intercourse . . . indicating that is all right to have sex with an adult because other boys and girls do the same . . . Sexually arouse children."³⁵ The Defendants holding themselves out as experts, are hardly naïve innocents.

Another resource for sex education teachers is *Education for Sexuality and HIV/AIDS: Curriculum and Teaching Strategies*.³⁶ In the 1993 edition, its authors boast that it is the "most widely used human sexuality education book in the world for more than twenty years."



Touted as an "evidence-based program," the book emphasizes the details of reproduction and sexual response, with detailed drawings of male and female genitalia in various stages of sexual arousal.³⁷ It also encourage early stimulation for children, with a Kindergarten to third grade project of naming body parts, in which the authors suggest that teachers have the children fill out the "parts" on a large outline of a man's body. (see left). First, she is to put the heart in the place it belongs, then the lungs, etc., for a total of six body parts. The text explains the next step:

³³ *Id.*

³⁴ The book was awarded Best Book of the Year by the School Library Journal and a Notable book by the American Library Association, *id.*

³⁵ Hearing on *Ashcroft v. Free Speech Coal.*, 535 U.S. 234 (2002) before the United States Senate, Subcommittee on Crime, Terrorism, and Homeland Security, May 1, 2002 (Testimony of Michael Heimbach, Criminal Investigative Division, Crimes Against Children Unit, FBI), <http://www.fbi.gov/news/testimony/supreme-courts-child-pornography-decision>.

³⁶ Linda Meeks, Philip Heit & John Burt, *EDUCATION FOR SEXUALITY AND HIV/AIDS: CURRICULUM AND TEACHING STRATEGIES* (Meeks Heit Publishing, 1993).

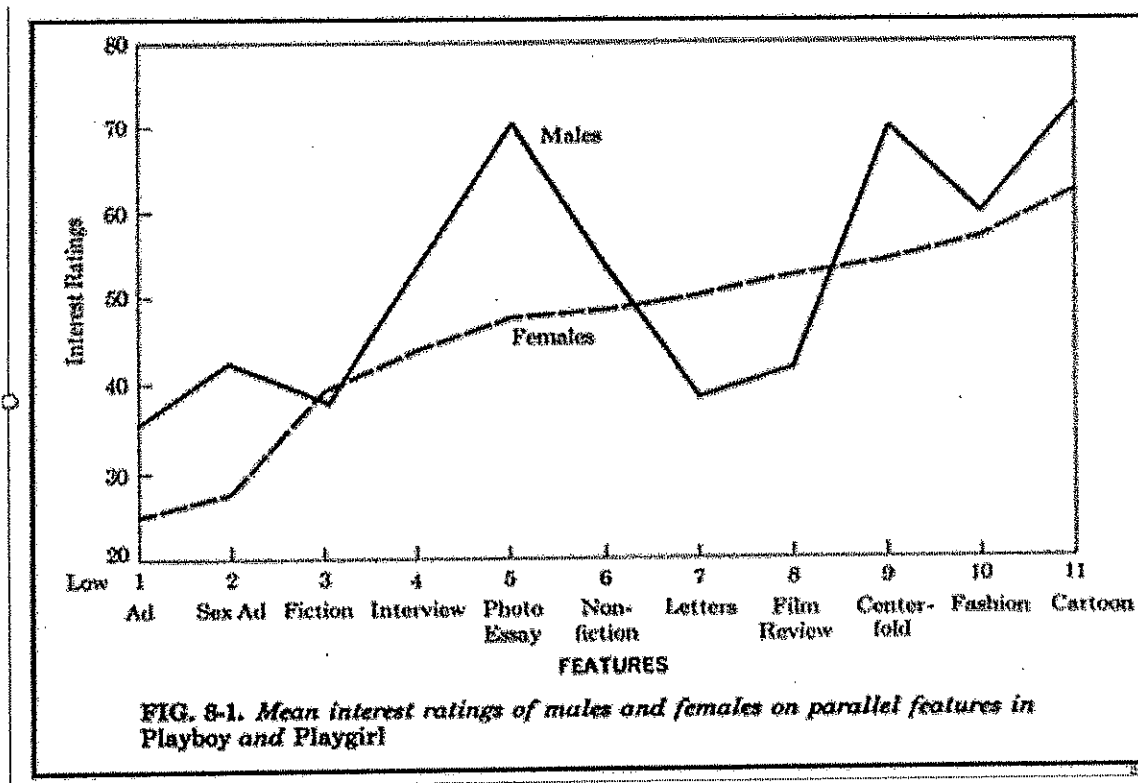
³⁷ *Id.* Figures 4-1 to 4-9.

*"At this point, you can introduce the term penis. Tell the class that a boy has a body part called a penis. Explain that the urethra runs through the inside of the penis. When a boy uses the bathroom to urinate, the urine flows through the urethra inside the penis. The penis hangs between a boy's legs. Finally the child places the penis where it belongs."*³⁸

Figure 1: Grade 3, Finally, Place the Penis Correctly

The authors evidence no concern about the child's possible shame, embarrassment at participating in such a "sexual" activity, or her/his sense of having been tricked into doing something she/he sensed was "wrong" or unwise. Nor do the sex educator-authors consider that the selected child might now or earlier have suffered sex abuse, and may be traumatized by publicly doing what she/he was tricked into, or forced to do, in reality. Nor did the Defendants, Watchung Hills Regional High School Board of Education (hereinafter "WHRHS Board" or "Board of Education") assure that none of the 75 children had damaging memories they would not like to have awakened. Defendants would have been so desensitized, to regard sexuality as just another "lesson," that they could conduct this unmonitored sex experiment.

No Immature, Undeveloped Brain Can Give Sexual Informed Consent



The pedagogical value of such "sex education" cartoons is less than obvious. However, this is not the place to document their role in subsequent juvenile dysfunction.

³⁸ *Id.* at 276.

The Defendants chose to ignore the fact that viewing “objectionable materials” was once diagnosed as pathological, like “peeping,” and the voluntary display of one’s sexual organs, similarly diagnosed as “exhibitionism”. We have reason to suggest this is still the case. Burgess (1984) and Keating (1970) have documented popular pornographic magazines under study as directly implicated in cases of sexual entrapment of children by both adult and juvenile offenders. As a member of the Missing/Abducted Children and Serial Murder Tracking and Prevention Task Force for the Office of Juvenile Justice and Delinquency Prevention and the National Institute of Justice Missing Children, this principal investigator attended lectures by Federal Bureau of Investigation (FBI) and police representatives, who corroborate claims of the use or the presence of Playboy, Penthouse, and Hustler and other forms of erotica media in recruitment of children into child pornography and prostitution (Battaglia, 1983; Burgess, 1984; Keating, 1970; Lanning, 1984; Linedecker, 1981).

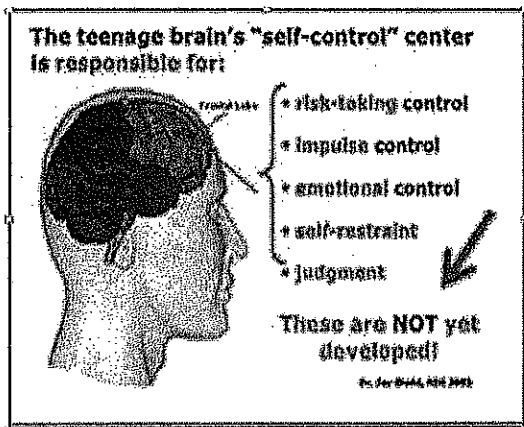
Indeed, Burgess and Clark (1984) have documented that "adult pornography" was shown to 62 percent of the children entrapped in groups of child sex rings (p. 78). It is perhaps stating the obvious that while we do not, as yet, understand the many complex responses of individuals to erotica/pornography, millions of adults and youths who use the materials have been arrested daily for child sexual abuse directly related to their use. See Handrahan, EPIDEMIC, America's Trade in Child Rape (2018).

The problem of child sex abuse and its cover-up is real. A generation of American children are being destroyed....America's appetite for child pornography puts all our children at risk. Your children and mine. Whether you acknowledge it or not. This book is a wake-up call about a subject too few people want to discuss. That is, while no one was watching, America has become a child pornography nation.

Alisa Jordheim, in Made in the U.S.A.: The Sex Trafficking of America’s Children (2014) wrote the book to alert the public to “how American children are taken captive and often coerced to remain in a lifestyle of commercial sexual exploitation.” Obviously both the sex trafficking on children and child pornography build the public acceptance of children as sexual beings, as advocated by Dr. Alfred Kinsey in *Sexual Behavior in The Human Male* (1948) and *Sexual Behavior in The Human Female* (1953). The campaign to push back child sex traffic would do well to look at how children are being taught about sex in our nation’s schools.

Now Grown, Adult College Students Relive Unwanted Sexual Thoughts

Today’s adult and juvenile sexual abuse of children is a reflection of their influences as children. The Defendants should study Dr. Jay Giedd’s model of the undeveloped brain. Giedd, Chief of Brain Imaging at the Child Psychiatric Branch, National Institutes of Health, developed the teenage brain “self-control” center chart at left in 2003. Giedd’s research demonstrates the fallacy of concepts such as “mature minors” and, “informed consent” used to justify exposing child subjects to sexually explicit images in schools, libraries and the media. There is no evidence that a child or teen can process sexually oriented text as mere pedagogical “education,” as opposed to stimulation.\



The apparent pedagogical excuse for sex explicit images for children was provided by Lena Levine, "Psychosocial Development," *Parenthood News*, Summer in 1953, at 10. Revealing amazing hubris, as a savior she wrote:

"Our alternative solution is to be ready as educators and parents to help young people obtain sex satisfaction before marriage, we will prevent fear and guilt. ... and we must be ready to provide young boys and girls with the best contraception measures available so they will have the necessary means to

achieve sexual satisfaction without having to risk possible pregnancy."

Trained in our schools and libraries from primary school to focus on sex of various kinds, it comes as a kind of shock to read the graph at left. Are the Defendants suffering from such intrusive thoughts as well?

342 Sexual Intrusive Thoughts

Table 1. Rank Ordered Percentage of Respondents Reporting Each Sexual Intrusive Thought.

	Men			Women		
	n	%	Rank	n	%	Rank
Having sex in a public place	39	87	1	61	55	1
Having sex w/ld authority figure	36	62	3	56	51	2
People around me being naked	36	63	2	49	44	4
Being sexually victimized	20	35	13	50	45	3
Saying something upsetting to partner during sex	26	46	6	43	39	6
"Disgusting" acts involving genitals	21	36	11	47	42	5
Kissing authority figure	25	43	7	40	36	7
Authority figure being naked	31	53	4	33	30	8
Any other disgusting sexual act	23	40	8	33	30	8
Doing something during sex, upsetting to partner	27	47	5	25	23	13
Sexual act against my religion	22	38	9	27	24	12
"Disgusting" act of intercourse	18	31	14	29	26	10
Forcing adult to have sex with me	22	38	9	24	22	15
Sexual act with "taboo" other	18	31	14	21	19	16
Sexual act with "disgusting" other	21	36	11	26	23	13
Sexual acts against sexual preference	11	19	17	28	25	11
Indecently exposing myself	14	24	16	15	14	17
Sexual act with child or minor	11	19	17	8	7	19
Masturbating in a public place	11	18	18	12	11	18
Sex with animal/nonhuman object	4	7	20	6	5	20
Any of above thoughts	51	88		90	81	

Note. N = 111 women and 58 men.

The 1957 draft of

the Model Penal code saw a cleverly worded, "obscenity exemption" for "institutions and libraries among other agencies. Slowly, working behind the scenes change agents would bring these K-12 "obscenity exemptions" into all but a few American states. Thus, obscenity indoctrination, like "Fun Home" could be viewed as "sex education." However, New Jersey does not have this malevolent "obscenity exemption." Despite Byers et. al., (1998) data that a substantial number of adults have unwanted, intrusive sexual thoughts (which would have led to serious sex crimes as well as less violent results) sexuality "educators" like the Defendants continue to "help" children by premature exposure to sex themes and images of hetero and LGBTQI+.³⁹

Conclusion

Over the past decades, sexual child abuse has been well researched. As noted, Michael O'Brien, director of the Program for Healthy Adolescent Sexual Expression (PHASE) identified as Type One of

³⁹ E. Sandra Byers, Christine Purdon and David A. Clark, *Sexual Intrusive Thoughts of College Students* The Journal of Sex Research, Vol. 35, No. 4 (Nov. 1998), pp. 359-369.

seven types of juvenile sex offenders, "The Naive Experimenter." John Rabun, Deputy Director of the National Center for Missing Children stated:


[W]e investigated 1,400 cases of suspected child exploitation. One of the things that became preeminent in what we found in these cases ... was that all, that is 100 percent of the arrested pedophiles, child pornographers, pimps ... in effect child molesters had in their possession at the time of arrest, adult pornography ranging from ... soft pornography, such as Playboy, on up to harder, such as Hustler, et cetera The scenario, usually went something like the adult presenting them pictures in decent magazines, Ladies Home Journal ... whatever. Just simply showing them pictures of children, adult women who are fully clothed ... and then progressing to something in the form or fashion of Playboy ... partial or full nudity ... up to something like Penthouse and Hustler ...133).

Dr. Burgess, in a lecture for Harvard Medical School's Continuing Education conference on Abuse and Victimization, A Life-Span Perspective, (March 21, 1986), noted that "over-the-counter" pornography is used by pedophiles to recruit and to indoctrinate child victims into sexual activities.

It is my professional opinion, as follows:

The effect of cartoons such as those in the graphic *Fun Home* are more dangerous to children than a narrative treatment which would require at least a modicum of verbal literacy--thinking. The comic book exposes the child's undeveloped brain to sexually traumatic stimuli that can be life-altering. Such trauma has caused immeasurable harm, one does not "see" at the moment, to at least some if not all of the 75 students forced to consume the graphic content and others threatened with imminent exposure. Defendants who hold themselves out as pedagogical experts in child development and education would be aware that this is an "adult" book unlisted in the reading indexes for children's literature, commonly shelved in the adult section of libraries. Hence, Defendants must have a strong pedagogical justification for ignoring universal "harmful to minors" laws, meant to protect youths from the dangers of obscene material on young brains and behaviors. Defendants should be stopped immediately from the recklessly abusive action of assigning these sexual and macabre cartoons to additional experimental children where they can do further radicalizing harm.

This analysis hopefully serves the purpose of an emergency legal action regarding the distribution of the graphic novel *Fun Home: A Graphic Novel* to additional children used as experimental "pilot study" subjects.



April 29, 2019

Appendix A: Definition of Terms

(Primary Cite: Webster's New Twentieth Century Dictionary, 1983)

A/EFFECTS: THAT WHICH CAUSES AN AFFECT ALSO EFFECTS (CHANGES) BRAIN, BEHAVIOR
ABNORMAL: IRREGULAR, VARYING FROM AN ESTABLISHED STANDARD ADDICTION
ADVERTISEMENT: A MESSAGE AIMED TO INFORM, TO GIVE NOTICE, ADVICE, ENCOURAGE BUYING
ADVERTORIALS : A TRADE TERM FOR PAID ADS DISGUISED AS NEWS, ENTERTAINMENT, ETC.
ANTHROMORPHIZE: ATTRIBUTION OF HUMAN CHARACTERISTICS TO ANIMALS & VISA VERSA
AROUSAL: TO EXCITE INTO ACTION, TO STIR UP, PUT INTO MOTION, PROVOKE, STIMULATE, AWAKEN "AT-RISK
BATTERY: ATTACK, ASSAULT WITH THE VIEW OF BEATING DOWN, ILLEGAL TOUCHING OR WITH OBJECT
BRAIN: "THE CENTRAL NERVOUS SYSTEM THAT IS CONTAINED WITHIN THE SKULL" (RESTAK)
COMMUNICATION STUDIES: THE SCIENCE AND ART OF COMMUNICATING AS A BRANCH OF STUDY
CONTENT ANALYSIS: COMMUNICATIONS METHOD TOCLASSIFY & DOCUMENT DATA IN A MESSAGE
CREDIBILITY: ENTITLED TO BELIEF OR TRUST, TRUSTWORTHY, RELIABLE, AS A PERSON
DELAYED STRESS: TRAUMA REPRESSION OF TRAUMATIC MEMORY--TIME-DELAY PRIOR DENIAL OF PAST TRAUMA
DEMOGRAPHICS: SCIENCE OF VITAL STATISTICS, AS OF BIRTH, DEATH, MARRIAGE OF POPULATIONS
ENDOGENOUS: DEVELOPING BIOCHEMICALLY FROM WITHIN, ORIGINATING INTERNALLY
EROTIC EROS/LOVE, CURRENTLY, SEXUAL IMAGES, FEELINGS, TENDING TO EXCITE SEXUAL DESIRE
EROTICIZING THE WORKPLACE SCHOOLPLACE: VISUAL SEXUAL/EROTIC/PORNOGRAPHIC IMAGES AT WORK/SCHOOL
ESTRUS: NON-HUMAN PERIODIC SEXUAL EXCITEMENT, HEAT, CHANGES IN SEX ORGANS
ETHOLOGY: THE CHARACTER AND CUSTOMS OF A PEOPLE
EXOGENOUS: DEVELOPING FROM WITHOUT, ORIGINATING EXTERNALLY
EYE: THE ORGAN OF SIGHT OR VISION
FAMILY: A FATHER &/OR A MOTHER, AND THEIR CHILDREN, GRANDCHILDREN &/OR EXTENDED KIN
GLBTQUI+ GAY, LESBIAN, BISEXUAL, TRANGENDE, QUEER, UNDECIDED, INTERSEX+ *INTER ALIA*
HARASS: TO FATIGUE TO EXCESS, TO WORRY, TORMENT
HEALTHY: PHYSICAL AND MENTAL WELL BEING AND FREEDOM FROM DISEASE.
HETEROPHILIA: CAPACITY FOR LOVE, FAITH, TRUST IN THOSE OF THE OPPOSITE GENDER
HETEROPHOBIA: EXPERIENTIAL FEAR, DISTRUST, HOSTILITY TOWARD THE OPPOSITE GENDER
HOMOPHOBIA: FEAR OF YOUR SAME SEX/SELF
HOSTILE: UNFRIENDLY, ANTAGONISTIC, AS TOWARD AN ENEMY
HOSTILE ENVIRONMENT: CREATION OF A PHYSICAL &/OR EMOTIONAL ENVIRONMENT OF HOSTILITY
LABELING THEORY: NEED FOR MENTAL ORDER, HUMANS "LABELING" EVENTS TO MAKE SENSE OF THE WORLD

LEFT HEMISPHERE: THE SLOWER BRAIN WHICH PROCESSES LANGUAGE, LOGIC, COGNITION

LOGIC: THE SCIENCE OF CORRECT REASONING, THE STUDY OF CAUSE AND EFFECT

MOP: MEASURE OF PERFORMANCE: A SYSTEMS ANALYTICAL METHOD OF EVALUATING SUCCESS CAMPAIGN

MEMORY: THE POWER OR ACT OF REMEMBERING--THE BRAIN'S STORAGE CENTER

MIND: THE SEAT OF CONSCIOUSNESS, THE INTELLECT, THE BRAIN'S TRANSLATOR

MODEL: REPRESENTATION OF REAL OR IMAGINED OBJECT; PERSON VIEWED AS IMITATION STANDARD

MORAL: DEALING WITH OR ABLE TO DISTINGUISH BETWEEN RIGHT AND WRONG CONDUCT

NEURONS: THE NERVE CELL BODY AND ITS PROCESSES

NEURO- PSYCHOLOGY: HOW THE NERVOUS SYSTEM SHAPES MENTAL AND BEHAVIORAL PROCESSES

NORMAL: CONFORMING WITH AN ACCEPTED STANDARD OR NORM, NATURAL, HEALTHY

PENIS: THE MALE ORGAN OF SEXUAL INTERCOURSE

PHONE SEX LINES: FOR PROFIT PHONE NUMBERS WHEREIN WORKERS SPEAK ABOUT SEX ACTS TO CALLERS

PILOT STUDY: PREPERATORY, PRELIMINARY, TEST PRESEARCH FOR PURPOSES OF EVALUATION AND CORRECTION.

PORNOGRAPHY: AT-RISK PRIVATE, INTIMATE SPACE BEHAVIOR IN PUBLIC SPACE FORUMS, SEE APPENDIX A

POST TRUMATIC STRESS DISORDER: DELAYED RECOGNITION OF PAST TRUMA WHICH CAUSED SUBSEQUENT DISORDERED
 CONDUCT, FROM HEADACHES AND OBESCITY TO CRIMINAL AND/OR SELF-DESTRUCTIVE ACTIVITY

PRIVATE SPACE: INTIMATE SAFE, PERSONAL, PROTECTED, INSURED PHYSICAL SPACE ("0" TO "6")

PROXEMICS: THE STUDY OF HOW HEALTHY AND UNHEALTHY ORGANISMS USE SPACE

PSYCHOGRAPHICS: CLASSIFICATION OF THE EMOTIONAL CHARACTERISTICS OF SPECIFIC POPULATIONS

PSYCHOLOGY: THE STUDY OF THE BRAIN-MIND, MENTAL PROCESSES AND FEELINGS

PSYCHOPHARMACOLOGY: HOW/WHAT CONDITIONS THE ORGANISM ENDOGENOUSLY PRODUCES MOOD ALTERING DRUGS

PUBLIC SPACE: ALL NON-PERSONAL SPACE, 25 FEET AND BEYOND, UNPROTECTED, UNSAFE, EXPOSED

REASON: EXPLANATION OF AN ACT, IDEA; ABILITY TO THINK, DRAW CONCLUSIONS, ANALYZE

REFLEXES: INVOLUNTARY ACT DUE TO THE DIRECT TRANSMISSION OF A STIMULI TO A MUSCLE OR GLAND

RIGHT HEMISPHERE: THE EMOTIONAL, CREATIVE BRAIN WHICH DOMINATES EMOTION, VISCERAL, VISUAL, MUSICAL

SOCIOBIOLOGY: THE STUDY OF BIOLOGICAL CAUSATION IN INDIVIDUAL AND SOCIAL CONDUCT

SADISM (S&M):DEGRADING AND PHYSICALLY VIOLENT ACTS IN ASSOCIATION WITH SEXUAL STIMULI, ALSO EUPHEMISTICALLY
 TERMED "B&D" "BONDAGE AND DISCIPLINE"-- "SADISM" IS USED HERE AS THE OPERATIVE TERM.

SODOMY: USE OF THE ORAL AND/OR ANAL ORIFICES FOR SEXUAL ACTIVITY (INCLUDING OBJECTS)

Appendix B: Pornography's Psychopharmacological Matrix

Obscenity Short Circuits Cognition/Choice

4 Scientific Disciplines	Primary Variables	Variable Measure	Variable Measure	OBSCENITY EFFECTS
<p><u>PROXEMICS</u></p> <p>Narrowly here: This study of how organisms use space. Obscenity is at risk private space behavior in public space for me... Use of distance and space as protection for the organism.</p>	<p>Space/Distance</p> <p>Private space 0" to 6" reserved for close, intimates, v. Public Space, 25" plus, danger of strangers, unknown, vulnerable.</p>	<p>Private Space</p> <p>Home, yard, space under ones control, secure, direct eye contact, eg. two lovers, mother & child, nudity OK, exposure OK, safe.</p>	<p>Public Space</p> <p>TV, film, circus, street, magazine, space not under control, unsafe, strangers, onerous, clothed, eye contact avoided, weapons.</p>	<p>Toxic Media</p> <p>Displays intimate "private" space conduct in unsafe public spaces, stripper, nude model, prostitute, .</p>
<p><u>ETHOLOGY</u></p> <p>Narrowly here: The study of customs & character, obscenity lies about female custom, character and physiology; defines female as non-hunter, places women, children at risk.</p>	<p>Estrus</p> <p>Nonhuman females go into "heat" with visible affectivity, other signs. Women do not go into periodic "heat", are not driven to copulate.</p>	<p>Primate Female</p> <p>Normal "heat" signals: red swollen genitalia, buttocks, mooré poses, estrus odor, eye pupil dilata, sexually solicits, copulation follows.</p>	<p>Human Female</p> <p>Normal "love" signals: smiles, breast, genitalia seen only privately, skin flush or pale, seeking permanent relations.</p>	<p>Toxic Media</p> <p>Displays women and girls as primates (estrus) in public space, creates risky, disordered conduct.</p>
<p><u>NEUROPSYCHOLOGY</u></p> <p>Narrowly here: The study of the way the two hemispheres process information. Visual data processed as "heat" to brain, mind, and memory.</p>	<p>Two Hemispheres</p> <p>The brain obeys a "law of strength" processing novel, anxiety provoking over "good, true, beautiful" pastoral. Pictures dominate.</p>	<p>Right Brain</p> <p>Elicits emotional response, triggers sex, fear, anxiety, images not text recalled</p>	<p>Left Brain</p> <p>Elicits rational plan, cognition, abstract logic, text and speech recalled, low arousal.</p>	<p>Toxic Media</p> <p>Sadossexual stimuli, estrus, sex in public, images travel "heat" to right brain, skip left cognition, violate speech.</p>
<p><u>PSYCHOPHARMACOLOGY</u></p> <p>Narrowly here: The study of excitatory & inhibition; neurotransmitters. Biochemical reactions to stimuli. SEMI reaches through brains' 100 million messages a second!</p>	<p>Neurochemistry</p> <p>Obscenity: erotic violence, triggers "flight or fight" in organism, sex/drug mix, mislabeling self-medicating "high" as sex.</p>	<p>"Flight or Fight"</p> <p>Erotic stimuli release testosterone, brain steroids, sex/aggression endorphins (morphine like chemical), glucocorticoids...</p>	<p>"Flight or Fight"</p> <p>cocaine, morphine/opioids (adrenaline), dopamine, serotonin, phenylethylamine, etc., emotional cocktail mix.</p>	<p>Toxic Media</p> <p>Obscene - fear, sex, shame, self induced drug rush mislabeled "sexual arousal" to women, child, triggers harassment, sex assault, rape, incest, etc... (Reisman, 1991)</p>

SELECTED FINDINGS

Child Depictions

Basic Facts:
 49% (2,971) photographs
 34% (2,016) cartoons
 17% (1,017) illustrations

PRINCIPAL CHILD	AND	OTHER CHARACTER
	SEX	(Where Depicted)
47% female		49% male
32% male		33% female
21% both/other		16% both/other
39% 3-11 years		78% adults
26% 12-17 years		7% 3-11 years
16% teen-2 years	AGE	7% 12-17 years
14% pseudo children (*)		6% unspecified
5% unspecified		2% teen-2 years
85% Caucasian		85% Caucasian
3% Black	RACE	3% Black
12% Other minority		12% Other minority

Sample Child Depictions (Nonadditive)
 27% nude/genital display (visuals only)
 21% visually exposed/sexualized
 20% genital activity
 16% sexual encounter with adult
 10% force
 10% killing/murder/maiming
 6% internal genital ("pink") exposure (visuals only coded)
 4% sex with animals/objects

Share of Child Depictions by Magazine**
Playboy: 8 avg./issue (17% of *Playboy* cartoons/visuals)
Penthouse: 6 avg./issue (6% of *Penthouse* cartoons/visuals)
Hustler: 14 avg./issue (12% of *Hustler* cartoons/visuals)
Playboy highest year: 1971 (N=187, or 16 per issue)
Penthouse highest year: 1972 (N=131, or 11 per issue)
Hustler highest year: 1978 (N=228, or 19 per issue)

Over 9,000 scenarios in *Playboy*, *Penthouse* and *Hustler* were identified as depicting characters under 18 years of age. From this population pool, a mere 8,004 scenarios met the project's unusually narrow criteria for the analysis of child depictions.¹¹

* The description of "pseudo-child" provided in the Attorney General's Commission on Pornography (1986, Vol. I, p. 618) reads: "Pseudo-child pornography or 'teasers' involve women allegedly over the age of eighteen who are presented in such a way as to make them

The Institute for Media Education
 Box 7826
 Arlington, VA 22207

Non-Profit Org.
 U. S. Postage
 Paid
 Birmingham, AL
 Permit No. 88

Adult Crime and Violence Depictions

Basic Facts***
 42% (16,273) photographs
 36% (15,335) cartoons
 22% (12,243) illustrations

VICTIM	AND	OFFENDER
	SEX	(Where Depicted)
46% male		54% male
43% female		22% female
11% both/other		24% both/other
66% 18-39 years		37% 18-39 years
15% 40-60 years		17% 40-60 years
3% 61+ years	AGE	3% 61+ years
16% unspes/mixed		23% unspes/mixed
85% Caucasian		82% Caucasian
2% Black	RACE	2% Black
13% Other minority		16% Other minority

Sample Crime and Violence Depictions (Nonadditive)
 56% violent praps (Visuals only)
 32% nude and/or sexualized victims
 14% killing/murder
 14% assault/battery
 12% sex dealing/prostitution
 12% violent sex act
 12% other violent activity
 11% white collar crime

Share of Crime and Violence Depictions by Magazine:
Playboy: 21 avg./issue (12% of cartoons/visuals)
Penthouse: 16 avg./issue (10% of cartoons/visuals)
Hustler: 32 avg./issue (26% of cartoons/visuals)
Playboy highest year: 1976 (N=490, or 41 per issue)
Penthouse highest year: 1980 (N=271, or 23 per issue)
Hustler highest year: 1984 (N=568, or 47 per issue)

AGGREGATE SHARE OF CHILDREN, CRIME AND VIOLENCE BY MAGAZINE

Playboy: 29 average per issue
Penthouse: 22 average per issue
Hustler: 46 average per issue

appear to be children or youth." Models used in such publications are chosen for their youthful appearance (e.g., in females, slim build and small breasts) and are presented with various accoutrements designed to enhance the illusion of immaturity (e.g., hair in ponytails or ringlets, toys, teddy bears, etc.). "Pseudo-child pornography" is of concern since it may appeal to the same taste and may evoke responses similar or identical to those elicited by true child pornography."

** For rationale of estimates, see *Overview of Project* (Volume I), Table I, "Average Total Number of Features Per Magazine," and Table II, "Average Number of Cartoons and Visuals Per Issue Containing Child Imagery" (pp. 95-96).

*** For rationale of final 14,554 estimate, (originally 14,682) see *Overview Project* (Volume I), Table I, "Average Total Number of Features Per Magazine" (p. 95), and Tables "Crime and Violence Data" (p. 133), "Crime and Violence Cartoon Data" (p. 134), and "Crime and Violence Visual Data" (p. 137).

Appendix D Praise: National Center for Missing & Exploited Children



1635 K Street, N.W. • Suite 700 • Washington, D.C. 20006
202/634-9821

March 24, 1988

Judith A. Reisman, Ph.D., President
The Institute for Media Education
P.O. Box 7404
Arlington, VA 22207

Dear Dr. Reisman:

Many, many thanks for honoring our request and providing at no cost the hundreds of copies of the "Executive Summary: IMAGES OF CHILDREN, CRIME AND VIOLENCE IN PLAYBOY, PENTHOUSE AND HUSTLER MAGAZINES" and for sending them to our mailing lists of criminal investigators working cases of missing and sexually exploited children.

I have carefully studied the Executive Summary and strongly urge all those concerned with the welfare of children to thoroughly review the document and give heed to the many disturbing implications contained therein for the protection of children. This study must be read by all those concerned with the ways pornography and violence in the media affect the incidence of child sexual exploitation and abuse. In support of this thought, you may like to know some of my professional background and investigational findings.

Prior to my coming to the National Center as its Deputy Director, I was the Program Manager for the Louisville-Jefferson County, Kentucky Exploited & Missing Child Unit. This police/social work Team was the first in the nation created to provide detection, investigation, and protective services on behalf of youth as well as apprehension and prosecutory services against adults criminally exploiting children through prostitution, pornography, or child sex rings in the Louisville SMSA.

From July 1980 through February 1984 the police/social work Team of the E.M.C.U. investigated about 1,400 cases of children suspected of being victims of sexual exploitation. Fifty-four percent (756) of the children were found to be victims and an additional 31% (431) of the children were considered probable victims although lacking sufficient proof for court proceedings.

During this time period, the E.M.C.U. prosecuted hundreds of adults for various crimes involving the sexual exploitation of children. Over 40 major cases involved the successful prosecution of adults involved with over 12 children each. In one particular case, investigators thought there were up to 320 child victims. At the time of arrest of and/or service of search warrants, ALL of these adult predators were found with various forms of adult pornography and in most cases child nudes and/or pornography. Over four years, the E.M.C.U. Team learned to expect to always find adult pornography as such was used by the adult offenders for their own sexual arousal, for self validation of their own sexual deviation(s), for extortion of child victims or other adults, and for the deliberate and planned lowering of inhibitions of child victims.

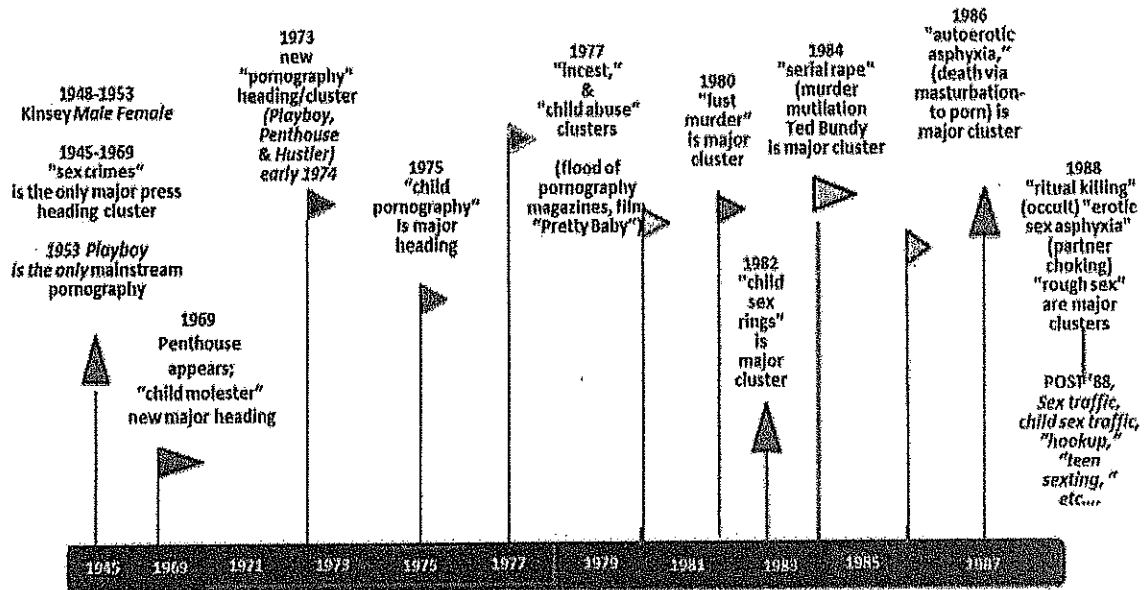
Truly, the media you have identified can be devastating in effect in protecting children and gives real cause for concern and study when child erotica seems to be on the increase in popular literature. Please keep in touch with all current updates and new initiatives.

Again, many thanks for the multiple copies of the report and all your efforts in behalf of children.

Cordially,

John B. Rabun, Jr., ACSW
Deputy Director

Social Deviance via Major Press Heading Clusters* Crimes Mimic Kinseyan "Soft" Porn Sex Crimes



Judith Reisman, Ph.D.: Data base provided by
Lucinda G. Hill, MLS, U of KY, Lexington, 1986

* Subject Heading Data from *NYT Index and Reader's Guide to Periodical Literature 1945-1986.*

1

APPENDIX F: TABLE 34, *Sexual Behavior in the Human Male*, p. 180 (1948)

AGE	NO. OF ORGASMS	TIME INVOLVED	AGE	NO. OF ORGASMS	TIME INVOLVED
5 mon.	3	?	11 yr.	11	1 hr.
11 mon.	10	1 hr.	11 yr.	19	1 hr.
11 mon.	14	38 min.	12 yr.	7	3 hr.
2 yr.	{ 7	9 min.	12 yr.	{ 3	3 min.
	{ 11	65 min.		{ 9	2 hr.
2½ yr.	4	2 min.	12 yr.	12	2 hr.
4 yr.	6	5 min.	12 yr.	15	1 hr.
4 yr.	17	10 hr.	13 yr.	7	24 min.
4 yr.	26	24 hr.	13 yr.	8	2½ hr.
7 yr.	7	3 hr.	13 yr.	9	8 hr.
8 yr.	8	2 hr.		{ 3	70 sec.
9 yr.	7	68 min.	13 yr.	{ 11	8 hr.
10 yr.	9	52 min.		{ 26	24 hr.
10 yr.	14	24 hr.	14 yr.	11	4 hr.

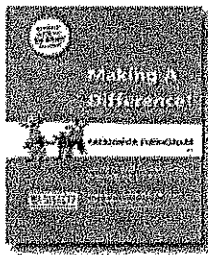
Table 34. Examples of multiple orgasm in pre-adolescent males
Some instances of higher frequencies.

APPENDIX G: Novels Are Daily Supported by "Sex Education" Curriculum

HARMING THEIR INNOCENCE

Parents are outraged over the explicit language and graphic content their children are exposed to by federally funded Comprehensive Sex Education lessons that are taught in schools across the country.

Example of Current Curriculum



MAKING A DIFFERENCE!
 Federally funded under
 the Teen Pregnancy
 Prevention (TPP)
 program
 (pages 63, 64)

Activity D

PREPARING FOR THE ACTIVITY

Resources:

- Understanding that there are many behaviors that express sexual feelings.
- Identifying specific behaviors that do not result in pregnancy or sexually transmitted infections.

Materials Needed:

- How Do People Express Their Sexual Feelings poster
- Making tape

Time:

How Do People Express Their Sexual Feelings? What is Abstinence? (10 minutes)

Procedure:

1. Have participants brainstorm answers to the following questions:
 With all the different feelings and meanings about sex, what are some of the ways people express their sexual feelings to themselves or other people?
 Elicit as many answers as you can.

Answers may include:

- sexual fantasy
- oral sex
- dancing
- massage
- masturbation
- holding hands
- talking
- holding on the couch
- hugging
- touching each other's genitals
- kissing
- vaginal intercourse
- grinding
- saying "I like you"

TEACHER'S NOTE:

If participants are having trouble responding, ask questions like:

- What kind of sex can people have by themselves?
- What other kinds do you use for teaching?
- What other things might people do with their mouths?
- What kinds of things can people do with their hands?

Appendix 2 63

3. Set up the "How Do People Express Their Sexual Feelings?" poster.

ACTIVITY'S NOTE:

Be sure participants understand the definition of vaginal intercourse: oral sex, anal sex, and masturbation.

- Vaginal intercourse or sexual intercourse means a man's penis is in a woman's vagina.
- Oral sex means a person's mouth in another person's genitals.
- Anal sex means a man's penis is in a person's anal rectum, or behind.
- Masturbation means rubbing, stroking, or "playing with" one's own genitals or the genitals of another person.

4. Discuss with them on the poster by asking participants whether or not the behaviors listed result in pregnancy or sexually transmitted infections. Be sure to identify A.T.I. behaviors that may involve an exchange of blood, semen, or vaginal secretions (participants may suggest behaviors including oral, anal, and vaginal intercourse which will transmit disease).

5. They ask:

- Why isn't everybody wanting to engage in A.T.I. if those behaviors? (Answers may include: they may not feel good, or the opposite sex may be sick; they may have religious or moral objections.)
- How can we let our partners know what we are willing and not willing to do? (Answers may include: we need to let them know any touching occurs.)

These lessons are taught to middle school students, ages 12-14.



DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.:

Civil Action

-vs-

CERTIFICATION OF SERVICE

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY GRIF-
FITH, ELIZABETH JEWETT, MARY
ELLEN PHELAN, and JOHN DOES 1-10
and JANE DOES 1-10 (SUCH NAMES
BEING FICTITIOUS)

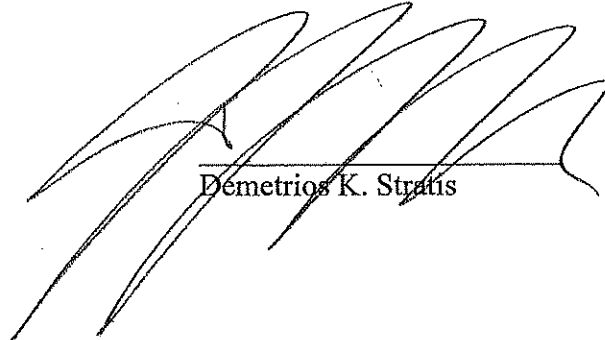
Defendants.

I, Demetrios K. Stratis, hereby certify as follows:

1. I am counsel for the Plaintiff in the above captioned matter and as such am fully familiar with the facts herein.
2. On May 2, 2019, I caused an original and 2 copies to be served upon the Clerk of the Chancery Division in Somerset County Courthouse at the address below and copies to be sent to all Defendants on the attached Service List via Lawyers Service and via facsimile and email simultaneously with the filing of the Order to Show Cause with the Court.

The Honorable Margaret Goodzeit, Presiding Judge Chancery Div.
Somerset County Courthouse, Chancery Division, General Equity
20 North Bridge Street, 4th Floor
Somerville, New Jersey 08876

I hereby certify that the foregoing statements made by me are true. I am aware that if any
of the foregoing statements made by me are willfully false, I am subject to punishment.



Demetrios K. Stratis

Service List

Defendants	Email Address	Mailing Address	Fax Number
BOARD OF EDUCATION	BOE@WHRHS.ORG	WHRHS Board of Education 108 Stirling Road, Warren, NJ 07059	908-647-4852
PETER FALLON- President, B.O.E.	pfallon@whrhs.org	Same as above	Same as above
GEORGE ALEXIS - Principal	galexis@whrhs.org	Watchung Hills Regional High School 108 Stirling Road, Warren, NJ 07059	908-647-4853
JAMES AQUAVIA - English Supervisor	jaquavia@whrhs.org	Same as above	Same as above
COURTNEY GRIFFITH - English Teacher	cgriffith@whrhs.org	Same as above	Same as above
ELIZABETH JEWETT - Superintendent	ejewett@whrhs.org	Same as above	Same as above
MARY ELLEN PHELAN - Director of Curriculum & Instruction	mphelan@whrhs.org	Same as above	Same as above

Note:

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.:

Civil Action

-vs-

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants.

**LEGAL BRIEF IN SUPPORT OF PLAINTIFFS ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS**

On the Brief:

DEMETRIOS K. STRATIS, ESQ. (022391991)

PRELIMINARY STATEMENT

Plaintiffs incorporate by reference the facts set forth in the accompanying Certifications filed simultaneously herewith. All references to Exhibits are those Exhibits attached to the Certification of Plaintiff filed herewith.

LEGAL ARGUMENT

POINT I

PLAINTIFFS ARE ENTITLED TO EMERGENT RELIEF BASED UPON THE LEGAL STANDARD AS DELINEATED IN CROWE V. DIGIOIA

As the Court is aware, an Order to Show Cause seeks emergent relief and is often sought in connection to the filing of a Complaint with the purpose of protecting the *status quo* or to avoid irreparable harm during the pendency of a case.

New Jersey Court Rule 4:52 governs applications for orders to show cause and restraints.

The Rule further states, in pertinent part:

The order to show cause shall not, however, include any temporary restraints or other interim relief unless the defendant has either been given notice of the application or consents thereto or it appears from specific facts shown by affidavit or verified complaint that immediate and irreparable damage will probably result to the plaintiff before notice can be served or informally given and a hearing had thereon.

See R. 4:52-1(a). Emphasis added. Defendants have been served with this application.

The pivotal precedent for the evaluation of a request for interim restraints on an Order to Show Cause is set forth in detail in Crowe v. DiGioia, 90 N.J. 126 (1982). Crowe reiterates the principle set forth in long-standing case precedent that a “preliminary injunction should not be issue except where necessary to prevent irreparable harm.” *Id.* (citing Citizens Coach Co. v.

Camden Horse R.R. Co., 29 N.J. Eq. 299, 303 (E. & A. 1978). The Court in Crowe defines irreparable harm as that which “cannot be redressed adequately by monetary damages.” *Id.* An injunction should be issued only when: (1) it is necessary to prevent irreparable harm; (2) the legal rights underling Plaintiff’s claims are settled; (3) the material facts are not controverted; and (4) the relative hardship to the parties by entering the injunction is non-existent or outweighed by the equitable need to enter the injunction. *Id.* at 132-34.

Plaintiffs satisfy the above standard. Plaintiffs bring this claim seeking to stop Defendants Watchung Hills Regional High School Board of Education (hereinafter “WHRHS Board” or “Board of Education”) from violating the criminal statutes of New Jersey by permitting and causing to be distributed to minors under the age of 18, materials that are obscene and pornographic. They have approached the Watchung Hills Regional High School Board of Education and administration on more than several occasions regarding the removal of the book *Fun Home: A Family Tragicomic* from the 12th grade English curriculum due to the obscene graphic images that would be presented to minors. (A selection of those images are attached as Exhibit A.)

The book was originally approved by the Board as required 12th grade reading in November of 2017, when all the school curriculum was approved. Over the course of the past many months, hundreds of residents have addressed WHRHS Board about their concern over the images in the book by speaking at board meetings, sending emails and letters to the Board and school administration, and signing petitions calling for the removal of the book. Over 650 signatures have been obtained on these petitions.

The WHRHS Board’s response to the numerous concerns of the residents has been to revise the curriculum to include two other book selections, in addition to *Fun Home: A Family*

Tragicomic, in this particular reading unit. The other books, entitled “*We Are Okay*” (Nina LaCour) and “*Speak No Evil*” (Uzodinma Ewe-ela), also address topics of sexuality. Students will be given the opportunity to select two of the three books presented and will then be placed in reading groups within the class accordingly. Leaving the book in the curriculum at all is unacceptable and violates our criminal code. As such, the book should be removed from the approved curriculum.

In support of the present Order to Show Cause, Dr. Judith A. Reisman states in her Certification to this Court that “the book *Fun Home: A Family Tragicomic* contains obscene material as defined by New Jersey Statute and, further, is harmful to children.” See paragraph 2-3 of Certification of Judith Reisman, Ph. D. She further opines:

Specifically, the effect of cartoons such as those in the graphic *Fun Home* are more dangerous to children than a narrative treatment which would require at least a modicum of verbal literacy--thinking. The comic book exposes the child’s undeveloped brain to sexually traumatic stimuli wrapped in a “humor” that can be life-altering. Such trauma has caused immeasurable (having not been measured), probable irreparable injury to the 75 students forced to consume the comic content and others threatened with imminent exposure. Defendants who hold themselves out as pedagogical experts in child development and education would be aware that this is an “adult” book unlisted in the reading indexes for children’s literature. Indeed, libraries commonly shelve it in the adult section. Hence, Defendants must have a strong pedagogical justification for ignoring universal “harmful to minors” laws, meant to protect youths from the dangers of obscene material on young brains and behaviors. Defendants should be stopped immediately from the recklessly abusive action of assigning these humor cartoons to additional experimental children where they can do further radicalizing harm.

Certification of Reisman at paragraph 3.

In providing minor children with this book, the Board is in clear violation of New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3 entitled Obscenity for Persons under 18. “Obscene material” is defined as “any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained

in, or consisting of, a picture or other representation . . .” The book clearly depicts “specified sexual activity” as defined by the statute because the book’s images show oral sex, masturbation, genitalia, etc. The Board is distributing the book to children under the age of 18 and the Statute provides that “a person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree”. The fact that the Board is giving the children the “option” to read this book is not a defense because the Statute provides that: “Knowingly means: (a) Having knowledge of the character and content of the material or film described herein; or (b) Having failed to exercise reasonable inspection which would disclose its character and content.” N.J.S.A. 2C:34-3. The Board knows that the book shows sexual activity that is defined as obscene and is knowingly including the book as an option for 12th grade reading material

As to the irreparable harm, failure to enjoin, stay and/or restrain Defendants efforts to commit a criminal act, to wit: to cause obscene material to be viewed by minors, will result in the very harm the Legislature intended to prevent by criminalizing these acts. Yet, when our legislature has enacted Criminal Codes preventing behavior that the Board seeks to undertake, there can be little doubt that the parents have an interest in taking legal action. Indeed, our Courts have declared that the Criminal Statute was designed for that very purpose. It held that “[t]he power and authority of a state to protect its youth from objectionable materials and establish two standards of obscenity, one for adults and one for minors, is firmly planted.” *State v. Seigel*, 139 N.J. Super. 373, 376 (Law. Div. 1975).

As to the second prong, the legal rights underlying this request are settled. Plaintiffs have an interest in the subject matter. The right of parents to raise their children without undue state interference is well established.” *Gruenke v. Seip*, 225 F.3d 290, 303 (3d Cir.2000). The United

States Supreme Court has made clear that there is a “fundamental right of parents to make decisions concerning the care, custody and control of their children.” Troxel v. Granville, 530 U.S. 57, 66 (2000). See e.g., Pierce v. Soc’y of Sisters, 268 U.S. 510, 534–35 (1925) (acknowledging right of parents to direct upbringing and education of their children); Meyer v. Nebraska, 262 U.S. 390, 401 (1923) (recognizing right of parents to control education of their children). In a school setting, the Board’s power is “custodial and tutelary, permitting a degree of supervision and control that could not be exercised over free adults.” Gruenke, supra, 225 F.3d at 304.

The material facts in this matter are not controverted. The Defendants believe they have the unfettered right to educate the children and admit that they are permitting the distribution of and the viewing by minors of the Book. The Book contains obscene material and its distribution violates our criminal statutes and defies the very purpose for which those statutes were enacted, the protection of our children. Indeed, our Supreme Court has stated so. “Here it suffices to know that children mimic the behavior they observe—or at least the behavior that is presented to them as normal and appropriate. Programming replete with one-word indecent expletives will tend to produce children who use (at least) one-word indecent expletives. Congress has made the determination that indecent material is harmful to children, and has left enforcement of the ban to the Commission. If enforcement had to be supported by empirical data, the ban would effectively be a nullity.” F.C.C. v. Fox Television Stations, Inc., 556 U.S. 502, 518, 129 S. Ct. 1800, 1813, 173 L. Ed. 2d 738 (2009) Likewise, here, our New Jersey Legislature has determined that it will be harmful to children to expose them to obscene material.

Finally, in weighing the potential harm, the potential harm to the Plaintiffs clearly outweighs the harm to the Defendants. Defendants can continue to educate by allowing another

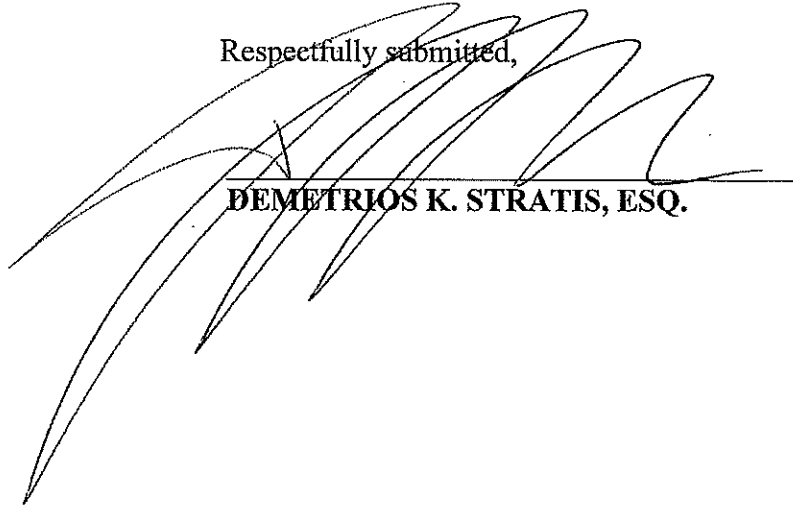
book to be included. There is no prejudice to the Defendants if they are enjoined from distributing this material. However, if this application is not granted, the Plaintiffs risk forever of being criminalized by their educators.

Plaintiffs are likely to succeed on the merits. As such, Plaintiff's Order to Show Cause must be granted to protect the assets of the Plaintiff.

CONCLUSION

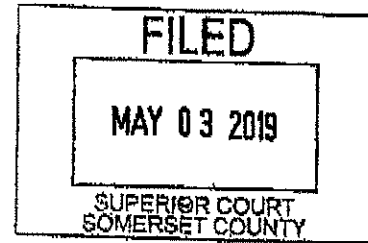
For the foregoing reasons, Defendants should be precluded and restrained during the pendency of this action.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several sweeping, overlapping loops and curves, positioned above the printed name.

DEMETRIOS K. STRATIS, ESQ.

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs



EMMETT GALLIC; DANIEL GALLIC;
DORFEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.:

Civil Action

-vs-

ORDER TO SHOW CAUSE WITH ~~TEMPORARY~~
~~RESTRAINTS AND INJUNCTIVE RELIEF~~

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants,

This matter being brought before the court by Demetrios K. Stratis, Esq. of the firm Ruta, Soulios & Stratis, LLP attorney for the Plaintiffs, seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Certifications and Complaint filed herein; and it appearing that Defendants have notice of this application by way of service upon Defendants which application was simultaneously transmitted via facsimile, electronic mail, and New Jersey Lawyers Service to Defendants upon filing with the Court; ~~and immediate and~~

~~Irreparable damage will result to Plaintiffs if immediate action is not taken to immediately grant the requests herein and for good cause shown.~~

It is, on this 3rd day of May, 2019.

ORDERED that Defendant appear and show cause before the Superior Court at the Somerset County Courthouse in Somerset, New Jersey at 10 o'clock in the fore noon or as soon thereafter as counsel can be heard, on the 5th day of June, 2019 why an order should not be issued preliminarily enjoining and restraining Defendant from:

- A. Distributing, including, facilitating, or in any way permitting the book Fun Home: A Family Tragicomic from appearing or being any part of the curriculum at Watchung Hills High School;
- B. Granting such other relief as may be equitable and just

~~And it is further ORDERED that pending the return date herein, Defendants are temporarily enjoined and restrained from:~~

- A. Distributing, including, facilitating, or in any way permitting the book Fun Home: A Family Tragicomic from appearing or being any part of the curriculum at Watchung Hills High School.

~~And it is further ORDERED that:~~

- 1. The Defendants may move to dissolve or modify the temporary restraints herein

~~contained on two (2) days notice to the Plaintiffs.~~

AND IT IS FURTHER ORDERED that:

- 2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the Defendants personally ~~via messenger~~ within 5 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

See attached reasons

Temporary Restraints **DENIED**

3. The Plaintiffs must file with the court his/her/its proof of service of the pleadings on the Defendant no later than three (3) days before the return date.

4. Defendants shall file and serve a written response to this Order to Show Cause and the Request for Entry of Injunctive Relief and Proof of Service by May 22, 2019. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge Goodzeit, whose address is 20 N. Bridge St., Somerville, New Jersey. You must also send a copy of your opposition papers to the Plaintiff's attorney whose name and address appears above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$135 and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the Plaintiffs are seeking.

5. The Plaintiffs must file and serve any written reply to the Defendant's Order to Show Cause opposition by May 29, 2019. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge Goodzeit.

6. If the Defendant does not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiffs file a proof of service and a proposed form of Order at least three (3) days prior to the return date.

7. If the Plaintiffs have not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

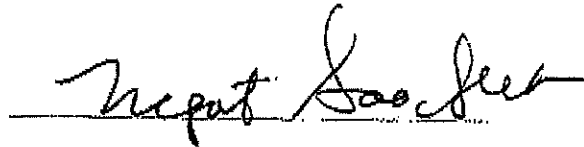
8. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf. Include a ~~\$~~^{the required} filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-1SNILAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer

Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than 2 days before the return date.



MARGARET GOODZEIT, P.J.C.

See attached

**GALLIC, et al. v. WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF
EDUCATION, et al.**

Docket No.: SOM-C-12032-19

Order to Show Cause For Temporary Restraints Pursuant to R. 4:52

REASONS FOR DENIAL

Plaintiffs, Emmett Gallic, Daniel Gallic, Doreen Blanchard-Gliebe, and Tristin Goode, by and through their counsel, Demetrios K. Stratis, Esq., of Ruta, Soulios & Stratis, LLP, move for an order to show cause seeking temporary restraints against defendants Watchung Hills Regional High School Board of Education (the "Board"), George Alexis, James Aquavia, Peter Fallon, Courtney Griffith, Elizabeth Jewett, Mary Ellen Phelan, and unnamed fictitious defendants to temporarily enjoin defendants from distributing, including, facilitating, or in any way permitting the book Fun Home: A Family Tragicomic ("Fun Home") from appearing or being any part of the curriculum at Watchung Hills Regional High School ("Watchung Hills").

Plaintiffs fear that if defendants are not so enjoined, minors at Watchung Hills will suffer irreparable harm and that New Jersey criminal statutes will be violated.¹ In support of their application, plaintiffs rely upon the Board's meeting minutes of June 5, 2018 and June 19, 2018, a report from the Education Committee Meeting, the report and certification of Dr. Judith Reisman, PhD, and Fun Home itself. The Court considered these documents as well as the cases and criminal statute cited by the plaintiffs.

In seeking injunctive relief, plaintiff must address the factors set forth by the New Jersey Supreme Court in Crowe v. De Gioia, which plaintiff must demonstrate—clearly and convincingly—that (a) an injunction is necessary to prevent immediate and irreparable harm, (b) that it has a settled legal right to such relief, (c) that it has a reasonable probability of ultimate success on the merits of its claims, and (d) that it is favored by the balance of the equities. 90 N.J. 126, 132 (1983).

For the reasons stated below, the request for temporary restraints is **DENIED**.

Immediacy is critical to the Crowe analysis, as irreparable harm must be imminent, concrete, non-speculative, and the harm must occur in the near, not distant future. Subcarrier

¹ The issues in the case at bar are not purely equitable in nature. The Court requires the parties to brief whether it, as a court of equity, has the jurisdiction to determine if New Jersey criminal statutes have been violated.

Communications v. Day, 299 N.J. Super. 634, 638 (App. Div. 1997). For the same reasons, plaintiff must not delay in bringing suit. See McKenzie v. Corzine, 396 N.J. Super. 405, 414-15 (App. Div. 2007) (holding that the trial court did not err in finding an absence of irreparable harm because plaintiffs caused the emergency by their delay in bringing the action in September 2007 when it could have been brought in July 2007).

Here, Fun Home was approved for reading by the Board as required 12th Grade reading in November of 2017. (Verified Complaint, ¶ 4). Initially, seventy-five students were selected as part of the pilot program when the book was introduced. (Verified Complaint, ¶ 4). Since then, hundreds of residents have allegedly protested and petitioned the Board to remove the book from the curriculum. (Verified Complaint, ¶ 4). The comments made by the parents at the Board meetings reflect same. (Verified Complaint, Exhibits B and C). In other words, plaintiffs have been aware of the Board's support for Fun Home and its inclusion in the school curriculum for approximately one-and-a-half years.

Furthermore, plaintiffs have not provided the Court with a definite schedule or timeline with respect to when Fun Home was assigned to the minor students at Watchung Hills. The only information provided is that book was distributed "[w]ithin the past few weeks."² (Verified Complaint, ¶ 34). As the Verified Complaint was signed and dated by two of the plaintiffs on April 8, 2019, this would place the distribution of Fun Home sometime in early March.³ However, this Order to Show Cause was not submitted to the Court until yesterday, May 2, 2019, seemingly long after the books were distributed. If the plaintiffs were so concerned about the contents of Fun Home, this same application could have been brought months—if not a year—sooner.

Additionally, the only plaintiff who is also a student is Emmett Gallic, a 17 year-old student enrolled in defendant Courtney Griffith's English class.⁴ (Verified Complaint, ¶ 14). As one of the 75 students selected as part of the pilot program, Emmett Gallic alleges that "he was required to read" Fun Home in the pilot program and suffered emotional, psychological, and other damages

² Plaintiffs also do not make clear whether this distribution is a continuation of the pilot program or if it is part of the class-wide distribution alluded to in Dr. Reisman's report. (Reisman Cert., Exhibit B, p. 5).

³ The Gallics did not date their Verifications.

⁴ According to plaintiff Daniel Gallic's Verification, he brings this suit individually and as guardian for E.G.—presumably, Emmett Gallic—a minor. (Verified Complaint, p. 14). If this is so, Emmett Gallic should not be a plaintiff.

as a result. (Verified Complaint, ¶ 14) (emphasis added). Thus, according plaintiffs' allegations, the harm to the only named student plaintiff is not imminent—it has already occurred.⁵

Based on the information provided by the plaintiffs at this juncture, the Court cannot make a finding that the alleged harm is imminent, and accordingly, does not find that plaintiffs have demonstrated, clearly and convincingly, that they will suffer irreparable harm.

In light of plaintiffs' self-imposed delay in bringing this application and the absence of imminent harm, the Court need not explore the remaining Crowe factors. For these reasons, plaintiffs' application for temporary restraints is denied.

⁵ The Court makes no finding as to whether plaintiffs have standing to bring this suit on behalf of other minors at Watchung Hills, and requires plaintiffs to brief this issue.



METHFESSEL & WERBEL

A Professional Corporation

JOEL N. WERBEL>
JOHN METHFESSEL, JR.>
FREDRIC PAUL GALLIN*^>
STEPHEN R. KATZMAN#
WILLIAM S. BLOOM*^
ERIC L. HARRISON*^
MATTHEW A. WERBEL>
LORI BROWN STERNBACK*^
I. BLAKELEY JOHNSTONE, III*^
GINA M. STANZIALE>
PAUL J. ENDLER JR.>

Of Counsel
JOHN METHFESSEL, SR.>
(1964-1995)
DON CROWLEY=
MARC DEMBLING*^
ED THORNTON*^

Counsel
CHRISTIAN R. BAILLIE+
JOSEPH D. CASTELLUCCI, JR.>
SARAH K. DELAHANT+
JAMES FOXEN^
GERALD KAPLAN>
JARED P. KINGSLEY*^
JOHN R. KNODEL*^
LESLIE A. KOCH+
CHARLES T. MCCOOK, JR.*^
MARC G. MUCCILOLO>
RICHARD A. NELKE-
STEVEN K. PARNES+
BRENT R. POHLMAN+
AMANDA J. SAWYER^

Associates
EDWARD D. DEMBLING>
JASON D. DOMINGUEZ+
NATALIE DONIS+
MICHAEL R. EATROFF>
DAVID INCLE, JR.>
FRANK J. KEENAN+^
SCOTT KETTERER>

Associates, Cont'd
ALLISON M. KOENKE>
ALICIA C. LANGONE+
ADAM N. LEVITSKY>
OLIVIA R. LICATA+
ASHLEY E. MALANDRE^
JAMES V. MAZEWSKI+
DIAA J. MUSLEH+
KAJAL J. PATEL>
RAINA M. PITTS^
MATTHEW L. RACHMIEL>
WILLIAM J. RADA+
NABILA SAEED^
JARED S. SCHURE>
TIFFANY D. TAGARELLI>
STEVEN A. UNTERBURGER+
LEVI E. UPDYKE+^

* Certified by the Supreme Court of New Jersey as a Civil Trial Attorney
+Member of NY & NJ Bar
^Member of PA & NJ Bar
>Member of NJ Bar only
#Member of NJ & LA. Bar
<Member of NJ & DC Bar
≥Member of NJ, PA & DC Bar
-Member of NY, NJ & DC Bar
=Retired from the practice of law

Please reply to New Jersey

May 22, 2019

VIA LAWYERS SERVICE

Hon. Margaret Goodzeit, P.J.Ch.
Somerset County Superior Court
20 North Bridge Street
Somerville, NJ 08876-1262

RE: GALLIC, EMMETT VS. WATCHUNG HILLS BOE, ET AL.

Our File No. : 87639 ELH
Docket No. : SOM-C-12032-19
Return Date : June 5, 2019

Dear Judge Goodzeit:

I enclose Defendants' Motion to Dismiss Plaintiffs' Complaint with a supporting brief. Pursuant to the Court's previous Order, this motion is returnable on Wednesday, June 5, 2019.

Respectfully submitted,

METHFESSEL & WERBEL, ESQS.

Handwritten signature of Eric L. Harrison

Eric L. Harrison
harrison@methwerb.com
Ext. 138

ELH:din/mgd/Encl.

cc: VIA LAWYERS SERVICE AND EMAIL: dstratis@earthlink.net
Demetrios K. Stratis, Esq.
Law Office of Demetrios K. Stratis
10-04 River Road
Fairlawn, NJ 07410

Eric L. Harrison - ID #033381993
METHFESSEL & WERBEL, ESQS.
2025 Lincoln Highway, Suite 200
PO Box 3012
Edison, New Jersey 08818
(732) 248-4200
1(732) 248-2355
harrison@methwerb.com
Attorneys for Defendants
Our File No. 87639 ELH

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

V.

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, AND JOHN
DOES 1-10 AND JANE DOES 1-10
(SUCH NAMES BEING FICTITIOUS)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

**NOTICE OF MOTION TO DISMISS
PLAINTIFFS' VERIFIED
COMPLAINT FOR FAILURE TO
STATE A CLAIM**

TO: MOTIONS CLERK AND ALL COUNSEL OF RECORD.

PLEASE TAKE NOTICE that the undersigned will apply to the above named Court at Somerset County Superior Court, 20 North Bridge Street, 4th Floor Somerville, NJ 08876-1262, on June 5, 2019 at 10:00 a.m., the return date of an Order to Show Cause before the Honorable Margaret Goodzeit P.J. Ch.,

or as soon thereafter as counsel may be heard, for an Order dismissing the Verified Complaint for failure to state a claim on which relief may be granted.

DATE OF: Arbitration: NONE Mediation: NONE
Trial: NONE Discovery End Date: NONE

Pursuant to R. 1:6-2(d) the undersigned requests oral argument.

METHFESSEL & WERBEL, ESQS.
Attorneys for Defendants



By: _____

Eric L. Harrison

DATED: May 22, 2019

A proposed form of Order is annexed hereto.

Eric L. Harrison - ID #033381993
METHFESSEL & WERBEL, ESQS.
2025 Lincoln Highway, Suite 200
PO Box 3012
Edison, New Jersey 08818
(732) 248-4200
1(732) 248-2355
harrison@methwerb.com
Attorneys for Defendants
Our File No. 87639 ELH

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

V.

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, AND JOHN
DOES 1-10 AND JANE DOES 1-10
(SUCH NAMES BEING FICTITIOUS)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

CERTIFICATION

I, Eric L. Harrison, of full age, duly certify as follows:

1. I am an attorney at law in the State of New Jersey, associated with the law firm of Methfessel & Werbel, attorneys for the defendant(s), , and in such capacity I am fully familiar with the facts of the within matter.

2. Attached as **Exhibit A** is a true and authentic copy of Plaintiff's Verified Complaint filed via an Order to Show

Cause on May 2, 2019 at the Superior Court of New Jersey-Somerset County Vicinage.

3. Attached as **Exhibit B** is a true and authentic copy of Plaintiff Tristine Goode's September 29, 2018 e-mail to Somerset County Executive County Superintendent Roger Jinks.

4. Attached as **Exhibit C** is a true and authentic copy of Watchung Hills Regional High School Board of Education Policy No. 2240.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by law.

METHFESSEL & WERBEL, ESQS.
Attorneys for Defendants



By: _____
Eric L. Harrison

DATED: May 22, 2019

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

V.

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, AND JOHN
DOES 1-10 AND JANE DOES 1-10
(SUCH NAMES BEING FICTITIOUS)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

**BRIEF IN OPPOSITION TO PLAINTIFFS' ORDER TO SHOW CAUSE AND IN
SUPPORT OF MOTION TO DISMISS THE VERIFIED COMPLAINT FOR
FAILURE TO STATE A CLAIM**

Eric L. Harrison - ID #033381993
METHFESSEL & WERBEL, ESQS.
2025 Lincoln Highway, Suite 200
PO Box 3012
Edison, New Jersey 08818
(732) 248-4200
1(732) 248-2355
harrison@methwerb.com
Attorneys for Watchung Hills
Regional High School Board of
Education
Our File No. 85427 ELH

Of Counsel and on the Brief:
Eric L. Harrison, Esq.

On the Brief:
David Incle Jr., Esq.

TABLE OF CONTENTS

Preliminary Statement1

Legal Argument3

I. TO THE EXTENT PLAINTIFFS' VERIFIED COMPLAINT ALLEGES VIOLATIONS OF CRIMINAL LAW, PLAINTIFFS FAIL TO STATE A CLAIM AGAINST INDIVIDUAL BOARD MEMBERS AND EMPLOYEES PURSUANT TO RULE 4:6-2(E)..... .3

 a. Individual Board Members Are Immune From Suit For Actions Taken By The Board As A Body. . . . 4

 b. Plaintiffs' Factual Assertions fail To Establish Any Basis For Personal Liability Against Any Individual Defendant.6

II. THE VERIFIED COMPLAINT MUST ALSO BE DISMISSED BECAUSE COURTS IN EQUITY LACK JURISDICTION TO GRANT INJUNCTIVE RELIEF FOR VIOLATIONS OF THE NEW JERSEY CRIMINAL CODE.7

III. PLAINTIFFS ARE NOT ENTITLED TO INJUNCTIVE RELIEF BECAUSE THEIR CLAIM FAILS AS A MATTER OF LAW. . . 10

 a. Plaintiffs Fail To Establish The Threat Of Irreparable Harm. 11

 b. While The Legal Rights Of The Parties Are Settled, They Are Settled In Favor Of The Defendants. 12

 c. Plaintiffs' Claim Fails On The Merits 14

 d. The Balancing Of The Hardships Favors Defendants 19

IV. CONCLUSION.20

PRELIMINARY STATEMENT

This combined Declaratory Judgment action and Order to Show Cause stems from Plaintiffs' dissatisfaction with the Watchung Hills Regional High School Board of Education's ("The Board") exercise of its lawful and designated power to make decisions regarding the curriculum to be offered to its students. Plaintiffs now allege that The Board, its elected president Peter Fallon ("Fallon"), and various Watchung Hills Regional High School employees George Alexis, James Aquavia, Courtney Griffith, Elizabeth Jewett and Mary Ellen Phelan ("Individual Defendants"), have violated the New Jersey Criminal Code by exposing children to "pornography."

Each of the claims asserted in the Verified Complaint lacks a basis for relief or foundation in controlling law. N.J.S.A. 2C:34-3 is a criminal statute which requires the State to prove each and every element in finding a violation thereof. Plaintiffs ask the Court to declare that Fallon and Individual Defendants are guilty of violating a criminal statute but fail to articulate any factual allegations or basis of liability against them. Plaintiffs also seek injunctive relief; yet they fail to make a showing of irreparable harm.

Fun Home is currently offered as one of three selections in the 12th Grade English curriculum LGBTQ Voices in Literature unit of study and has been distributed to students for nearly two years. Plaintiffs never pursued their "criminal concerns" and now bring suit after The Board refused to yield to their complaints. As an injunction against The Board for implementing a curricular decision is not the proper avenue to challenge such curricular decision - and as the evidence when viewed in the light most favorable to the Plaintiffs fails as a matter of law to establish a violation of the criminal statute cited - the Complaint should be dismissed with prejudice.

LEGAL ARGUMENT

POINT I

TO THE EXTENT THE VERIFIED COMPLAINT ALLEGES VIOLATIONS OF CRIMINAL LAW, PLAINTIFFS FAIL TO STATE A CLAIM AGAINST INDIVIDUAL BOARD MEMBERS AND EMPLOYEES PURSUANT TO RULE 4:6-2(E)

Rule 4:6-2(e) establishes that a defendant's defense to a claim based on a plaintiff's failure to state a claim upon which relief can be granted may be asserted in the answer or made by motion. If a motion is made raising this defense, it shall be made before pleading if a further pleading is to be made. R. 4:6-2(e).

As to the standard informing decision on a motion to dismiss for failure to state a claim, the Complaint must "be searched to determine whether a cause of action can be found within its four corners." Van Natta Mech. Corp. v. Di Staulo, 277 N.J. Super. 175, 180 (App. Div. 1994). The judicial inquiry is "confined to a consideration of the legal sufficiency of the alleged facts apparent on the face of the challenged claim." Rieder v. New Jersey Dep't of Transp., 221 N.J. Super. 547, 552 (App. Div. 1987). If the Complaint states no basis for relief, and discovery would not provide one, dismissal of the Complaint is appropriate. Camden County Energy Recovery Assocs., L.P. v. Dep't of

Envtl. Prot., 320 N.J. Super. 59, 64 (App. Div. 1999) aff'd
o.b., 170 N.J. 246 (2001). "[T]he essential facts
supporting Plaintiff's cause of action must be presented in
order for the claim to survive; conclusory allegations are
insufficient in that regard." Scheidt v. DRS Technologies,
Inc., 424 N.J. Super. 188, 193 (citing Printing Mart v.
Sharp Electronics, 116 N.J. 739, 768 (1989)). Under this
standard, New Jersey courts have dismissed purported claims
where the allegations reflected that no cause of action
existed as a matter of law. Decker v. Princeton Packet,
116 N.J. 418 (1989).

Assuming the truth of all the facts asserted in the
Verified Complaint, the claims asserted against Defendants
fail to state a claim upon which relief can be granted.

**A. Individual Board Members Are Immune From Suit For
Actions Taken By The Board As A Body**

N.J.S.A. 18A:11-2(a) provides that a board of
education may sue or be sued by its corporate name and
likewise submit to arbitration and determination disputes
and controversies in the manner provided by law. Individual
board members are immune from personal liability for
actions taken by the Board as a body. Gerber ex rel. Gerber
v. Springfield Bd. of Educ., 328 N.J. Super. 24 (App. Div.
2000). In Gerber, Plaintiff brought a civil suit against

both defendant board of education and individual board of education members. Although a panel for the division reversed the award of summary judgment in favor of individual defendants on other grounds, the court nonetheless found that individual board members were entitled to immunity under N.J.S.A. 18A:11-2(a). Ibid.

In determining whether a public entity is immune from suit, the Appellate Division ruled, the court must ask whether "the Legislature intended to immunize the public entity from liability" under the present conditions. Id. at 40. Referring to N.J.S.A. 18A:11-2, the Court held that a school board may "sue or be sued by its corporate name." School boards are thus treated in a similar vein to corporate boards; and in the absence of individual conduct that results in liability, the Board members are shielded from suit. Id.

Plaintiffs' claims against Fallon stem from his status as president of The Board. Fallon stands solely accused of, voting on and implementing Board policy. (See **Exhibit A**, Verified Complaint ¶ 22) As in Gerber, there is no allegation in the Verified Complaint of Fallon engaging in any conduct that would expose him to personal liability. The statutory provisions of N.J.S.A. 18A:11-2(a) make it clear that school boards may only be sued as a collective.

Absent any allegations of Fallon engaging in any independent conduct, our legislature has intended individual board members be shielded from suit. Therefore, Count I of the Verified Complaint fails to state a claim against Fallon, who is improperly named as a Defendant in this matter.

B. Plaintiffs' Factual Assertions Fail to Establish Any Basis For Personal Liability Against Any Individual Defendant

The Verified Complaint is also devoid of any specific allegations against any of the Individual Defendants. There is no claim that these Individual Defendants personally distributed obscene materials in violation of N.J.S.A. 2C:34-3. Each Individual defendant is named in his or her official capacity, which renders the assertion of individual claims nothing more than a litigation-based bullying tactic. Accordingly, without allegations that each violated N.J.S.A. 2C:34-3, Count I of the Verified Complaint fails to state a claim against any of the Individual Defendants.

POINT II

THE VERIFIED COMPLAINT MUST ALSO BE DISMISSED BECAUSE COURTS IN EQUITY LACK JURISDICTION TO GRANT INJUNCTIVE RELIEF FOR VIOLATION OF THE NEW JERSEY CRIMINAL CODE

It is well established that courts of equity lack jurisdiction to enjoin violation of a criminal statute. Baird v. Board of Recreation Comm'rs, South Orange, 110 N.J.Eq. 603, 605 (E. & A. 1932). Such violations are left to the agencies charged with the enforcement of criminal law. Trisolini v. Meltsner, 23 N.J. Super. 204, 209 (App. Div. 1952). Absent some statutory authority or an instance where the activity sought to be enjoined constitutes a nuisance in and of itself, injunctive relief has traditionally been denied based on jurisdictional grounds. Inganamort v. Merker, 148 N.J. Super. 506, 508 (Ch. Div. 1977) (citations omitted). The burden is on the plaintiffs to prove that they have a reasonable apprehension of a real and immediate danger and that a material injury will result unless defendants' activities are restrained. Id. citing; Lou Menges Organization v. North Jersey Quarry Co., 3 N.J. Super. 494, 67 A.2d 358 (Ch.1949).

Injunctive relief based upon alleged violations of New Jersey obscenity laws was denied in Egg Harbor City v.

Colasuonno, 182 N.J. Super. 110, 112 (Ch. Div. 1981).

There, a plaintiff municipality filed a Verified Complaint and Order to Show Cause in the Chancery Division seeking injunctive relief based upon defendant's violation of local ordinances and N.J.S.A. 2C:34-2. Ibid. The Court examined the legislative history of New Jersey obscenity laws and explained that prior to the adoption of New Jersey Code of Criminal Justice, N.J.S.A. 2C:1 et seq., specific authority for injunctive relief in obscenity cases existed by means of N.J.S.A. 2A:115-3.5. Id. at 113. Because N.J.S.A. 2A:1 et seq. was later repealed, the Court found no similar exception existed in N.J.S.A. Title 2C or in applicable court rules.¹ As a result, the Court held "obscenity charges carry a defendants' right to a jury trial, and therefore the prosecutions for obscenity offenses are to be tried in the Criminal Division of the Superior Court." The Court retained jurisdiction only for the purposes of disposing of plaintiff's remaining claims. Id. at 115.

Egg Harbor is directly on point. Plaintiffs request the Court grant injunctive relief premised upon The Board's

¹ The Egg Harbor Court referred to Rule 3:1-5(a), which currently provides: "All indictable offenses shall be prosecuted in the Superior Court, Law Division, except that an action brought pursuant to N.J.S.A. 2C:24-5 (Willful Nonsupport) shall be prosecuted in the Superior Court, Chancery Division, Family Part.

alleged violation of N.J.S.A. 2C:34-3 but courts in equity lack jurisdiction to grant such relief. Although the Egg Harbor matter involved a different statute, the analysis remains unchanged. N.J.S.A. 2C:34-3² is currently a crime in the third degree, the violation of which may be remedied solely through prosecution in a court of law. This Court does not have jurisdiction to hear plaintiffs' claims.

² See N.J.S.A 2C34:-3(B)(1).

POINT III

PLAINTIFFS ARE NOT ENTITLED TO INJUNCTIVE RELIEF BECAUSE THEIR CLAIM FAILS AS A MATTER OF LAW

The purpose of injunctive relief is to allow the court to investigate and to deliberate the merits of the matter while maintaining the status quo. Peters v. Public Service Corp. of N.J., 132 N.J. Eq. 500, 511 (Ch. Div. 1942); aff'd, 133 N.J. Eq. 283 (E.& A. 1943). In Crowe v. DeGioia, 90 N.J. 126 (1982), the New Jersey Supreme Court set forth the four prong test courts should consider when faced with an application for injunctive relief. Id. at 132-34. First, an injunction should not be issued except to prevent irreparable harm. Id. Second, an injunction should not be issued when the legal right underlying plaintiff's claim is unsettled. Id. Third, an injunction should not be issued unless the plaintiff preliminarily shows a reasonable probability of ultimate success on the merits. Id. Finally, the court must weigh the relative hardships to the parties in granting or denying relief. See Crowe v. DeGioia, 90 N.J. 126, 132-134 (1982).

The moving party bears the burden of satisfying this 4-prong test by clear and convincing proof. Subcarrier Communications Inc. v. Day, 299 N.J. Super. 634, 639 (App. Div. 1997). Clear and convincing proof has been defined as

that proof which results in reasonable certainty of the truth of the ultimate fact in controversy. Lapre v. Caputo, 131 N.J. Super. 118 (1974).

Here, injunctive relief must be denied as a matter of law because Plaintiffs cannot satisfy any of the Crowe factors.

A. Plaintiffs Fail To Establish The Threat Of Irreparable Harm

Following Crowe, our courts have held that in order to obtain injunctive relief, plaintiffs must show an imminent danger of irreparable injury. J.H. Renarde, Inc. v. Sims, 312 N.J. Super. 195, 203 (Ch. Div. 1998). Plaintiffs cannot do so here.

The parties do not dispute that Fun Home was added to the Watchung Hills Regional High School 12th grade curriculum in November of 2017. (See **Exhibit A**, Verified Complaint ¶ 24) It is telling that the Verified Complaint documents Plaintiffs' various attempts to bring their concerns to The Board. (See **Exhibit A**, Verified Complaint ¶ 25-28) Unsatisfied with The Board's decision, Plaintiffs were informed that if they wished to pursue their criminal claims they should discuss their concerns with the local prosecutor's office. (See **Exhibit B**, September 29, 2018 email) They apparently sat on their rights while the school

year passed, and on the return date of this motion there will remain a grand total of seven school days will remain before final exams.³ It is clear that Plaintiffs face no immediate danger and therefore cannot establish irreparable harm.

B. While The Legal Rights Of The Parties Are Settled, They Are Settled in Favor of the Defendants

Secondly, Plaintiffs do not have standing to bring suit on behalf of current Watchung Hills Regional High School students. Standing is a "threshold justiciability determination whether the litigant is entitled to initiate and maintain an action before a court or other tribunal." In re Six Month Extension of N.J.A.C. 5:91-1, 372 N.J. Super. 61, 85 (App. Div., 2004); Stubus v. Williams, 339 N.J. Super. 38, 47 (App. Div., 2001). In order to have standing, a party "must present a sufficient stake in the outcome of the litigation, adverseness with respect to the subject matter and a substantial likelihood that the party will suffer harm in the event of an unfavorable decision." In Re Camden County, 170 N.J. 439, 449 (2002). Standing "is not automatic, and a litigant usually has no standing to assert the rights of a third party." In re Six-Month

³ https://www.whrhs.org/uploaded/District/2018-2019_School_Year_Calendar_-_BOE_Approved_1-23-18.pdf?1529336848348

Extension, supra, 372 N.J. Super. at 85 (citing Spinnaker Condo. Corp. v. Zoning Bd., 357 N.J. Super. 105 (App. Div.), certif. denied, 176 N.J. 280 (2003)).

While Plaintiffs make a blanket assertion of standing, they fail to demonstrate a sufficient stake in the outcome of this litigation. A review of the legal authority cited by Plaintiffs reveals that each decision involved parties who faced a substantial likelihood of harm from an unfavorable ruling.⁴

Here, Plaintiff Daniel Gallic brings this action on behalf of his son Emmett who "was" a 17 year student enrolled in a 12th grade English class at Watchung Hills Regional High School and who claims he was required to read Fun House in the Spring of 2018. (**See Exhibit A**, Verified Complaint ¶13-14) Plaintiffs Doreen Blanchard-Gliebe and Tristin Goode join in this action as "taxpayers and residents" but make no allegation of having children currently enrolled at Watchung Hills Regional High School.

⁴ Gruenke v. Seip, 225 F.3d 290 (3d Cir. 2000)(Member of high school swim team who was asked by swim team coach to take a pregnancy test filed suit against coach); Troxel v. Granville, 530 U.S. 57, 120 (2000)(Paternal grandparents petitioned for visitation with children born out of wedlock); Meyer v. Nebraska, 262 U.S. 390, 396 (1923)(Plaintiff was convicted for unlawfully teaching German to student).

(See Exhibit A, Verified Complaint ¶15-16).

As Emmet is no longer a student at WHRHS and last endured the alleged trauma he seeks to prevent nearly a year before filing this lawsuit, he lacks standing to bring this action because no controversy presently exists between him and The Board.

While the other plaintiffs claim standing by virtue of their status as taxpayers and residents, this does not render them stakeholders sufficient to avail themselves of Superior Court jurisdiction.

C. Plaintiffs' Claims Fail On The Merits

New Jersey's obscenity laws arise out of the United State Supreme Court Decision of Miller v. California, 413 U.S. 15 (1973), which set forth a three prong test for obscene material.⁵ The Miller Court recognized the differing community standards of the states, holding that "obscene materials are to be regulated by the States and that

⁵ This test is:

(a) Whether 'the average person applying contemporary community standards' would find that the work, taken as a whole, appeals to the prurient interest ; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Id. at 24

obscenity is to be determined by applying 'contemporary community standards." Id. at 37.

In New Jersey, obscenity regulation and policy is left to the Legislature. State v. DeSantis, 65 N.J. 462, 472 (1974). Currently N.J.S.A. 2C:34-3(1) defines "Obscene material" as:

any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

"Concentrate prurient interest" means to emphasize and preoccupy one's prurient interest. State v. Siegel, 139 N.J. Super. 373 376 (Law. Div. 1975). The Defendant in Siegel was charged with selling obscene material to persons under 18 years of age, and contended that the New Jersey obscenity statutes failed to provide definitive standards to measure what materials fall into this category. Ibid. As interpreted by the New Jersey Supreme Court, the phrase "concentrate prurient interest . . . appears to mean to emphasize and preoccupy one's prurient interest. It would appear that in order to do so the material would have to be

taken as a whole." Id. at 380. If the entire work taken as a whole does not in fact appeal to one's prurient interest, then the portion of the material which might appeal to one's prurient interest is out of context and inconsistent with the nature and spirit of the entire work. Id.

Here, Plaintiffs' basis in seeking injunctive relief is an allegation that The Board violated a criminal statute by implementing the novel Fun Home into the Watchung Hills Regional High School 12th grade English Curriculum. Specifically, Plaintiffs allege "The Board distributed to minors under the age of 18 materials that are obscene and pornographic." (See **Exhibit A**, Verified Complaint ¶ 2). This claim fails.

N.J.S.A. 2C:34-3(1) defines "obscene material" to consist of three components. The material must: (1) contain a description, narrative account, display, or depiction of a specified anatomical area or specified sexual activity (2) that is contained in a picture, publication, sound recording, live performance or film and (3) emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

Nowhere in the Verified Complaint is there any reference or discussion of whether Fun Home "emits sensuality to concentrate the prurient interest" when taken

as a whole. Plaintiffs go to great lengths to reference sections of N.J.S.A. 2C:34-3 in claiming that a controversy exists, but they conveniently neglect to address the work as a whole, as required by the law on which they rely. (See **Exhibit A**, Verified Complaint ¶ 35)

Plaintiffs have also retained an expert who authored a report discussing national studies on the harmful effects of exposing children to obscene materials. Dr. Reisman asserts that the novel Fun Home "contains obscene material as defined by New Jersey Statutes." (See Exhibit A, of Judith Reisman Ph. D. Certification pg. 2) This is a conclusory statement which would invade the province of any judge or jury empaneled to hear criminal charges against one who distributes the novel.

A simple Google search reveals that Dr. Reisman is a professor at Liberty University Law School, a school in Lynchburg, Virginia which describes itself as offering "a solid legal foundation uniquely taught from a Christian worldview."⁶ Its website boasts the following mission statement: "Liberty University School of Law exists to equip future leaders in law with a superior legal education

⁶ <http://www.drjudithreisman.com/>
<http://www.liberty.edu/law/faculty/judith-reisman/http://www.liberty.edu/law/academics/>

in fidelity to the Christian faith expressed through the Holy Scriptures."⁷

Plaintiffs' expert provides no analysis or discussion of how the Fun Home novel specifically violates New Jersey obscenity statutes. Apparently acknowledging the prevalence of protections for curricular decisions nationwide, Dr. Reisman recognizes that 44 states currently have educational exemptions for obscene material.⁸

As explained in Miller, obscene materials are not governed by a national standard but are to be determined by applying "contemporary community standards." Miller, supra., 413 U.S. at 37. The discussion of studies done in neighboring states is not controlling in determining whether there has been a violation of a New Jersey obscenity statute. Moreover, in New Jersey, obscene material is adjudged by the work taken as a whole. Plaintiff's selection of images contained on four pages of a 270 page novel disregards the applicable legal standard. The book is categorized as a graphic novel about self-exploration and development and used to further The Board's

⁷ <http://www.liberty.edu/law/about-liberty-law-school/>

⁸ Judith A. Reisman, Mary E. McAlister, Materials Deemed Harmful to Minors Are Welcomed into Classrooms and Libraries Via Educational "Obscenity Exemptions", 12 Liberty U.L. Rev. 517 (2018)

pedagogical goal. (See Exhibit C, Board of Education Curriculum policies)

In sum, Plaintiffs disregard the applicable law by failing to address the novel as a whole, they rely on expert opinion which appears to be a net opinion and fail to demonstrate a likelihood of success on the merits.

D. The Balancing Of The Hardships Favors WHRHS

Finally, the purpose of an injunction is to maintain the status quo until a determination can be reached. The Fun Home novel is currently distributed as an option to WHRHS students, along with the novels "We Are Okay" and "See No Evil." (See Exhibit A, Verified Complaint ¶ 30) Contrary to what Plaintiffs submit in their brief, The Board would be severely prejudiced if enjoined from distributing the Fun Home novel to students. Students who would select Fun Home as their novel of choice would be denied the opportunity afforded to students ahead of them and classmates. An injunction would also remove the perspective of LGBTQ voices, which is counterintuitive to The Board's strategic plan and contrary to recent mandates of the New Jersey Legislature.⁹

⁹ Effective January 31, 2019, N.J.S.A. § 18A:35-4.35 provides: A board of education shall include instruction on the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school and high school students as part of the district's implementation of the New Jersey Student Learning Standards.

CONCLUSION

For the foregoing reasons, Defendants request that the Court deny the requested injunction and dismiss with prejudice Plaintiff's Verified Complaint for failure to state a claim upon which relief can be granted.

Respectfully submitted,

METHFESSEL & WERBEL, ESQS.
Attorneys for Defendants



By: _____
Eric L. Harrison

DATED: May 22, 2019

Eric L. Harrison - ID #033381993
METHFESSEL & WERBEL, ESQS.
2025 Lincoln Highway, Suite 200
PO Box 3012
Edison, New Jersey 08818
(732) 248-4200
1(732) 248-2355
harrison@methwerb.com
Attorneys for
Our File No. 87639 ELH

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

V.

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, AND JOHN
DOES 1-10 AND JANE DOES 1-10
(SUCH NAMES BEING FICTITIOUS)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

**ORDER DENYING INJUNCTION AND
DISMISSING COMPLAINT WITH
PREJUDICE FOR FAILURE TO
STATE A CLAIM**

THIS MATTER having been brought before the Court on
the Motion of Methfessel & Werbel attorneys for defendants,
for an Order To Dismiss Plaintiffs' Complaint for Failure
to State a Claim, and the Court having considered the
matter and for good cause shown;

IT IS on this day of 2019;

ORDERED that Plaintiffs' Verified Complaint be and is
hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that a copy of this Order shall be deemed served by the uploading of this Order on eCourts.

Hon. Margaret Goodzeit, P.J.Ch.

- () Opposed
- () Unopposed

Our File No. 87639

CERTIFICATE OF MAILING

The undersigned hereby certifies as follows:

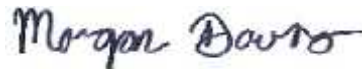
1. I am employed by the law firm of Methfessel & Werbel.

2. On May 22, 2019 the undersigned prepared and forwarded copies of the within correspondence to the following parties:

Hon. Margaret Goodzeit, P.J.Ch.
Somerset County Superior Court
20 North Bridge Street
Somerville, NJ 08876-1262

VIA LAWYERS SERVICE AND EMAIL:
dstratis@earthlink.net
Demetrios K. Stratis, Esq.
Law Office of Demetrios K. Stratis
10-04 River Road
Fairlawn, NJ 07410

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Morgan Downs

EXHIBIT A

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.:

Civil Action

-vs-

**VERIFIED COMPLAINT FOR
DECLARATIVE AND INJUNCTIVE RELIEF**

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants.

Plaintiffs, by their undersigned counsel, bring this civil action for declaratory judgment and injunctive relief against Defendants for injuries caused through their acts. Plaintiffs believe that substantial evidentiary support exists for the allegations set forth herein after a reasonable opportunity for discovery, and based upon information and belief, allege as follows:

SUMMARY OF THE ACTION

1. Plaintiffs are Daniel Gallic, Emmett Gallic, Doreen Blanchard-Gliebe, and Tristin Goode.

2. Plaintiffs bring this claim seeking to stop Defendants Watchung Hills Regional High School Board of Education (hereinafter “WHRHS Board” “School Board” or “Board of Education”) from violating the criminal statutes of New Jersey by permitting and causing to be distributed to minors under the age of 18, materials that are obscene and pornographic.
3. Taxpayers and parents have approached the Watchung Hills Regional High School Board of Education and administration on more than several occasions regarding the removal of the book *Fun Home: A Family Tragicomic* from the 12th grade English curriculum due to the obscene graphic images that would be presented to minors. (A selection of those images are attached as Exhibit A.)
4. The book was originally approved by the WHRHS Board as required 12th grade reading in November of 2017, when all the school curriculum was approved. At that point, (75) students were selected to read the book as part of a pilot program. Over the course of the past many months, hundreds of residents have addressed WHRHS Board about their concern over the images in the book by speaking at board meetings, sending emails and letters to the Board and school administration, and signing petitions calling for the removal of the book. Over 650 signatures of residents from the school district have been obtained on these petitions. Many more signatures from outside the district were also collected.
5. The WHRHS Board’s response to the numerous concerns of the residents has been to revise the curriculum to include two other book selections, in addition to *Fun Home: A Family Tragicomic*, in this particular reading unit. The other books, entitled “*We Are Okay*” (Nina LaCour) and “*Speak No Evil*” (Uzodinma Iweala), also address topics of sexuality. Students will be given the opportunity to select two of the three books presented (a first choice and backup choice) and will then be placed in reading groups within the same

classroom accordingly. Parents of minor students will not be provided with summaries of the book or the images, nor will they be notified of their student's book choice. Leaving the book in the curriculum at all is unacceptable and violates our criminal code. As such, the book should be removed from the approved curriculum as well as the school library.

6. In providing minor children with this book, the Board is in clear violation of New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3 entitled Obscenity for Persons under 18. “Obscene material” is defined as “any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation” The book clearly depicts “specified sexual activity” as defined by the statute because the book's images show oral sex, masturbation, genitalia, etc. The Board is distributing the book to children under the age of 18 and the Statute provides that “a person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree”.
7. The fact that the Board is giving the children the “option” to read this book is not a defense because the Statute provides that: “Knowingly means: (a) Having knowledge of the character and content of the material or film described herein; or (b) Having failed to exercise reasonable inspection which would disclose its character and content.” N.J.S.A. 2C:34-3. The Board knows that the book shows sexual activity that is defined as obscene and is knowingly including the book as an option for 12th grade reading material.
8. N.J.S.A. 2C:34-3 prohibits distribution of obscene material to minors because of the direct harmful effects of obscene material on our State's minors. However the statute is also crucial in preventing sexual predators from using obscene images to desensitize minors by

showing them sexual cartoons and pornography in the well-documented practice of “social grooming”. Social grooming accompanies most incidents of child sexual abuse, and along with undermining parental authority, are key behaviors of sexual predators.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to N.J.S.A. Const. Art. 6, §3.
10. This Court has jurisdiction over this action pursuant to New Jersey Court Rule 4:3-1(a) because this is an action in equity, seeking only declaratory and injunctive relief.
11. This Court has jurisdiction over Plaintiffs and Defendants as they conduct substantial business in, and/or are citizens of the State of New Jersey and the property in dispute is located in Somerset County, New Jersey.
12. Venue is proper in Somerset County, New Jersey as the issue is before the Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, and the causes of action asserted herein occurred in Warren, County of Somerset, State of New Jersey.

FIRST CAUSE OF ACTION—DECLARATORY JUDGMENT

13. Plaintiff Daniel Gallic is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey, and a parent of Plaintiff, Emmett Gallic, a student who was attending Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, at the time the book “Fun Home” was assigned reading in the pilot program in the spring of 2018.
14. Plaintiff Emmett Gallic is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey. Plaintiff Emmett Gallic was a 17-year-old student

attending Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, and was enrolled in 12th grade English class of defendant, Courtney Griffith when he was required to read *Fun Home: A Family Tragicomic* in the pilot program. Plaintiff Emmett Gallic is the son of Plaintiff Daniel Gallic. Plaintiff Emmett Gallic has suffered damages as a result of being required to read the book including emotional, psychological and other damages.

15. Plaintiff Doreen Blanchard-Gliebe is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey. Plaintiff Doreen Blanchard-Gliebe resides within the boundaries of Watchung Hills Regional High School in Green Brook, County of Somerset, State of New Jersey, and is a resident of the State of New Jersey who, within one year of the commencement of this action, has paid taxes in support of the Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey.

16. Plaintiff Tristin Goode is now, and at all times mentioned in this complaint was, a resident of Somerset County, New Jersey. Plaintiff Tristin Goode resides within the boundaries of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey, and is a resident of the State of New Jersey who, within one year of the commencement of this action, has paid taxes in support of the Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey.

17. Defendant George Alexis is now, and at all times mentioned in this complaint was, the principal of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in his official capacity as such principal. As principal of Watchung Hills Regional High School in Warren, County of Somerset, State of New

Jersey, Defendant George Alexis is responsible for implementing the policies set down by the WHRHS Board of Education.

18. Defendant Elizabeth Jewett is now, and at all times mentioned in this complaint was, the superintendent of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in her official capacity as such superintendent.
19. Defendant Mary Ellen Phelan is now, and at all times mentioned in this complaint was, the director of curriculum of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in her official capacity as such director of curriculum.
20. Defendant James Aquavia is now, and at all times mentioned in this complaint was, the English supervisor of Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in his official capacity as such English supervisor.
21. Defendant Courtney Griffith is now, and at all times mentioned in this complaint was, an English teacher at Watchung Hills Regional High School in Warren, County of Somerset, State of New Jersey and is sued in her official capacity as such an English teacher.
22. Defendant Peter Fallon is now, and at all times mentioned in this complaint was, the president of the Watchung Hills Regional High School Board of Education in Warren, County of Somerset, State of New Jersey and is sued in his official capacity as such president.
23. Defendant Watchung Hills Regional High School Board of Education in Warren, County of Somerset, State of New Jersey is responsible for approving and disapproving of policies, procedures and curriculum including the use of the book *Fun Home: A Family Tragicomic*

in the 12th grade English curriculum.

24. The book *Fun Home: A Family Tragicomic* was originally approved by the School Board as required 12th grade reading in November of 2017, when the entire school curriculum was approved. Several parents had conversations with the English Department Supervisor, Mr. James Aquavia, and Ms. Mary Ellen Phelan, Director of Curriculum and Instruction, to express their concerns and, in parallel, brought the matter to the school board at the Tuesday, May 22, 2018 meeting. While Mr. Aquavia and Ms. Phelan listened, they were not supportive of their request to replace the book.
25. The school's firewall prevents students from accessing sites that show such images, yet the school finds it acceptable to include similar images in their curriculum. When the images were uploaded to the Warren Forum, they were removed because they were deemed as not appropriate for the Forum. When asked if some of the images could be included in the Echoes-Sentinel article, they also stated that the images were not appropriate for publishing in the paper.
26. The Defendant School Board first became aware of the issue in its May 22, 2018 meeting when three parents spoke. Three times the Superintendent said the negative response to the book was an LGBT issue, and three times a parent said it was not an LGBT issue, it was an images issue. (It is noteworthy that the Board's policy is not to engage with the public, so by the third time the Superintendent said, "I kind of broke the rules a little bit with the discussion that occurred. There is generally not a discussion with the public. So you can come and share your feedback with the board and either I or somebody else will get back to you following the board meeting . . .")
27. At the June 5, 2018 Board meeting, a large number of people spoke, mostly against the

book. Having been made aware of the issue, the Board President made some opening remarks about the book seeking to justify its inclusion in the curriculum and admitting that the Board of Education approves or disapproves of the recommendations including the one to have the book *Fun Home: A Family Tragicomic* included on the reading list. He stated:

- a. “The Board of Education adopted a Strategic Plan for the years from 2015 to 2020. The Strategic Plan included three goals. One of those goals is: Create and expand programs that enhance the social and emotional wellness of all students within a compassionate learning community. The Board of Education adopted a performance indicator for this goal which provides: Watchung Hills Regional High School will establish a district-wide Diversity Committee to examine and address issues regarding acceptance, respect and support throughout the school community and beyond. That District-wide Diversity Committee was established. One of its goals was to prepare a list of LGBTQ related titles for possible use in English Language Arts units of study. This led to an English Department initiative to expand LGBTQ voices in the curriculum. So the decision to expand the curriculum to include LGBTQ literature grew directly out of the Strategic Plan adopted by the Board of Education. “
- b. “Based upon the work done in this area by the English Department, in November 2017, the Superintendent recommended to the Board of Education a revised English curriculum to include LGBTQ literature. The Board of Education then voted to accept the Superintendent’s recommendation to revise the English curriculum to include *Fun Home: A Family Tragicomic* in the 12th Grade English Curriculum.”
- c. “It is important for you to realize that the Board of Education does not select books to be included in the curriculum. Instead, we act to approve or disapprove the recommendation made to us by our Superintendent as to what is to be included in the curriculum. Generally, the Board of Education votes once per year to approve the curriculum – unless the Superintendent recommends a revision to the curriculum – in which case the Board is usually asked to approve or disapprove the revision.”
- d. “The Board approved the revised 12th Grade curriculum to include *Fun Home: A Family Tragicomic* in November 2017. Since then we have piloted the revised curriculum in certain classes. This means that we purchased 75 copies of the book, brought in an English professor to train our teachers on LGBTQ studies and context for teaching the book, and this spring began teaching the book. That is why only some members of this year’s senior class will have read the book by the end of this school year.”

28. Public comments were made as summarized in the Board of Education meeting minutes

beginning on page 29 of the June 5th Board of Education Minutes. (See Exhibit B.) Most of the comments were against the book.

29. At the June 19, 2018 Board of Education meeting, the Superintendent proposed that "reading circles" be used, where students would choose from a number of books, and all would be discussed in the same class. The public comments can be found on pages 5-7 of the June 19th Board of Education Minutes. (See Exhibit C). The issue was not discussed at the July or August board meetings, although a small number of objectors attended.

30. At the September 11, 2018 Board of Education meeting, the Education Committee (hereinafter "EC") presented their recommendation to the School Board. They had chosen two additional books ("We Are Okay" and "Speak No Evil") from among 19 books they reviewed. Students may choose among three books, including "Fun Home," but may be reassigned to a different book if their first choice is "full". The School Board was presented with copies of the Petition and was reminded that their job is to represent the community's beliefs and values, as set forth in the following link: <https://www.nsba.org/about-us/what-school-boards-do>. The Petition contained about 650 names from adults in the sending districts, indicative of the community's beliefs and values. The signers stated: (a) they are offended by the images, and requested that the School Board (b) please replace "Fun Home" with another book.

31. In response, the Education Committee (a) considered removing "Fun Home" as one of the 3 choices and (b) considered the "Play version" of the book which, consistent with the Broadway play, does not contain the images. The "Play version" was a sufficient alternative in the form of an edited version of the book which did not contain the images which violate the New Jersey Criminal Statutes.

32. The Education Committee decided against both options. The Education Committee report is attached and the relevant section begins at page 3. (See Exhibit D.)
33. The Education Committee report states that “One point Mr. Aquavia made clear: This is not a unit to teach about LGBTQ it is a unit to teach literature.” (See page 4 of Exhibit D.)
34. Within the past few weeks, the book has been distributed by the Defendants and is being utilized in the curriculum and is being viewed by minors.
35. An actual and substantial controversy exists between Plaintiffs and Defendants. Plaintiffs contend that the use of the book violates the New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3 entitled Obscenity for Persons under 18. “Obscene material” is defined as “any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation . . .” The book clearly depicts “specified sexual activity” as defined by the statute because the book’s images show oral sex, masturbation, genitalia, etc. The Defendants are distributing the book to children under the age of 18 and the Statute provides that “a person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree”.
36. Defendants deny that their actions violate the Criminal Codes. A declaration is necessary to resolve this conflict.

WHEREFORE, Plaintiffs request judgment against Defendants as set forth below.

SECOND CAUSE OF ACTION—INJUNCTION

37. Plaintiffs reallege paragraphs 1 through 34 of this complaint as if set forth in full.
38. Plaintiffs are suffering, and will continue to suffer, irreparable harm and injury and are

without a plain, speedy, or adequate remedy at law, in that:

- a. Money damages will not adequately compensate Plaintiffs for the victimization by these Defendants;
- b. Money damages for this injury will be extremely difficult, if not impossible, to calculate;
- c. If defendants are not enjoined, a multiplicity of lawsuits will be required because their conduct is continuous and ongoing; and
- d. Damage as a result of criminal conduct is irreparable per se.
- e. They have no plain, speedy, or adequate remedy at law

39. In addition to all of the above allegations, there is a strong public interest in the issuance of preliminary and permanent injunctions in this case. The rights asserted by Plaintiffs are not particular to them; they are shared by all teachers, parents, and students who are subject to the policies set down by the School Board. Defendants' approval of the Book seriously impedes the exercise of rights vital to a free and educated society and should be enjoined.

WHEREFORE, Plaintiffs request that the court:

- a. Enter a judgment declaring illegal the Defendants' policy that the book "Fun Home: A Family Tragicomic" by Alison Bechdel be included as optional reading material and part of the 12th grade English curriculum.
- b. Issue preliminary and permanent injunctions restraining Defendants from including the book "Fun Home: A Family Tragicomic" by Alison Bechdel be included as optional material and as part of the 12th grade English curriculum;
- c. Award of compensatory damages where applicable;

- d. Award plaintiffs costs of this action including counsel fees; and
- e. Grant plaintiffs such other and further relief as the court considers just and proper.

Dated: 4-26-19

CERTIFICATION

I certify that, pursuant to Rule 4:5-1, to my knowledge and based on the information available to me at this time, the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding and that no additional parties are known at this time who should be added.

Dated: 4-26-19



DEMETRIOS K. STRATIS, ESQ.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to New Jersey Court Rule 4:10-2(b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

Dated: 4-26-19



DEMETRIOS K. STRATIS, ESQ.

VERIFICATION

1. I, EMMETT GALLIC, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.

2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date:



EMMETT GALLIC

VERIFICATION

1. I, DANIEL GALLIC, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.

2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date:



DANIEL GALLIC individually and
as guardian for E. G. a minor

VERIFICATION

1. I, DOREEN BLANCHARD-GLIEBE, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.

2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 4/8/19


DOREEN BLANCHARD-GLIEBE

VERIFICATION

1. I, TRISTIN GOODE, am a Plaintiff herein and verify that I have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.

2. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 4/8/2019

T. Goode
TRISTIN GOODE

EXHIBIT B

----- Forwarded message -----

From: Jinks, Roger <Roger.Jinks@doe.nj.gov>

Date: Tue, Oct 2, 2018 at 1:57 PM

Subject: FW: WHRHS Curriculum Concern - Fun Home: A Family Tragicomic

To: Elizabeth Jewett <ejewett@whrhs.org>

As per our phone conversation...

Roger

From: Jinks, Roger

Sent: Tuesday, October 02, 2018 12:04 PM

To: 'Tristin Goode' <tristin.goode@gmail.com>

Subject: WHRHS Curriculum Concern - Fun Home: A Family Tragicomic

Dear Ms. Goode –

I have reviewed your email dated September 29, 2018. The selection of materials to implement the curriculum is in the discretion of the school district. Please continue to share your concerns with the board of education. If you believe that one of the books in the curriculum violates NJ criminal statutes, please address this issue with your county prosecutor's office.

Sincerely yours,

Roger Jinks

Executive County Superintendent

Somerset County

From: Tristin Goode [<mailto:tristin.goode@gmail.com>]

Sent: Saturday, September 29, 2018 9:02 PM

To: Jinks, Roger <Roger.Jinks@doe.nj.gov>

Subject: [EXTERNAL] PLEASE READ: WHRHS Curriculum Concern - Fun Home: A Family Tragicomic

Dear Mr. Jinks,

Taxpayers and parents have approached the Watchung Hills Regional High School Board of Education and administration on more than several occasions regarding the removal of the book *Fun Home: A Family Tragicomic* from the 12th grade English curriculum due to the obscene graphic images that would be presented to minors. This book was originally approved by the Board as required 12th grade reading in November 2017, when all the school curriculum was approved. Over the course of the past five months, hundreds of residents have addressed the board about their concern over the images in the book, via speaking at board meetings, emails and letters to the board and school administration, and petitions calling for the removal of the book. Over 650 signatures have been obtained on these petitions.

In providing minor children with this book, the school appears to be in violation of New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3 *Obscenity for Persons under 18* (see attached). The book clearly depicts “specified sexual activity” as defined by the statute (the book’s images show oral sex, masturbation, genitalia, etc.). Per the statute, “a person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree”.

The Board’s response to the numerous concerns of the residents has been to revise the curriculum to include two other book selections, in addition to *Fun Home: A Family Tragicomic*, in this particular reading unit: *We Are Okay* (Nina LaCour) and *Speak No Evil* (Uzodinma Iweala). Students will be given the opportunity to select two (first and second choice) of the three books presented and will then be placed in reading groups within the class accordingly. Leaving the *Fun Home* in the curriculum under any circumstance seems to be in violation of the NJ Criminal Code.

As a community, we have followed the protocol outlined in the County Superintendent of Schools website for resolving issues, specifically the legal questions from the public. We request that you address our concerns regarding the apparent criminal offense posed by requiring this book to be read by students under age 18. An expedited response is requested, since if this curriculum is approved at the next Board of Education meeting on October 2, 2018, the book will be included in the current Class of 2019 curriculum.

Sincerely,

Tristin Goode (on behalf of many concerned parents and tax payers)

Attachments:

1. New Jersey Revised Statutes Title 2C – the New Jersey Code of Criminal Justice, Section 2C:34-3
Obscenity for Persons under 18
2. Images from Fun Home: A Family Tragicomic book

CONFIDENTIALITY NOTICE: The information contained in this communication from the New Jersey Department of Education is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the New Jersey Department of Education at (609) 376-3500 to arrange for the return of this information.

EXHIBIT C

2240 CONTROVERSIAL ISSUES

The Watchung Borough Schools provide opportunities for the study of controversial issues.

The presentation and discussion of controversial issues in the classroom must be on an informative basis. Teachers shall guide discussion of controversial issues toward appreciation, and respect differences in beliefs. Teachers must guard against giving their personal opinions on sectarian or political questions or any other controversial issues until the students have had the opportunity to:

- A. Find, collect, and assemble factual materials on the subject;
- B. Interpret the data without prejudice;
- C. Reconsider assumptions and claims;
- D. Reach independent conclusions.

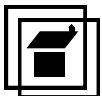
By refraining from expressing personal views before and during the period of research and study, the teacher encourages the students to search after truth and to think for themselves. The development of an ability to meet issues without prejudice and to withhold judgments while facts are being collected, assembled, and weighed and relationships seen before drawing inferences or conclusions is among the most valuable outcomes of a free educational system.

Students must be guaranteed the right to:

- A. Study any controversial issue which has political, economic, or social significance and concerning which (at his or her level) he or she should begin to have an opinion;
- B. Have free access to all relevant information, including the material that circulates freely in the community;
- C. Study under competent instruction in an atmosphere free from bias and prejudice;
- D. Form and express his or her own opinions on controversial issues without thereby jeopardizing his or her relations with the teacher or the school.

When public employees make statements pursuant to their official duties: in the classroom, at Board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (*Garcetti v. Ceballos*).

Adopted: 19 October 2016



LAW OFFICES OF
RUTA, SOULIOS & STRATIS LLP
COUNSELORS AT LAW

JOSEPH A. RUTA
Member NY and NJ Bars

STEVEN A. SOULIOS
Member NY and NJ Bars

DEMETRIOS K. STRATIS
Member of NJ, PA, DC,
and US Supreme Court Bars

OF COUNSEL:
MITCHELL LAPIDUS
BARBAROS KARAAHMET
JEFFREY JAFFE

10-04 RIVER ROAD
FAIR LAWN, NEW JERSEY 07410

(201) 794-6200
FACSIMILE (201) 794-6300
WWW.LAWNYNJ.COM

OTHER OFFICES LOCATED AT:

370 LEXINGTON AVENUE
24TH FLOOR
NEW YORK, NY 10017
(212) 997-4500

101 TOWN CENTER DRIVE
SUITE 111
WARREN, NJ 07059
(908) 769-4250

VIA HAND DELIVERY

May 31, 2019

Clerk, Chancery Division, General Equity
Somerset County Courthouse,
20 North Bridge Street, 4th Floor
Somerville, New Jersey 08876

Re: ***Gallic et al v Watchung Hills Board of Ed et al***
Docket Number SOM-C-12032-19

Dear Clerk:

Please be advised that this office represent the Plaintiff's in the above captioned matter. In accordance with the Court's Order, enclosed herewith please find an original and one copy of the following documents for filing and consideration:

1. Affidavits of Service for each of the named Defendants
2. Proposed form of Order with self-addressed stamped envelope;
3. Opposition Brief (and Reply) to the Defendant's Motion to Dismiss returnable June 5, 2019 and return date of the Order to Show Cause.

Kindly file same and return a copy marked filed to me in the enclosed self-addressed stamped envelope. Thank you for your attention to this matter.

Very truly yours,

Demetrios K. Stratis

Demetrios K. Stratis
DKS:dp

enclosure

Cc: The Honorable Margaret Goodzeit, Presiding Judge Chancery Div. (with enclosures)
Eric L. Harrison, Esq (via email and New Jersey Lawyers Service with enclosures)

EMMETT GALLIC, ET AL

Plaintiff



20190506161340

Superior Court Of New Jersey

vs

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION

SOMERSET Venue

Defendant

Docket Number: SOM C 12032 19

Person to be served (Name and Address): COURTNEY GRIFFITH, ENGLISH TEACHER WATCHUNG HILLS REGIONAL HIGH SCHOOL 108 STIRLING RD WARREN NJ 07059 By serving: COURTNEY GRIFFITH, ENGLISH TEACHER

AFFIDAVIT OF SERVICE (For Use by Private Service)

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT, PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT, VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Name of Person Served and relationship/title:

Service Data: [X] Served Successfully [] Not Served

PAMELA SASSO

Date/Time: 5/8/2019 10:58 AM

Secretary

[] Delivered a copy to him/her personally

[] Left a copy with a competent household member over 14 years of age residing therein (indicate name & relationship at right)

[X] Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc. (indicate name & official title at right)

Description of Person Accepting Service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: _____

Unserved:

- [] Defendant is unknown at the address furnished by the attorney
[] All reasonable inquiries suggest defendant moved to an undetermined address
[] No such street in municipality
[] Defendant is evading service
[] Appears vacant
[] No response on:

Date/Time: _____
Date/Time: _____
Date/Time: _____

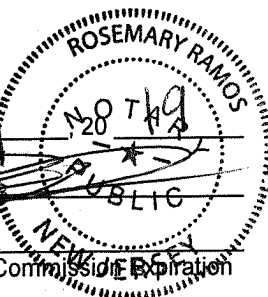
Other:

JB

Served Data:

Subscribed and Sworn to me this

9th May 2019
ROSEMARY RAMOS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 28, 2023



I, NUNO VEIGA, was at the time of service a competent adult, over the age of 18 and not having direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server

5/9/2010
Date

Name of Private Server: NUNO VEIGA Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (800) 672-1952

EMMETT GALLIC, ET AL

Plaintiff



20190506161433

Superior Court Of New Jersey

SOMERSET Venue

Docket Number: SOM C 12032 19

vs

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION

Defendant

Person to be served (Name and Address):

MARY ELLEN PHELAN, DIRECTOR OF CURRICULUM & INSTRUCTION
WATCHUNG HILLS REGIONAL HIGH SCHOOL 108 STIRLING RD
WARREN NJ 07059

By serving: MARY ELLEN PHELAN, DIRECTOR OF CURRICULUM &
INSTRUCTION

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT,
PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT,
VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Service Data: [X] Served Successfully [] Not Served

Date/Time: 5/8/2019 10:59 AM

[] Delivered a copy to him/her personally

[] Left a copy with a competent household member over 14 years of age
residing therein (indicate name & relationship at right)

[X] Left a copy with a person authorized to accept service, e.g. managing agent,
registered agent, etc. (indicate name & official title at right)

AFFIDAVIT OF SERVICE

(For Use by Private Service)

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Name of Person Served and relationship/title:

PAMELA SASSO

secretary

Description of Person Accepting Service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: _____

Unserved:

- [] Defendant is unknown at the address furnished by the attorney
- [] All reasonable inquiries suggest defendant moved to an undetermined address
- [] No such street in municipality
- [] Defendant is evading service
- [] Appears vacant
- [] No response on:
 - Date/Time: _____
 - Date/Time: _____
 - Date/Time: _____

Other: _____

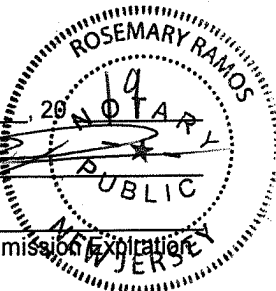
JB

Served Data:

Subscribed and Sworn to me this

9th day of May, 2019

Notary Signature: ROSEMARY RAMOS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 25, 2023
Name of Notary: _____
Commission Expiration: _____



I, NUNO VEIGA,

was at the time of service a competent adult, over the age
of 18 and not having direct interest in the litigation. I declare
under penalty of perjury that the foregoing is true and
correct.

Signature of Process Server

5/9/2019
Date

Name of Private Server: NUNO VEIGA Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (800) 672-1952

EMMETT GALLIC, ET AL

Plaintiff



20190506155736

Superior Court Of New Jersey

vs

SOMERSET Venue

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION

Defendant

Docket Number: SOM C 12032 19

Person to be served (Name and Address):

BOARD OF EDUCATION/WATCHUNG HILLS REGIONAL HIGH SCHOOL
BOARD OF EDUCATION
108 STIRLING RD
WARREN NJ 07059

By serving: BOARD OF EDUCATION/WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT, PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT, VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Service Data: Served Successfully Not Served

Date/Time: 5/7/2019 9:45 AM

Delivered a copy to him/her personally

Left a copy with a competent household member over 14 years of age residing therein (indicate name & relationship at right)

Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc. (indicate name & official title at right)

Description of Person Accepting Service:

SEX: M AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER: _____

Unserved:

- Defendant is unknown at the address furnished by the attorney
- All reasonable inquiries suggest defendant moved to an undetermined address
- No such street in municipality
- Defendant is evading service
- Appears vacant
- No response on:
 - Date/Time: _____
 - Date/Time: _____
 - Date/Time: _____

Other:

Served Data:

Subscribed and Sworn to me this

8 day of May, 2019
Notary Signature: _____

ROSEMARY RAMOS
NOTARY PUBLIC OF NEW JERSEY

Name of Notary: _____ Commission Expires SEP 25 2023 Commission Expiration

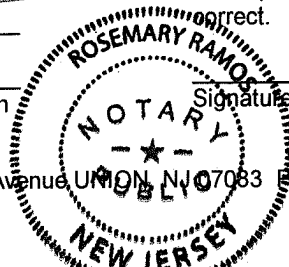
I, NUNO VEIGA,

was at the time of service a competent adult, over the age of 18 and not having direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server _____

5/8/2019
Date

Name of Private Server: NUNO VEIGA Address: 2009 Morris Avenue, Union, NJ 07083 Phone: (800) 672-1952



EMMETT GALLIC, ET AL

Plaintiff



20190506161407

Superior Court Of New Jersey

vs

SOMERSET Venue

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION

Defendant

Docket Number: SOM C 12032 19

Person to be served (Name and Address):

ELIZABETH JEWETT, SUPERINTENDENT
WATCHUNG HILLS REGIONAL HIGH SCHOOL 108 STIRLING RD
WARREN NJ 07059

By serving: ELIZABETH JEWETT, SUPERINTENDENT

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT,
PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT,
VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Service Data: Served Successfully Not Served

Date/Time: 5/8/2019 11:00 AM

Delivered a copy to him/her personally

Left a copy with a competent household member over 14 years of age
residing therein (indicate name & relationship at right)

Left a copy with a person authorized to accept service, e.g. managing agent,
registered agent, etc. (indicate name & official title at right)

AFFIDAVIT OF SERVICE

(For Use by Private Service)

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Name of Person Served and relationship/title:

PAMELA SASSO

Secretary

Description of Person Accepting Service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: _____

Unserved:

- Defendant is unknown at the address furnished by the attorney
- All reasonable inquiries suggest defendant moved to an undetermined address
- No such street in municipality
- Defendant is evading service
- Appears vacant
- No response on:
 - Date/Time: _____
 - Date/Time: _____
 - Date/Time: _____

Other:

JB

Served Data:

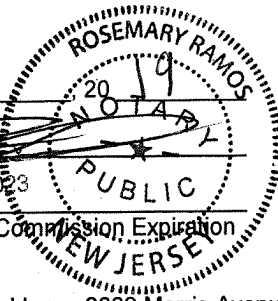
Subscribed and Sworn to me this

9th day of May

Notary Signature ROSEMARY RAMOS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 25, 2023

Name of Notary

Commission Expiration



I, NUNO VEIGA,

was at the time of service a competent adult, over the age
of 18 and not having direct interest in the litigation. I declare
under penalty of perjury that the foregoing is true and
correct.

Signature of Process Server

5/9/2010
Date

Name of Private Server: NUNO VEIGA Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (800) 672-1952

EMMETT GALLIC, ET AL

Plaintiff

vs

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION

Defendant



20190506161132

Superior Court Of New Jersey

SOMERSET Venue

Docket Number: SOM C 12032 19

Person to be served (Name and Address):

PETER FALLON, PRESIDENT, B.O.E.
WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION 108
STIRLING RD
WARREN NJ 07059

By serving: PETER FALLON, PRESIDENT, B.O.E.

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT,
PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT,
VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Service Data: [X] Served Successfully [] Not Served

Date/Time: 5/8/2019 10:58 AM

[] Delivered a copy to him/her personally

[] Left a copy with a competent household member over 14 years of age
residing therein (indicate name & relationship at right)

[X] Left a copy with a person authorized to accept service, e.g. managing agent,
registered agent, etc. (indicate name & official title at right)

Description of Person Accepting Service:

SEX:F AGE:36-50 HEIGHT:5'9"-6'0" WEIGHT:131-160 LBS. SKIN:WHITE HAIR:BLONDE OTHER:

Unserved:

- [] Defendant is unknown at the address furnished by the attorney
- [] All reasonable inquiries suggest defendant moved to an undetermined address
- [] No such street in municipality
- [] Defendant is evading service
- [] Appears vacant
- [] No response on:
 - Date/Time: _____
 - Date/Time: _____
 - Date/Time: _____

Other:

Served Data:

Subscribed and Sworn to me this

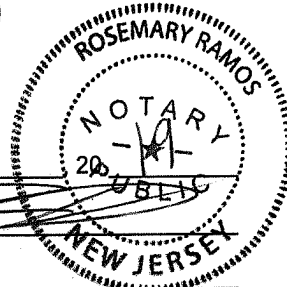
9th day of May

Notary Signature

Name of Notary

Commission Expiration

JB



I, NUNO VEIGA,

was at the time of service a competent adult, over the age
of 18 and not having direct interest in the litigation. I declare
under penalty of perjury that the foregoing is true and
correct.

Signature of Process Server

5/9/2010
Date

EMMETT GALLIC, ET AL

Plaintiff

vs

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION
Defendant



20190506161306

Superior Court Of New Jersey

SOMERSET Venue

Docket Number: SOM C 12032 19

Person to be served (Name and Address):

JAMES AQUAVIA, ENGLISH SUPERVISOR
WATCHUNG HILLS REGIONAL HIGH SCHOOL 108 STIRLING RD
WARREN NJ 07059

By serving: JAMES AQUAVIA, ENGLISH SUPERVISOR

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT,
PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT,
VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Service Data: Served Successfully Not Served

Date/Time: 5/8/2019 10:59 AM

Delivered a copy to him/her personally

Left a copy with a competent household member over 14 years of age
residing therein (indicate name & relationship at right)

Left a copy with a person authorized to accept service, e.g. managing agent,
registered agent, etc. (indicate name & official title at right)

Description of Person Accepting Service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: _____

Unserved:

- Defendant is unknown at the address furnished by the attorney
- All reasonable inquiries suggest defendant moved to an undetermined address
- No such street in municipality
- Defendant is evading service
- Appears vacant
- No response on:
 - Date/Time: _____
 - Date/Time: _____
 - Date/Time: _____

Other:

Served Data:

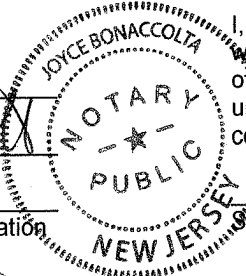
Subscribed and Sworn to me this

13th day of May, 2019

Notary Signature: Joyce Bonaccolta

JOYCE BONACCOLTA
NOTARY PUBLIC OF NEW JERSEY

Name of Notary Commission Expires May 16, 2020 Commission Expiration



I, NUNO VEIGA,

was at the time of service a competent adult, over the age
of 18 and not having direct interest in the litigation. I declare
under penalty of perjury that the foregoing is true and
correct.

Signature of Process Server

5/13/2019
Date

Name of Private Server: NUNO VEIGA Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (800) 672-1952

16

JB

EMMETT GALLIC, ET AL

Plaintiff



20190506161306

vs

Superior Court Of New Jersey

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION

SOMERSET Venue

Defendant

Docket Number: SOM C 12032 19

Person to be served (Name and Address):

JAMES AQUAVIA, ENGLISH SUPERVISOR
WATCHUNG HILLS REGIONAL HIGH SCHOOL 108 STIRLING RD
WARREN NJ 07059

By serving: JAMES AQUAVIA, ENGLISH SUPERVISOR

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT,
PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT,
VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Service Data: Served Successfully Not Served

Date/Time: 5/8/2019 10:59 AM

Delivered a copy to him/her personally

Left a copy with a competent household member over 14 years of age
residing therein (indicate name & relationship at right)

Left a copy with a person authorized to accept service, e.g. managing agent,
registered agent, etc. (indicate name & official title at right)

AFFIDAVIT OF SERVICE

(For Use by Private Service)

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Name of Person Served and relationship/title:

PAMELA SASSO

Secretary

Description of Person Accepting Service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: _____

Unserved:

- Defendant is unknown at the address furnished by the attorney
- All reasonable inquiries suggest defendant moved to an undetermined address
- No such street in municipality
- Defendant is evading service
- Appears vacant
- No response on:
 - Date/Time: _____
 - Date/Time: _____
 - Date/Time: _____

Other: _____

JB

Served Data:

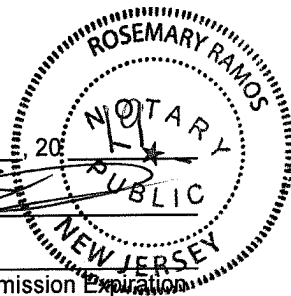
Subscribed and Sworn to me this

9th day of May, 2019

Notary Signature: _____

Name of Notary

Commission Expiration



I, NUNO VEIGA,

was at the time of service a competent adult, over the age of 18 and not having direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server

5/9/2010
Date

ROSEMARY RAMOS

NOTARY PUBLIC OF NEW JERSEY

Name of Private Server: NUNO VEIGA Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (800) 672-1952

My Commission Expires Sept. 25, 2023

EMMETT GALLIC, ET AL

Plaintiff

vs

WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF EDUCATION
Defendant



20190506161209

Superior Court Of New Jersey

SOMERSET Venue

Docket Number: SOM C 12032 19

Person to be served (Name and Address):

GEORGE ALEXIS
WATCHUNG HILLS REGIONAL HIGH SCHOOL 108 STIRLING RD
WARREN NJ 07059

By serving: GEORGE ALEXIS

Attorney: DEMETRIOS K. STRATIS, ESQ.

Papers Served: ORDER TO SHOW CAUSE, LETTER TO COURT,
PROPOSED ORDER TO SHOW CAUSE, VERIFIED COMPLAINT,
VERIFICATION, EXHIBITS, LEGAL BRIEF IN SUPPORT

Service Data: Served Successfully Not Served

Date/Time: 5/8/2019 10:59 AM

Delivered a copy to him/her personally

Left a copy with a competent household member over 14 years of age
residing therein (indicate name & relationship at right)

Left a copy with a person authorized to accept service, e.g. managing agent,
registered agent, etc. (indicate name & official title at right)

Description of Person Accepting Service:

SEX: F AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: _____

Unserved:

- Defendant is unknown at the address furnished by the attorney
- All reasonable inquiries suggest defendant moved to an undetermined address
- No such street in municipality
- Defendant is evading service
- Appears vacant
- No response on:

Date/Time: _____
Date/Time: _____
Date/Time: _____

Other: _____

Served Data:

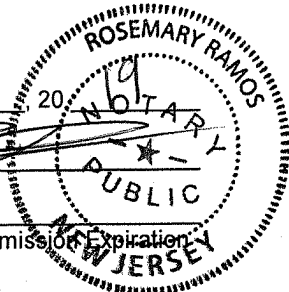
Subscribed and Sworn to me this

9th day of May, 2019

Notary Signature: _____

Name of Notary

Commission Expiration



ROSEMARY RAMOS

Name of Private Server: NUNO VEIGA Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (800) 672-1952
My Commission Expires Sept. 25, 2023

AFFIDAVIT OF SERVICE

(For Use by Private Service)

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Name of Person Served and relationship/title:

PAMELA SASSO

Secretary

I, NUNO VEIGA,

was at the time of service a competent adult, over the age
of 18 and not having direct interest in the litigation. I declare
under penalty of perjury that the foregoing is true and
correct.

Signature of Process Server

5/9/2010
Date

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

-vs-

ORDER

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants.

This matter being brought before the court by Demetrios K. Stratis, Esq. of the firm Ruta, Soulios & Stratis, LLP attorney for the Plaintiffs, seeking injunctive relief, and Defendants having been represented by Eric L. Harrison, Esq. and the Court having considered the papers filed and having considered the arguments of counsel and for good cause shown,

It is, on this _____ day of _____, 2019,

ORDERED that Plaintiffs relief is granted and Defendants are hereby enjoined and restrained from distributing, including, facilitating, or in any way permitting the book Fun

Home: A Family Tragicomic from appearing or being any part of the curriculum at Watchung Hills High School; and it is further

ORDERED that a copy of this Order shall be served upon all counsel by the moving party within ____ days of the date of the entry of the within Order.

J.S.C.

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

-vs-

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants.

**BRIEF IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND IN FURTHER
SUPPORT OF ITS ORDER TO SHOW CAUSE**

On the Brief:

Demetrios K. Stratis, Esq.

PRELIMINARY STATEMENT AND STATEMENT OF FACTS

Defendants failed to appreciate the gravamen of Plaintiffs' claims. Plaintiffs are not seeking to enforce the criminal codes through the Chancery Courts. Plaintiffs seek to establish that the book Fun Home should not be offered in any way as part of the curriculum to the students at Watchung Hills High School because it contains obscene materials. Alternatives exist including a version of the same book that does not contain obscene materials and yet the Defendants intentional insisted that the version of the book containing obscene materials must be included in the reading list of 3 books. Plaintiffs seek to enjoin the Defendant's action that is harmful to the students – to wit, distributing obscene material to minors. Plaintiffs do not seek to enforce municipal ordinances or state penal statutes in a manner that is reserved for law enforcement. Plaintiffs submit that this Court has the authority to enter such injunctive relief.

Daniel Gallic submits a short Certification (attached as Exhibit A) setting forth that his son, Emmett Gallic is another Plaintiff in this matter and he is over the age of 18 at this time, born June 6, 2000. He further certifies that he currently has a daughter (N.G. born September 23, 2004) who is currently attending Watchung Hills Regional High School and has four other children (Z.G. born November 19, 2008; C.G. born March 7, 2010; B.G. born April 28, 2013 and T.G. born June 6, 2017) who will be attending Watchung Hills Regional High School when they are of age and further, has three other children who have graduated.

LEGAL ARGUMENT

POINT 1: DEFENDANTS MOTION MUST BE DENIED AS DEFENDANT CANNOT SATISFY THE STANDARD PERMITTING DISMISSAL AT THE INITIAL STAGES OF LITIGATION AND THE REQUIREMENTS OF R. 4:6-2(e) AND APPLICABLE CASE LAW.

Defendant's Motion to Dismiss the Complaint must be denied as Defendants cannot satisfy the requirements of R. 4:6-2(e) and applicable case law. R. 4:6-2(e) provides that a party may move for dismissal of the Complaint "for failure to state a claim upon which relief can be granted." A motion under R. 4:6-2(e) is rarely granted, particularly when brought in the early stages of litigation.

The Court, in Printing Mart-Morristown v. Sharp Electronics Corp., 116 N.J. 739 (1989), set forth the primary authority on the standard to be applied by the Court on a motion made pursuant to R. 4:6-2(e). In Printing-Mart, the Supreme Court articulated the standard of review for a motion under R. 4:6-2(e). Primarily, the Complaint must be searched to determine if a cause of action can be found within its four corners. See Printing Mart-Morristown v. Sharp Electronics Corp., supra, 116 N.J. at 746. The reviewing Court must search the Complaint "in depth and with liberality to ascertain whether the fundament of a cause of action may be gleaned even from an obscure statement of claim, opportunity being given to amend if necessary." *Id.* In addition, the Court is not to be concerned with the ability of the Plaintiff to prove the allegations contained in the Complaint. *Id.*

Further, the Plaintiff is entitled to every reasonable inference, and "the motion is granted only in rare instances and ordinarily without prejudice." See Van Natta Mechanical Corporation v. Di Staulo, 277 N.J. Super. 175, 181 (App. Div. 1994). Motions under R. 4:6-2(e) are to be treated with caution, and "because such motions are usually brought at the earliest stages of

litigation, and should only be granted in the rarest instances.” *Id.*, citing Printing Mart-Morristown v. Sharp Electronics Corp., *supra*, 116 N.J. 772.

“Where a defendant moves to dismiss a complaint for failure to state a claim upon which relief may be granted, the trial court must search the complaint in depth and **with liberality** to ascertain whether the fundament of a cause of action **may be gleaned** even from an obscure statement of claim, opportunity being given to amend if necessary.” See Hoffman v. Hampshire Labs Inc., 405 N.J.Super, 105 (App.Div. 2009). Emphasis added. “[T]he test for determining the adequacy of a pleading is whether a cause of action **is suggested** by the facts.” See Salzano v. North Jersey Media Group, Inc., 403 N.J. Super, 403 (App. Div. 2008). Emphasis added. Overall, the facts support the claims alleged and they should not be dismissed.

If “the fundament of a cause of action may be gleaned even from an obscure statement of claim,” then the Complaint should survive this preliminary stage. See Craig v. Suburban Cablevision, Inc., 140 N.J. 623, 626 (1995) (citation omitted). “A motion to dismiss a complaint under Rule 4:6-2(e) for failure to state a claim upon which relief can be granted must be evaluated in light of the legal sufficiency of the facts alleged in the complaint.” See Donato v. Moldow, 374 N.J. Super. 475, 482 (App. Div. 2005). The plaintiff’s obligation on a motion to dismiss is “not to prove the case but only to make allegations, which, if proven, would constitute a valid cause of action.” See Leon v. Rite Aid Corp., 340 N.J. Super. 462, 472 (App. Div. 2001). Within the four corners of his complaint, Plaintiff plainly meets this pleading burden.

On a R. 4:6-2(e) motion to dismiss a complaint for failure to state a claim, the Court applies an indulgent standard. “[T]he plaintiff is entitled to a liberal interpretation of [the] contents [of the complaint] and to the benefits of all its allegations and the most favorable inferences which may be reasonably drawn” therefrom. See Burg v. State, 147 N.J.Super. 316,

319 (App.Div.) (quoting Rappaport v. Nichols, 31 N.J. 188, 193 (1959)), certif.. denied, 75 N.J. 11 (1977). Every reasonable inference is accorded the plaintiff, Printing Mart-Morristown v. Sharp Electronics Corp., 116 N.J. 739, 746 (1989), and the motion is “granted only in rare instances and ordinarily without prejudice.” Pressler, Current N.J. Court Rules, comment 4.1.1 on R. 4:6-2(e) (2007).

At this preliminary stage of the litigation “the examination of a complaint’s allegation of fact required by the afore stated principles should be one that is at once painstaking and undertaken with a generous and hospitable approach.” Id. “Courts should grant these motions with caution and in ‘the rarest instances.’” See Bellinger v. Delaware River Port Auth., 311 N.J. Super. 317, 322 (App.Div. 1998) (quoting Print Mart-Morrison, supra, at 772). The role of the reviewing court is to decide whether, indulgently read, the fundament of a cause of action may be gleaned, giving plaintiff the benefit of all reasonable factual inferences that the allegations support. See, James v. Arms Technology, Inc., 359 N.J. Super. 291 (App.Div. 2003).

Defendants’ contention that this matter should not be entertained by the court and should be dismissed fails. The Plaintiffs have standing. (See Point below). The standard for a dismissal under Rule 4:6-2 has not been met. The standard for injunctive relief has been met. (See Point below). This Court has the authority to grant the relief herein. (See Point below.) The individual defendants must be held accountable. (See Point below.) Based on the foregoing, Defendants Motion to Dismiss must be denied.

POINT 2: A COURT OF EQUITY IS PERMITTED TO INTERPRET CRIMINAL LAWS

Preliminarily, Plaintiffs complaint, Count One, seeks Declaratory Judgment and Chancery Court is best equipped to make such determinations. Original jurisdiction of all causes was vested in a Superior Court with two trial divisions, Law and Chancery. Each Division is given plenary jurisdiction to render both legal and equitable relief as a given case requires so that the entire controversy between the parties would be expeditiously, completely and finally determined in one unified action. O'Neill v. Vreeland, 6 N.J. 158, 166, 77 A.2d 899 (1951); Ajamian v. Schlanger, 14 N.J. 483, 485, 103 A.2d 9 (1954), cert. den., 348 U.S. 835, 75 S.Ct. 58, 99 L.Ed. 659 (1954). At the time of filing, the decision to file in the Chancery Court is determined by whether plaintiff's primary right or principal relief sought is equitable or legal in nature. R. 4:3-1(a)(1). Clearly, here, it is primarily equitable in nature.

Moreover, Chancery Courts have used their equitable powers in the context of criminal actions on and in particular, where the interpretation of obscenity is at issue. It has been stated:

The power of the Court of Chancery to restrain illegal interference with legitimate business by peace officers under the guise of enforcing the law is indisputable. See Iannella v. Piscataway Township, 138 N.J. Eq. 598, 49 A.2d 491. Cases in which this question has arisen are generally concerned with an alleged violation of the criminal law and an attempt to prevent such violation by methods other than those which might be classed as due process. An examination of these cases discloses that although the Court of Chancery will ordinarily not interfere with the enforcement of the criminal law of this State, this court will enjoin interference with the conduct of business by physical force upon the mere claim that offenses against the criminal law are being conducted during the operation of such business, particularly where the law-enforcing officers fail or refuse to properly arrest and charge the alleged violators in accordance with the established law.

Higgins v. Krogman, 140 N.J. Eq. 518, 520–21 (Ch. 1947), decree aff'd, 142 N.J. Eq. 691 (1948)

By way of example, in Keuper v. Wilson, 111 N.J. Super. 502, 504–05 (Ch. Div. 1970), an action was brought under N.J.S.A. 2A:115—3.5 to enjoin the showing of the motion picture 'Man and Wife' and for an order compelling defendants to surrender to plaintiff any copy of the film in the possession of defendants for destruction in accordance with N.J.S.A. 2A:115—3.7.

Defendants filed a counterclaim for a declaration that the motion picture was not obscene. After the final hearing, the court filed an opinion (111 N.J. Super. 489), holding that plaintiff had failed to sustain the burden of proving the film obscene whereas defendants had sustained their burden of proving the film was not obscene. The opinion concluded, "There will be a judgment declaring that 'Man and Wife' is not obscene." Further, in Dale Book Co. v. Leary, 233 F. Supp. 754, 766 (E.D. Pa. 1964), aff'd, 389 F.2d 40 (3d Cir. 1968), the Court held that the seized publications as shown in the Exhibits were obscene and entitled to no protection by a Court of the United States and held that the petition of Dale Book Company, Inc., Plaintiff, for Preliminary Injunction and other relief was denied that the complaint will be dismissed, and entered judgment entered for defendants. And in Higgins v. Krogman, 140 N.J. Eq. 518 (Ch. 1947), decree aff'd, 142 N.J. Eq. 691 (1948), War veterans who were holding hawkers and peddlers licenses under statute authorizing special licenses to veterans were entitled to temporary restraint against extra-legal activities of municipal law-enforcing officers interfering with veterans in peddling merchandise on municipal beach, notwithstanding that such peddling was contrary to municipal ordinance. N.J.S.A. 45:24-9. Hence, a Chancery Court will enjoin interference with the conduct of business by physical force upon the mere claim that offenses against the criminal law are being conducted during the operation of such business and hence interpret such criminal laws.

"It must be generally conceded that ordinarily the Court of Chancery will not interfere with the **enforcement** of the criminal law of this State. An exception to this general rule, however, is to be found where valuable property rights will be protected by the Court of Chancery by injunction from damage or destruction, threatened or resulting, from the arbitrary acts of officials acting without due process of law. (Citations omitted). This court has the

inherent authority to so restrain the acts of public officials even though concerned with the enforcement of the criminal law, upon a case properly made.” Frey v. Dixon, 141 N.J. Eq. 481, 482–83 (Ch. 1948). Here, personal and property interests exist as a claim exists that the minor children will be harmed and indeed, that harm has already come upon Plaintiff Emmett Gallic who alleges injuries as a result of the book. And, Plaintiffs are not seeking enforcement of the criminal laws against the Defendants – only that it establishes the proofs that harm will occur, and it is, *per se*, actionable.

In Dempsey v. Alston, 405 N.J. Super. 499 (App. Div. 2009), the Chancery Court was called upon to determine if an injunction was warranted regarding a dress code. There, the Student's parents filed complaint against school superintendent, assistant high school principal, and board of education, seeking an order compelling defendants to permit student to attend high school without having to comply with the board's dress code policy and challenging constitutionality of statute which authorized boards of education to adopt uniform dress codes in public schools.

Defendants rely heavily on Egg Harbor v. Colasuonno, 182 N.J. Super. 110, (Ch. Div. 1981). Plaintiffs urge that Egg Harbour is not controlling. First, it is not precedential upon this court. It is a trial court opinion and by Court Rule, not authoritative on this Court. Secondly, it is not analogous. In Egg Harbour, a companion criminal case was filed unlike here where no criminal complaint was issued. In Egg Harbor, the city initially issued a number of summonses in the municipal court, asserting violations of its licensing and obscenity ordinances, as well as the New Jersey Criminal Code, N.J.S.A. 2C:34-2. While hearings were pending in Municipal Court, the town also initiated a verified complaint and order to show cause in Chancery court, seeking, among other things, injunctive relief. *Id* at 112-113. None of that procedure was

employed here. Third, the court in Egg Harbour specifically applied its holding to only the facts in that case. “In summary, it is the conclusion of this court that (1) the injunctive power of the Chancery Division may not be invoked **in this setting** for the purpose of enforcing municipal ordinances and state penal statutes;”. Egg Harbor City v. Colasuonno, 182 N.J. Super. 110, 116 (Ch. Div. 1981) (emphasis added.)

Here, Plaintiff only seek to use the criminal statutes to establish the requisite proofs that the book Fun Home should not be distributed to the minors at Watchung Hills High School. Plaintiffs do not seek to use this court to enforce the criminal laws by penal action against the Defendants. Indeed, it is significant that the present case involves potential harm to minors. While minors are entitled to a significant measure of First Amendment protection, the First Amendment rights of minors are not “co-extensive with those of adults.” Tinker v. Des Moines School Dist., 393 U.S. 503, 515, 89 S. Ct. 733, 741, 21 L.Ed.2d 731 (1969) (Stewart, J. concurring). “A state may permissibly determine that, at least in some precisely delineated areas, a child-like someone in a captive audience-is not possessed of that full capacity for individual choice which is the presupposition of First Amendment guarantees.” Ginsberg v. New York, 360 U.S. at 649-50, 88 S. Ct. at 1285-86.

Although not named specifically as parties to this action, the children of the State who attend Watchung High School are the ones most affected by whatever the determination of this court may be. (Plaintiff Daniel Gallic has certified that his children have attended, do attend, and will attend in the future Watchung Hills Regional High School.) Traditionally, the State has a legitimate interest in protecting the welfare of its children. In Prince v. Massachusetts, 321 U.S. 158, 168, 64 S. Ct. 438, 443, 88 L. Ed. 645 (1943), the Supreme Court said: “The state's

authority over children's activities is broader than over like actions of adults. What may be wholly permissible for adults therefore may not be so for children,

Our State Legislature has declared by statute and our courts for many years have held that children are the wards of the State. In N.J.S.A. 2A:4—2 the following appears: “It is hereby declared to be a principle governing the law of this state that children under the jurisdiction of said court are wards of the state, subject to the discipline and entitled to the protection of the state, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.” Therefore, this Court must be permitted to determine whether Defendant’s conduct is harmful to the children of this State situated in Watchung Hills Regional High School district, and this Court must find that Plaintiffs have standing to bring this action. See Point below.

POINT 3: INDIVIDUAL LIABILITY EXISTS AS TO THE INDIVIDUAL DEFENDANTS AND DISMISSAL IS NOT APPROPRIATE AT THIS TIME

Plaintiffs reliance on Gerber v. Springfield Bd. of Educ., 328 N.J. Super 24, (App. Div. 2000) is misplaced. There, plaintiff, a high school student, was attacked by another student and sustained nasal fractures. After surgery, the plaintiff still had difficulty breathing through her nose. Her doctor opined that her injuries were permanent, likely to get worse, and that there was no possibility that she would ever breathe normally again. There, the court addressed the applicability of the Charitable Immunity Act (“CIA”). See N.J.S.A. 2A:53A-7 to -11. The Court held that the CIA does not afford individual board members immunity unless they themselves are covered under the Act. “We agree that the CIA does not afford a basis to grant summary judgment to the individual Board members because the CIA only provides immunity for members of boards which are themselves covered under the CIA. N.J.S.A. 2A:53A-7.1. A

local board of education is not entitled to immunity under the CIA. *Hamel v. State*, 321 N.J. Super. 67, 77, 728 A.2d 264 (App.Div.1999). Therefore, the immunity for individual board members covered by the CIA does not apply to individual members of a local board of education.” See Gerber ex rel. Gerber v. Springfield Bd. of Educ., 328 N.J. Super. 24, 39–40 (App. Div. 2000). Here, the CIA is not at issue and it is not applicable.

Members of a Board of Education may indeed be sued in their individual capacity and for that very reason, the New Jersey Legislature enacted N.J.S.A. 18A:12-20, which entitles board members to indemnification for legal fees in certain types of legal proceedings. The statute provides, in full, as follows:

Whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding has been or shall be brought against any person for any act or omission arising out of and in the course of the performance of his duties as a member of the board of education, and in the case of a criminal or quasi-criminal action such action results in final disposition in favor of such person, the board of education shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom. Indemnification for exemplary or punitive damages shall not be mandated and shall be governed by the standards and procedures set forth in N.J.S.A. 59:10-4. Any board of education may arrange for and maintain appropriate insurance to cover all such damages, losses, and expenses.

See N.J.S.A. 18A:12-20.

Under this statute, a board member is entitled to indemnification if the complaint arose out of, and in the course of the performance of, the board member's duties. In Errington v. Mansfield Twp. Bd. of Educ., 100 N.J. Super. 130 (App. Div. 1986) the Appellate Division found the purpose of the indemnification statute is “to make manifest the implied power of boards of education to provide for legal defense of a member of the board who is sued individually for some action by him in furtherance of his prescribed duties.” *Id* at 138. With respect to civil and administrative matters, this statute has been liberally interpreted by the

courts, so board members are not inhibited from acting for what they believe is the public good without fear of economic loss. Quick v. Old Bridge Bd. of Educ., 308 N.J. Super. 338, 343 (App. Div. 1998).

In Quick v. Old Bridge, the Old Bridge Board of Education appealed a decision of the New Jersey State Board of Education, which ordered that Quick, a board member, be reimbursed for legal expenses in her defense of an action brought by the board seeking to prevent her from attending certain closed-session meetings due to a perceived conflict. The state board found that, because the provisions of N.J.S.A. 18A:12-20 were to be liberally construed, Quick was entitled to indemnification because, whether her legal argument was correct or not, she was drawn into the board's action only because she was a board member. Id at 341. The state board further found that failing to indemnify the board member in such a situation might also discourage citizens “from even seeking membership on a district board.” Id at 342.

The Appellate Division affirmed the state board's decision, noting that “where a school board member is sued ‘by reason of such membership,’ the member is entitled to have his or her counsel fees on the trial and on the appeal borne by the local board of education.” Id. The court emphasized that in civil matters the outcome of the action is irrelevant. Id at 343. Rather, the focus of whether to indemnify or not must be on the litigation where the expenses were incurred, and that if the lawsuit arises because of the board member's status on the board, he or she is entitled to reimbursement for legal fees associated with the defense of such an action. Id. Hence, a board member is entitled to indemnification for the defense of actions brought against the individual because he or she is a board member. The board member, however, is not entitled to immunity as suggested by the Defendant.

The purpose of enacting the statute by the New Jersey Legislature was to avoid the possibility of financial exposure that may deter a member of the public from running for a school board; if the Legislature intended to grant full immunity, it would have so elected. It did not. Instead, it elected to offer indemnification. Hence, dismissal is not appropriate based on immunity that is not afforded to Defendants.

POINT 4: PLAINTIFFS HAVE STANDING

Where standing is placed in issue, the question is whether the person whose standing is challenged is a proper party to such an adjudication of a particular issue and not whether the issue itself is justiciable. State Bd. of Ed. v. Bd. of Ed. of Netcong, 108 N.J. Super. 564, 571 (Ch. Div. 1970), aff'd, 57 N.J. 172 (1970). New Jersey courts take a broad and liberal approach to standing. See Crescent Park Tenants Ass'n v. Realty Equities Corp. of N.Y., 58 N.J. 98, 101 (1971); Dome Realty, Inc. v. City of Paterson, 150 N.J. Super. 448, 452, (App. Div. 1977). “In the overall we have given due weight to the interests of individual justice, along with the public interest, always bearing in mind that throughout our law we have been sweepingly rejecting procedural frustrations in favor of ‘just and expeditious determinations on the ultimate merits.’” Crescent Pk. Tenants Ass'n at 107–08. Thus, “courts hold that where the plaintiff is not simply an interloper and the proceeding serves the public interest, standing will be found.” In re Quinlan, *supra*, 70 N.J. at 34–35, (holding that father has standing to assert the constitutional rights of his incompetent daughter). See also Salorio v. Glaser, *supra*, 82 N.J. at 491, 414 A.2d 943 (reiterating that “in cases of great public interest, any ‘slight additional private interest’ will be sufficient to afford standing”). These principles comport with the proposition that standing rules and other justiciability norms “are not to be applied in a wooden fashion to preclude

‘expeditious relief from uncertainty with respect to rights when claims are in genuine conflict.’ ” Ridgewood Educ. Ass'n v. Ridgewood Bd. of Educ., 284 N.J. Super. 427, 431–32, 665 A.2d 776 (App.Div.1995) (quoting Bell v. Township of Stafford, 110 N.J. 384, 391, 541 A.2d 692 (1988)).

“Our courts have traditionally taken a generous view of standing in most contexts.” In re New Jersey State Contract, 422 N.J. Super. 275, 289 (App. Div. 2011) (citing Crescent Park Tenants Ass'n v. Realty Equities Corp. of N.Y., 58 N.J. 98, 107–12 (1971); N.J. Builders Ass'n v. Bernards Twp., 219 N.J. Super. 539 (App. Div. 1986), *aff'd*, 108 N.J. 223 (1987)). “[W]hen it comes to challenging governmental actions” we employ “a broad definition of standing” and “are not confined by the ‘case or controversy’ requirement under Article III, § 2 of the United States Constitution.” Loigman v. Twp. of Middletown, 297 N.J. Super. 287, 294–95 (App. Div. 1997) (citing Salorio v. Glaser, 82 N.J. 482, 490, *cert. denied*, 449 U.S. 804, 101 S. Ct. 49, 66 L.Ed. 2d 7 (1980)). And, as set forth, “The official actions of boards of education are identical in the public interest sense to those of local governing bodies. See Ridgewood Educ. Ass'n v. Ridgewood Bd. of Educ., 284 N.J. Super. 427, 433 (App. Div. 1995).

In Ridgewood Education Ass'n, the Court upheld taxpayers standing in suits against local school boards. The Court stated:

To the extent their status as residents and taxpayers of the school district was not itself an adequate basis for according standing—a proposition of questionable validity, see Kozesnik v. Montgomery Tp., 24 N.J. 154, 177–78, 131 A.2d 1 (1957)—Higgins and Hovan, by reason of their professional status and involvement, must be seen as having satisfied any additional requirement that may exist for a “slight private interest, added to and harmonizing with the general public interest,” Hudson Bergen County Retail Liquor Stores Ass'n v. Board of Comm'rs, City of Hoboken, 135 N.J.L. 502, 510, 52 A.2d 668 (E. & A.1947), in order for their standing to be recognized. Elizabeth Federal Sav. & Loan Ass'n v. Howell, 24 N.J. 488, 499–500, 132 A.2d 779 (1957). We see no reason why this State's historic liberal approaches to the issue of standing in general, see Crescent Pk., *supra*, 58 N.J. at 101, 275 A.2d 433, should not apply to taxpayer suits challenging the quasi-legislative actions of local boards of education. Silverman

v. Board of Ed., Tp. of Millburn, 134 N.J. Super. 253, 257–58, 339 A.2d 233 (Law Div.), aff'd.o.b. 136 N.J. Super. 435, 346 A.2d 611 (App. Div.1975).

Ridgewood Educ. Ass'n v. Ridgewood Bd. of Educ., 284 N.J. Super. 427, 432–33 (App. Div. 1995).

Taxpayers generally have standing to bring claims that a public entity has engaged in “illegalities and ultra vires acts.” *Id.* at 295–96. They have “a broad right ... to seek review of local legislative action without proof of unique financial detriment to them.” Kozesnik v. Twp. of Montgomery, 24 N.J. 154, 177 (1957). We have found that a taxpayer has standing to “challenge the award of a contract to a successful bidder,” In re New Jersey State Contract, supra, 422 N.J. Super. at 289 (citing Jen Elec., Inc. v. Cty. of Essex, 197 N.J. 627 (2009)), and “governmental action involv[ing] claims of illegal bidding procedures.” Loigman, supra, 297 N.J. Super. at 296 (citing L. Pucillo & Sons, Inc. v. Twp. of Belleville, 249 N.J. Super. 536 (App. Div.), certif. denied, 127 N.J. 551 (1991)).

Plaintiffs are taxpayers in Somerset County and within the Defendant’s regional school district and therefore the court should be satisfied that Plaintiffs have standing based upon their status as a taxpayer. Kozesnik, supra, 24 N.J. at 177; Loigman, supra, 297 N.J. Super. at 294–95. Daniel Gallic, a Plaintiff herein has certified that his son, Emmett Gallic is another Plaintiff in this matter and he is over the age of 18 at this time, born June 6, 2000. Daniel Gallic currently has a daughter (N.G. born September 9, 2004) who is currently attending Watchung Hills Regional High School. Additionally, he has four other children (Z.G. born November 19, 2008; C.G. born March 23, 2010; B.G. born April 23, 2013 and T.G. born June 6, 2017) who will be attending Watchung Hills Regional High School when they are of age and three other children who have graduated. (See Certification of Daniel Gallic attached hereto as Exhibit A.)

In Am. Civil Liberties Union of Florida, Inc. v. Miami-Dade Cty. Sch. Bd., 557 F.3d 1177, 1198 (11th Cir. 2009), the parent of a student sought to enjoin the school board after that board removed a certain book from the school's library. Id at 1182–83. The school board argued that the parent lacked standing because she failed to present the imminent injury. Id. at 1190. The Court analyzed the prior cases and concluded that “[t]he key in all ... of our decisions applying Lujan is that immediacy requires only that the anticipated injury occur with[in] some fixed period of time in the future.” Id. at 1193 (internal quotation marks omitted). We explained that “[i]mmediacy, in this context, means reasonably fixed and specific in time and not too far off.” Id. at 1193–94. In light of this analysis, the Court concluded in ACLU of Florida that the parent had standing. The declaration stated that she had seen the book in question in the library with her son and “had planned to check it out and read it together [with her son] in the future.” Id. at 1194. The parent also averred that, without the requested injunction, she and her son “will not be able to [check out the book] when the school resumes on August 14, 2006.” Id. The Court noted that the parent's declaration anticipated checking out the book on a specific date six weeks after the declaration was signed and, thus, provided “a specific intention pegged to a sufficiently fixed period of time.” Id. The Court concluded that “Lujan and our decisions interpreting it require no more immediacy than that.” Id. at 1195. The Court continued, “Because there is no standing problem with regard to the attack on the School Board's order to remove copies of the ‘Vamos a Cuba’ book itself from the libraries, we turn to other questions about that part of the preliminary injunction.”

Based on the liberal view of standing that our New Jersey Courts have applied and the fact that each of the Plaintiffs have asserted a sufficient stake in the matter and this matter is one

of “great public interest, any ‘slight additional private interest’ will be sufficient to afford standing”. See Salorio v. Glaser, supra, 82 N.J. at 491.

**POINT 5: PLAINTIFFS ARE ENTITLED TO
INJUNCTIVE RELIEF BASED UPON THE LEGAL
STANDARD AS DELINEATED IN CROWE V. DIGIOIA**

The Plaintiffs have satisfied the criteria for the Court to grant injunctive relief. Crowe v. DiGioia, 90 N.J. 126 (1982). An injunction should be issued only when: (1) it is necessary to prevent irreparable harm; (2) the legal rights underling Plaintiff’s claims are settled; (3) the material facts are not controverted; and (4) the relative hardship to the parties by entering the injunction is non-existent or outweighed by the equitable need to enter the injunction. *Id.* at 132-34.

Plaintiffs satisfy the above standard. Plaintiffs bring this claim seeking to stop Defendants Watchung Hills Regional High School Board of Education (hereinafter “WHRHS Board” or “Board of Education”) from violating the criminal statutes of New Jersey by permitting and causing to be distributed to minors under the age of 18, materials that are obscene. The excerpts reveal pictures of sex acts, in particular oral sex and acts of masturbation.

As to the irreparable harm, failure to enjoin, stay and/or restrain Defendants efforts to commit a criminal act, to wit: to cause obscene material to be viewed by minors, will result in the very harm the Legislature intended to prevent by criminalizing these acts. Our legislature has enacted Criminal Codes seeking to prevent the very acts that the Defendants have conducted. Our Courts have held that “[t]he power and authority of a state to protect its youth from objectionable materials and establish two standards of obscenity, one for adults and one for minors, is firmly planted.” State v. Seigel, 139 N.J. Super. 373, 376 (Law. Div. 1975).

As to the second prong, the legal rights underlying this request are settled. Plaintiffs have standing and have an interest in the subject matter. The right of parents to raise their children without undue state interference is well established.” Gruenke v. Seip, 225 F.3d 290, 303 (3d Cir. 2000); Troxel v. Granville, 530 U.S. 57, 66 (2000). See e.g., Pierce v. Soc’y of Sisters, 268 U.S. 510, 534–35 (1925) (acknowledging right of parents to direct upbringing and education of their children); Meyer v. Nebraska, 262 U.S. 390, 401 (1923) (recognizing right of parents to control education of their children). In a school setting, the Board’s power is “custodial and tutelary, permitting a degree of supervision and control that could not be exercised over free adults.” Gruenke, supra, 225 F.3d at 304.

The material facts in this matter are not controverted. Indeed, Defendants admit that the book was approved to be included in the curriculum and that the book has been offered to the children in Defendant high school district. The Defendants believe that the book does not violate our criminal statutes and the definition of obscenity, but there is no legitimate basis to include a book on a mandatory reading list with obscene pictures when so many alternatives exist including a “play version” of the book which does not include the obscene materials. Defendants essentially believe that any value of the book is lost if the obscene pictures are not included. That cannot be so.

Finally, in weighing the potential harm, the potential harm to the Plaintiffs clearly outweighs the harm to the Defendants. Defendants can continue to educate by allowing another book to be included in the mandatory reading list. There is no prejudice to the Defendants if they are enjoined from distributing this book and are compelled to substitute another book in its place. However, if this application is not granted, the Plaintiffs risk forever of being criminalized by their educators.

In the case of Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988), the Court upheld the authority of a high school principal to excise two pages from a school-sponsored student newspaper on the grounds that articles concerning teenage pregnancy and divorce were inappropriate for the level of maturity of the intended readers, the privacy interests of the articles' subjects were insufficiently protected, and the controversial views contained therein might erroneously be attributed to the school.

In Board of Education v. Pico, 457 U.S. 853 (1982), the Court affirmed the Second Circuit's reversal of the district court's grant of summary judgment in favor of a school board that had removed nine books from the school library. The New York school board voted to remove nine books from the libraries of the school district's middle and high schools because the books, according to the school board, were “anti-American, anti-Christian, anti-Semitic, and just plain filthy,” and as a result posed a “moral danger” to the students. *Id.* at 857. Some students at those schools sued the school board claiming that the removal of the books for “social, political, and moral” reasons violated their First Amendment rights to have access to the books. *Id.* at 856, 858–59. Five of the justices in Pico agreed that determination of the motivations of the school board was essential and that some of the motivations found in Pico would be unconstitutional. The plurality found the motivations unconstitutional if school officials “intended by their removal decision to deny respondents access to ideas with which [the officials] disagreed, and if this intent was the decisive factor in [the removal] decision.” Pico, at 871. Removal may be permissible if based on vulgarity or “educational suitability.” *Id.*

Here, however, the book Fun Home is not simply in the school library; it has been voted upon to be part of the mandatory reading list in the 12th grade English curriculum. (The students must select 2 of a total of 3 books listed on that reading list.) Thus, here, it is essential to

determine what was the motivation in mandating that the book become part of the curriculum and not just as part of the library resources. And, here, it is the Plaintiffs who seek to have the book removed due to its obscenity over the intentional inclusion in the curriculum by the Defendant School Board.

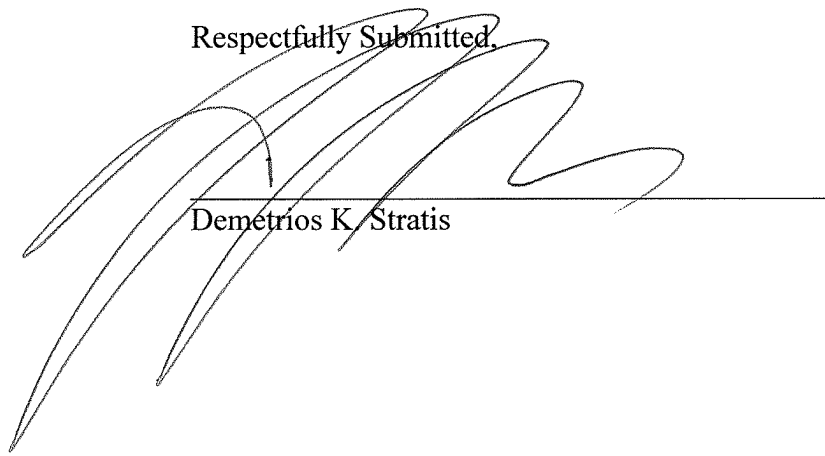
Plaintiffs are likely to succeed on the merits. As such, Plaintiff's Order to Show Cause must be granted to protect the assets of the Plaintiff.

CONCLUSION

For the reasons set forth above, the Court should deny the Defendants' Motion to Dismiss and grant Plaintiffs request for relief.

Respectfully Submitted,

Dated: 5-31-12



Demetrios K. Stratis

EXHIBIT A

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs

EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

-vs-

CERTIFICATION OF DANIEL GALLIC

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY GRIF-
FITH, ELIZABETH JEWETT, MARY
ELLEN PHELAN, and JOHN DOES 1-10
and JANE DOES 1-10 (SUCH NAMES
BEING FICTITIOUS)

Defendants.

I, Daniel Gallic, hereby certify as follows:

1. I am one of the Plaintiffs in the above captioned matter and as such am fully familiar with the facts herein.
2. My son, Emmett Gallic is another Plaintiff in this matter and he is over the age of 18 at this time, born June 6, 2000. I currently have a daughter (N.G. born September 23, 2004) who is currently attending Watchung Hills Regional High School. Additionally, I have four other children (Z.G. born November 19, 2008; C.G. born March 7, 2010; B.G. born April 28, 2013 and T.G. born June 6, 2017) who will be

attending Watchung Hills Regional High School when they are of age and three other children who have graduated.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Daniel Gallic

5/30/19

**CERTIFICATION OF FACSIMILE SIGNATURE IN ACCORDANCE WITH
RULE 1:4-4(c)**

I, Demetrios K. Stratis, hereby certify that the affiant of the attached certification has acknowledged the genuineness of the signature and that the document with the original signature will be filed if requested by the court.

Dated: 5-30-15

By: 

DEMETRIOS K. STRATIS, ESQ.



METHFESSEL & WERBEL

A Professional Corporation

JOEL N. WERBEL>
JOHN METHFESSEL, JR.>
FREDRIC PAUL GALLIN*+^
STEPHEN R. KATZMAN#
WILLIAM S. BLOOM*+
ERIC L. HARRISON*+
MATTHEW A. WERBEL>
LORI BROWN STERNBACK*+
I. BLAKELEY JOHNSTONE, III*+
GINA M. STANZIALE>
PAUL J. ENDLER JR.>

Of Counsel
JOHN METHFESSEL, SR.>
(1964-1995)
DON CROWLEY=
MARC DEMBLING*+
ED THORNTON*+>

Counsel
CHRISTIAN R. BAILLIE+
JOSEPH D. CASTELLUCCI, JR.>
SARAH K. DELAHANT+
JAMES FOXEN^
GERALD KAPLAN>
JARED P. KINGSLEY*+
JOHN R. KNODEL*+
LESLIE A. KOCH+
CHARLES T. MCCOOK, JR.*+>
MARC G. MUCCIOLLO>
RICHARD A. NELKE-
STEVEN K. PARNES+
BRENT R. POHLMAN+
AMANDA J. SAWYER^

Associates
EDWARD D. DEMBLING>
JASON D. DOMINGUEZ+
NATALIE DONIS+
MICHAEL R. EATROFF>
DAVID INCLE, JR.>
FRANK J. KEENAN+^
SCOTT KETTERER>

Associates, Cont'd
ALLISON M. KOENKE>
ALICIA C. LANGONE+
ADAM N. LEVITSKY>
OLIVIA R. LICATA+
ASHLEY E. MALANDRE^
JAMES V. MAZEWSKI+
DIAA J. MUSLEH+
KAJAL J. PATEL>
RAINA M. PITTS^
MATTHEW L. RACHMIEL>
WILLIAM J. RADA+
NABILA SAEED^
JARED S. SCHURE>
TIFFANY D. TAGARELLI>
STEVEN A. UNTERBURGER+
LEVI E. UPDYKE+^

June 3, 2019

VIA LAWYERS SERVICE AND
VIA FACSIMILE: 1 (908) 332-7705

Hon. Margaret Goodzeit, P.J.Ch.
Somerset County Superior Court, Chancery Division
20 North Bridge Street, 4th Floor
Somerville, NJ 08876-1262

RE: GALLIC, EMMETT VS. WATCHUNG HILLS BOE, ET AL.
Our File No. : 87639 ELH
Docket No. : SOM-C-12032-19

Dear Judge Goodzeit:

Please accept this letter reply brief in further support
of Defendants' motion to dismiss Plaintiffs' Verified
Complaint returnable before your Honor on June 5, 2019.

It is disingenuous of Plaintiffs to claim they are not
seeking to enforce criminal codes through the Chancery
Courts. This is precisely what Plaintiffs are attempting,
which is improper and lacks any basis in law. Count I seeks
a "declaratory judgment that Defendants' actions violated the
Criminal Codes." (See Verified Complaint ¶36) Count II
requests that the Court enter a judgment declaring the Board's
policy of including the Fun Home novel as illegal and
enjoining its distribution. (See Verified Complaint pg. 11)

* Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney
+Member of NY & NJ Bar
^Member of PA & NJ Bar
>Member of NJ Bar only
#Member of NJ & LA. Bar
<Member of NJ & DC Bar
≥Member of NJ, PA & DC Bar
-Member of NY, NJ & DC Bar
=Retired from the practice of law

Please reply to New Jersey

The judicial inquiry on a motion made under Rule 4:6-2(e) is "confined to a consideration of the legal sufficiency of the alleged facts apparent on the face of the challenged claim." Rieder v. New Jersey Dep't of Transp., 221 N.J. Super. 547, 552 (App. Div. 1987). Application of that standard requires dismissal of the Verified Complaint.

ARGUMENT

THE CLAIMS AT COUNT I SHOULD BE DISMISSED BECAUSE THE FACTS ALLEGED FAIL TO ESTABLISH A VIABLE CLAIM AGAINST ANY OF THE INDIVIDUAL DEFENDANTS

Plaintiffs' opposition fails to address the individual liability of defendants Alexis, Aquavia, Griffith, Jewett and Phelan. As such, the motion of these defendants should be granted as unopposed.

Further, Plaintiffs' discussion of Gerber ex rel. Gerber v. Springfield Bd. of Educ., 328 N.J. Super. 24 (App. Div. 2000) and N.J.S.A. 18A-12-20 is inapplicable to each of these Individual Defendants because none of them is a Board member. Plaintiffs are fully aware of this fact, as the Verified Complaint names each of the Individual Defendant in their respective official capacity. (See Verified Complaint 17-21) As such, Count I must be dismissed as to these Individual Defendants.

As it relates to Defendant Fallon, Plaintiffs' interpretation of the Gerber decision misses the point. The fact that individual board members were not afforded immunity under the Charitable Immunity Act ("CIA") is irrelevant. After finding the CIA did not afford individual board members immunity, the Gerber Court independently relied on N.J.S.A. 18A:11-2(a) because the "legislature intended to immunize individual board members in the absence of individual conduct" Id. at 40. Plaintiffs' Verified Complaint makes no factual allegation of Defendant Fallon engaging in any individual conduct. (See Verified Complaint ¶22) Plaintiffs' claims against him stem solely from the actions taken by the Board as a body. In the absence of any independent allegations, Gerber makes it clear that he is entitled to immunity. The availability of indemnification of a Board member from a Board is irrelevant to the viability of a direct claim against such Board member. Thus Count I of Plaintiffs' Verified Complaint fails to state a claim against the each of these defendants and must be dismissed with prejudice.

THE CLAIMS AT COUNT II SHOULD BE DISMISSED FOR LACK OF JURISDICTION

It is elementary that a Court of law requires jurisdiction to provide a plaintiff with the relief sought. Plaintiffs' assertions that courts of equity are permitted to issue injunctive relief for alleged violations of the criminal code remain unfounded. As Plaintiffs' opposition points out, R. 4:3-1(a)(1) requires a Court of Chancery to determine whether Plaintiffs' right of relief is primarily equitable or legal in nature. Clearly, the relief sought by Plaintiffs is legal. It is telling that the authority cited in Plaintiffs' opposition also acknowledges that courts of equity will not issue injunctive relief based upon violations of criminal law absent extraordinary circumstances. (See Plaintiffs' opposition brief pg. 7) Plaintiffs' opposition contains no discussion of what these extraordinary circumstances are and whether they are present in this matter.

Plaintiffs simultaneously argue that the Egg Harbor decision is not binding on this court and rely on numerous federal district court decisions which have no relevance to this dispute. The fact that Plaintiffs have failed to pursue criminal allegations is not dispositive to whether this court may issue an injunction. The Egg Harbor Court did not decline

to issue an injunction based upon the fact that a criminal matter was pending in another forum. Instead, it explained that courts of chancery lack jurisdiction to issue injunctive relief for alleged criminal violations "absent some statutory authority and except in cases where the activity sought to be enjoined constitutes a nuisance in and of itself." Egg Harbor City v. Colasuonno, 182 N.J. Super. 110, 113 (Ch. Div. 1981) citing; Inganamort v. Merker, 148 N.J. Super. 506, 508 (Ch. Div. 1977). Plaintiffs' Verified Complaint contains no facts to support a claim that the inclusion of the Fun Home novel in WHRHS curriculum constitutes a "nuisance in and of itself."

The Egg Harbor court also acknowledged that prior to the adoption of New Jersey's current criminal code, an exception to the above rule existed through N.J.S.A. 2A:115-3.5, providing specific authority for injunctive relief in obscenity cases. Egg Harbor, supra, 182 N.J. Super. 113. Review of Keuper v. Wilson, 111 N.J. Super. 502, 504 (Ch. Div. 1970), on which plaintiff relies, demonstrates that the court relied on that very defunct provision - N.J.S.A. 2A:115. As discussed by the court in Egg Harbor, that remedy no longer exists.

In sum, there is no current law cited in Plaintiffs' Verified Complaint authorizing this court to issue an injunction based upon an alleged violation of N.J.S.A. 2C:34-3.

PLAINTIFFS HAVE FAILED TO ESTABLISH ANY RIGHT TO INJUNCTIVE RELIEF

Plaintiffs continue to maintain they are entitled to injunctive relief on the merits despite failing to satisfy the requisite Crowe factors.

Beginning with standing, Plaintiffs' reliance on Ridgewood Educ. Ass'n v. Ridgewood Bd. of Educ., 284 N.J. Super. 427 (App. Div. 1995), is misplaced. The Plaintiffs in Ridgewood brought a declaratory judgment action in an administrative law forum seeking to challenge a policy of the local board of education as arbitrary, capricious and unreasonable. Id. at 429. Further, the plaintiffs in that matter consisted of a local educational association and individual members who were declared to lack standing because they were not affected by the policy. Id. at 430. Standing was not afforded to plaintiffs on appeal based solely upon their status as taxpayers. Instead, standing was found because the association had an interest in protecting the

employment status of prospective members. Id. 432-433. In other words Plaintiffs had a sufficient stake in the outcome independent of their status of taxpayers. No such circumstances exist in this matter.

Here, Plaintiffs Doreen Blanchard-Gliebe and Tristin Goode offer no additional certification describing whether they have any basis to bring suit independent of their status as taxpayers. In support, Plaintiffs attach a certification from Daniel Gallic who currently has a daughter enrolled at Watchung Regional Hills High School, four other children who will attend in the future when they come of age and three who have graduated. (See Exhibit A, of Plaintiffs' Opposition Brief ¶ 2). This is insufficient.

First, Plaintiff Daniel Gallic brought this action on behalf of his minor son Emmet Gallic (See Verified Complaint ¶13), not on behalf N.G., whose age and grade remains unknown. If Daniel Gallic were bringing this action on behalf of his daughter, Plaintiffs should have sought to amend the complaint to reflect this. Further, if Plaintiff Emmet Gallic is over the age of 18 and suffered harm as alleged in the Verified Complaint, Plaintiffs could have brought this action while an actual controversy existed.

With respect to the remaining factors, Plaintiffs' opposition is merely a rehash of their original moving papers. Plaintiffs acknowledge the Fun Home novel is currently offered as one of three options (See Verified Complaint ¶30) and it has been made abundantly clear that parents who do not wish to have their children read the novel will have their requests honored. (See Verified Complaint, Exhibit D. pg. 3) Daniel Gallic's assertion that his other children will suffer irreparable harm at some point in the future is unduly speculative. It also defies logic to argue that Daniel Gallic's children who have graduated from Watchung Hills High School and were never required to read the Fun Home novel demonstrates sustained legally cognizable and remediable harm.

Nowhere in Plaintiffs' opposition is there any discussion or analysis of New Jersey obscenity laws. (See Plaintiffs' opposition brief pg. 18) A bare allegation that the Fun Home novel is obscene does not make it so. Plaintiffs do not address the required elements of N.J.S.A 2C:34-3 and therefore fail as a matter of law to succeed on the merits.

CONCLUSION

For the foregoing reasons, as well as those asserted in our moving brief, Defendants request that the Court deny the requested injunction and dismiss Plaintiffs' Verified Complaint with prejudice for failure to state a claim upon which relief can be granted.

Respectfully submitted,

METHFESSEL & WERBEL, ESQS.



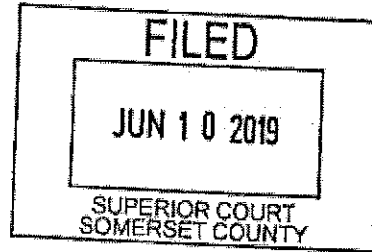
Eric L. Harrison
harrison@methwerb.com
Ext. 138

ELH:din/fmr

cc: **VIA EMAIL: dstratis@stratislaw.com**
Demetrios K. Stratis, Esq.
Ruta, Soulios & Stratis, LLP
10-04 River Road
Fairlawn, NJ 07410

A TRUE COPY

Eric L. Harrison - ID #033381993
METHFESSEL & WERBEL, ESQS.
2025 Lincoln Highway, Suite 200
PO Box 3012
Edison, New Jersey 08818
(732) 248-4200
1(732) 248-2355
harrison@methwerb.com
Attorneys for
Our File No. 87639 ELH



EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

V.

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, AND JOHN
DOES 1-10 AND JANE DOES 1-10
(SUCH NAMES BEING FICTITIOUS)

Defendants.

SUPERIOR COURT OF NEW JERSEY
Ct. DIVISION: SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

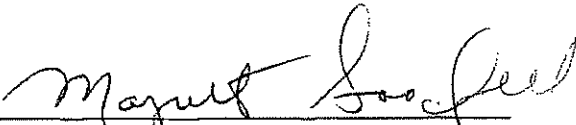
ORDER DENYING INJUNCTION AND
DISMISSING COMPLAINT WITH
PREJUDICE FOR FAILURE TO
STATE A CLAIM

THIS MATTER having been brought before the Court on
the Motion of Methfessel & Werbel attorneys for defendants,
for an Order To Dismiss Plaintiffs' Complaint for Failure
to State a Claim, and the Court having considered the
matter and for good cause shown;

IT IS on this *10th* day of *June* 2019;

ORDERED that Plaintiffs' Verified Complaint be and is
hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that a copy of this Order shall be ~~deemed~~
the Court upon all counsel.
served by ~~the uploading of this Order on eCourts.~~

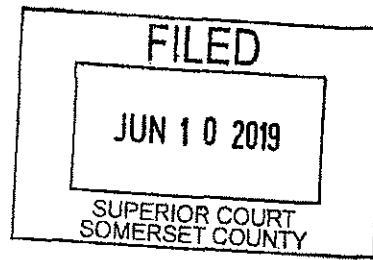

Hon. Margaret Goodzeit, P.J.Ch.

- Opposed
- Unopposed

See statement of reasons attached to Order of wss date.

A TRUE COPY

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Tele: (201) 794-6200; Fax: (201) 794-6300
Email: dstratis@stratislaw.com
Attorney for Plaintiffs



EMMETT GALLIC; DANIEL GALLIC,
DOREEN BLANCHARD-GLIEBE; AND
TRISTIN GOODE

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – SOMERSET COUNTY
DOCKET NO.: SOM-C-12032-19

Civil Action

-vs-

ORDER DENYING RELIEF

WATCHUNG HILLS REGIONAL HIGH
SCHOOL BOARD OF EDUCATION;
GEORGE ALEXIS, JAMES AQUAVIA,
PETER FALLON, COURTNEY
GRIFFITH, ELIZABETH JEWETT,
MARY ELLEN PHELAN, and JOHN
DOES 1-10 and JANE DOES 1-10 (SUCH
NAMES BEING FICTITIOUS)

Defendants.

This matter being brought before the court by Demetrios K. Stratis, Esq. of the firm Ruta, Soulios & Stratis, LLP attorney for the Plaintiffs, seeking injunctive relief, and Defendants having been represented by Eric L. Harrison, Esq. and the Court having considered the papers filed and having considered the arguments of counsel and for good cause shown,

It is, on this 10th day of June, 2019,

ORDERED that Plaintiffs' relief is ~~granted~~ **DENIED** and Defendants are ~~hereby~~ **NOT** enjoined and restrained from distributing, including, facilitating, or in any way permitting the book Fun

Home: A Family Tragicomic from appearing or being any part of the curriculum at Watchung Hills High School; and it is further

A copy of this Order ^{is being} ~~shall be~~ served upon all counsel by the ^{Court} ~~moving~~


MARGARET GOODZEIT, P.J.Ch.

*Opposed.
See attached Statement of Reasons.*

STATEMENT OF REASONS

**GALLIC, et al. v. WATCHUNG HILLS REGIONAL HIGH SCHOOL BOARD OF
EDUCATION, et al.**

Docket No.: SOM-C-12032-19

**Plaintiffs' Order to Show Cause for Temporary Restraints Pursuant to R. 4:52
Defendants' Motion to Dismiss for Failure to State a Claim**

Return Date: June 5, 2019

PARTIES AND RELIEF SOUGHT

Plaintiffs, Emmett Gallic, Daniel Gallic, Doreen Blanchard-Gliebe, and Tristin Goode, by and through their counsel, Demetrios K. Stratis, Esq., of Ruta, Soulios & Stratis, LLP, seek preliminary against defendants Watchung Hills Regional High School Board of Education (the "Board"), George Alexis, James Aquavia, Peter Fallon, Courtney Griffith, Elizabeth Jewett, Mary Ellen Phelan, and unnamed fictitious defendants to preliminarily enjoin defendants from distributing, including, facilitating, or in any way permitting the book Fun Home: A Family Tragicomic ("Fun Home") from appearing or being any part of the curriculum at Watchung Hills Regional High School ("Watchung Hills").

Defendants, by and through their counsel, Eric L. Harrison, Esq. and David Inle, Jr., Esq., of Methfessel & Werbel, P.C., filed an opposition and a motion to dismiss, to which plaintiffs filed an opposition.¹

PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINTS

Fun Home was approved for reading by the Board as required 12th Grade reading in November of 2017. (Verified Complaint, ¶ 4). Initially, seventy-five students were selected as part of the pilot program when the book was introduced. (Verified Complaint, ¶ 4). Since then, hundreds of residents have allegedly protested and petitioned the Board to remove the book from the curriculum. (Verified Complaint, ¶ 4). The comments made by the parents at the Board meetings reflect same. (Verified Complaint, Exhibits B and C). In response to these protests, the Board revised the curriculum to include two other books—We Are Okay and Speak No Evil—in addition to Fun Home. (Verified Complaint, ¶ 5). Students must choose two out of the three books. Though plaintiffs mention that these two books also address topics of sexuality, they are not the subject of this complaint.

¹ The Court's citations to plaintiffs' opposition brief are denoted as (Pb#).

Plaintiffs fear that if defendants are not enjoined from the distribution of Fun Home as part of the curriculum, minors at Watchung Hills will suffer irreparable harm and that New Jersey criminal statutes will be violated. In support of their application, plaintiffs rely upon the Board's meeting minutes of June 5, 2018 and June 19, 2018, a report from the Education Committee Meeting, the report and certification of Dr. Judith Reisman, PhD, and Fun Home itself.

Plaintiffs argue they are entitled to injunctive relief because they have met all four factors set forth in Crowe v. De Gioia, 90 N.J. 126 (1982). According to plaintiffs, certain panels in Fun Home are obscene and harmful to children.² To knowingly distribute this material to children would constitute a violation of N.J.S.A. 2C:34-3 and result in the very harm the Legislature intended to prevent. State v. Seigel, 139 N.J. Super. 373, 376 (Law Div. 1975). Plaintiffs have a settled legal right to bring this action as parents who have the right to raise their children without undue state influence. Troxel v. Granville, 530 U.S. 57, 66 (2000). The material facts are also not controverted—the defendants admit they are distributing the book. Finally, there is no prejudice to the defendants, as the Board can select any other different book that does not contain the drawings in Fun Home.

DEFENDANTS' MOTION TO DISMISS

Defendants note that when a party moves to dismiss a complaint pursuant to R. 4:6-2, a court must search the pleading to determine whether a cause of action may can be found. Van Natta Mech. Corp v. Di Staulo, 277 N.J. Super. 175, 180 (App. Div. 1994). If the complaint states no basis for relief, and discovery would not provide one, it should be dismissed. Camden Cty. Energy Recovery Assocs., Ltd. P'ship v. N.J. Dep't of Env'tl. Prot., 320 N.J. Super. 59, 64 (App. Div. 1999).

Defendants argue that the individual board members are immune from suit for the actions taken by the board as a body. See N.J.S.A. 18A:11-2(a) (board of education may sue or be sued "by its corporate name"); see also Gerber ex rel. Gerber v. Springfield Bd. of Educ., 328 N.J. Super. 24 (App. Div. 2000). Thus, the charges against Peter Fallon must be dismissed. Furthermore, just as plaintiff makes no allegations that Fallon has engaged in any conduct as an individual, plaintiff makes no specific allegations against any of the other individual defendants.

² Fun Home is a "graphic novel," a book written in the format typically ascribed to comics, but with the narrative structure of a longer work, distinguishing it from a "comic book." Graphic novels consist of series of hand drawn images of characters and their surroundings—panels—along with text to indicate speech or thought.

There is no claim that any of the individual defendants personally distributed obscene materials in violation of N.J.S.A. 2C:34-3. Thus, the complaint must also be dismissed as to these individual defendants.

Defendants go further and argue that the entirety of the complaint also should be dismissed because a court of general equity does not have the jurisdiction to enjoin violations of a criminal statute. Egg Harbor v. Colasuonno, 182 N.J. Super. 110, 113 (Ch. Div. 1981). Violations of criminal law are left to agencies charged with their enforcement. Trisolini v. Meltsner, 23 N.J. Super. 204, 209 (App. Div. 1952).

Defendants contend that plaintiffs fail to meet the Crowe factors. They argue that plaintiffs have failed to establish the threat of irreparable harm, as evinced by defendants' delay of filing this action until the end of the current school year after learning that Fun Home was added to the curriculum in November 2017.

Any settled legal right also weighs in defendants' favor only—plaintiffs lack standing to assert the rights of unnamed parties. Stubaus v. Whitman, 339 N.J. Super. 38, 47 (App. Div. 2001). Emmett is no longer a student, he endured the alleged harm nearly a year ago, and Doreen Blanchard-Gliebe and Tristin Goode do not allege that they have children at Watchung Hills.

Defendants also explain that plaintiffs' claim that Fun Home is obscene also fails. Obscenity is to be determined by applying contemporary community standards and Fun Home must be taken as a whole before a determination is made. Miller v. California, 413 U.S. 15, 37 (1973). Defendants contend that Fun Home does not meet the definition of "concentrate prurient interest" and thus is not obscene as defined by N.J.S.A. 2C:34-3. See State v. Seigel, 139 N.J. Super. 373, 376 (App. Div. 1975). Defendants also suggest that plaintiffs' expert may be biased and that her report provides no analysis or discussion as to how Fun Home violates N.J.S.A. 2C:34-3.

Finally, defendants argue that the balance of the equities is in their favor because students who wanted to select Fun Home will be unable to and it would remove the perspective of LGBTQ voices, thwarting the Board's pedagogical goals per N.J.S.A. 18A:35-4.35.³

³ § 18A:35-4.35. History of disabled and LGBT persons included in middle and high school curriculum. A board of education shall include instruction on the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school and high school students as part of the district's implementation of the New Jersey Student Learning Standards.

PLAINTIFFS' REPLY AND OPPOSITION TO MOTION TO DISMISS

Plaintiffs argue that defendants' motion must be denied because a plaintiff is entitled to every reasonable inference, and the motion is granted only in rare instances and ordinarily without prejudice. Van Natta Mech. Corp v. Di Staulo, 277 N.J. Super. 175, 180 (App. Div. 1994). The Court must also search the complaint to determine if a cause of action can be found within its four corners. Printing Mart-Morristown v. Sharp Electronics Corp., 116 N.J. 739, 746 (1989). A plaintiff's obligation on a motion to dismiss is "not to prove the case but only to make allegations, which, if proven, would constitute a valid cause of action." Leon v. Rite Aid Corp., 340 N.J. Super. 463, 472 (App. Div. 2011).

Plaintiffs contend that defendants have misinterpreted the relief sought—plaintiffs not seek to enforce criminal codes through a chancery court. Plaintiffs only seek to use the criminal statutes to establish the requisite proofs that Fun Home should not be distributed to minors.

Plaintiffs argue that this Court is best equipped to issue declaratory judgments. Plaintiffs also cite to Keuper v. Wilson, 111 N.J. Super. 502 (Ch. Div. 1970) for the proposition that this Court has the authority to interpret criminal statutes. In addition, defendants' reliance on Egg Harbor is misplaced. Egg Harbor is not precedential and therefore not controlling. Furthermore, in Egg Harbor, a companion criminal case was filed, whereas here, no criminal complaint was issued. Egg Harbor also pertained to an adult establishment that was clearly marked "Adult World." Here, the book is being distributed to minors at a high school.

Plaintiffs argue that defendants' reliance on Gerber is also misplaced. The Board is not a charitable organization under the Charitable Immunity Act, and therefore, individual board members are not afforded immunity. See Gerber ex rel. Gerber v. Springfield Bd. of Educ., 328 N.J. Super. 24, 39-40 (App. Div. 2000). Members of a board of education may be sued in their individual capacity—this is why N.J.S.A. 18A:12-20 exists to indemnify board members.⁴ See Errington v. Mansfield Twp. Bd. of Educ., 100 N.J. Super. 130 (App. Div. 1986); Quick v. Old Bridge Bd. of Educ., 308 N.J. Super. 338, 343 (App. Div. 1998).

Plaintiffs have standing—New Jersey courts take a broad approach to standing. Where the proceeding serves the public interest, standing will be found. In re Quinlan, 70 N.J. 10, 34-35 (1976); Salorio v. Glaser, 82 N.J. 482, 491 (1980). Taxpayers have standing as well. Ridgewood

⁴ The Court is unsure why plaintiffs made this argument—Peter Fallon, the only Board member sued, was sued in his official capacity.

Educ. Ass'n v. Ridgewood Bd. of Educ., 284 N.J. Super. 427 (App. Div. 1995); Kozesnik v. Montgomery, 24 N.J. 154 (1957).

Although not specifically named, the children attending Watchung Hills are those most affected by this Court's determination. Further, Daniel Gallic now certifies that his 14 year-old daughter, N.G., attends Watchung Hills, and he has four other children who will attend Watchung Hills in the future. While minors have First Amendment protection, their rights are not co-extensive with those of adults. Tinker v. Des Moines School Dist., 393 U.S. 503, 515 (1969) (Stewart, J., concurring). The State has a legitimate interest in protecting the welfare of its children. Prince v. Massachusetts, 321 U.S. 158, 168 (1943).

Plaintiffs again reiterate that they have satisfied the Crowe factors. The panels in Fun Home expose minors to sex acts. The plaintiffs, as parents, have a fight to raise their children without undue state influence. Troxel v. Granville, 530 U.S. 57, 66 (2000). The material facts are not controverted. Finally, there is no harm to the defendants if an injunction is granted. There are alternatives, including a version of Fun Home that does not include the panels plaintiffs allege are obscene.

DEFENDANTS' REPLY TO THEIR MOTION TO DISMISS

Defendants assert that it is disingenuous of plaintiffs to assert that they are not seeking enforcement of criminal codes through this Court when they seek declaratory judgment that defendants' actions have violated criminal codes.

Plaintiffs' opposition failed to address the individual liability of defendants George Alexis, James Aquavia, Peter Fallon, Courtney Griffith, Elizabeth Jewett, and Mary Ellen Phelan, and therefore they should be dismissed as defendants. Plaintiffs' discussion of Gerber misses the point. The Gerber court's discussion of the Charitable Immunity Act was not related to its discussion as to its determination that individual board members were immunized in the absence of individual conduct. Gerber ex rel. Gerber v. Springfield Bd. of Educ., 328 N.J. Super. 24, 40 (App. Div. 2000).

Egg Harbor is persuasive; it explained that chancery courts lack jurisdiction to issue injunctive relief for alleged criminal violations "absent some statutory authority and except in cases where the activity sought to be enjoined constitutes a nuisance in and of itself." 182 N.J. Super. 110, 113 (Ch. Div. 1981). In contrast, plaintiffs rely on Keuper v. Wilson, 111 N.J. Super. 502 (Ch. Div. 1970), which based its decision on N.J.S.A. 2A:115-3.5, a statute that provided

specific authority for injunctive relief in obscenity cases. N.J.S.A. 2A:115-3.5 has since been repealed and thus, this remedy no longer exists.

Defendants stress that plaintiffs have failed to demonstrate any right to injunctive relief. Doreen Blanchard-Gliebe and Tristin Goode do not have children at Watchung Hills. Daniel Gallic could have brought an action on behalf of N.G., but failed to do so. Moreover, he could have brought this action when Emmett was a minor, when an actual controversy existed, but did not.

Nowhere in plaintiffs' papers is any discussion or analysis of New Jersey's obscenity laws. A bare allegation that Fun Home is obscene does not make it so.

THE COURT'S DECISION

On May 3, 2019, plaintiffs filed an order to show cause seeking a temporary restraining order, for the same relief described above. On same date, the Court denied plaintiffs' request for relief. In addition, the Court directed the parties to brief whether a court of general equity has the jurisdiction to determine if New Jersey criminal statutes have been violated and directed plaintiffs to brief whether they have standing to bring this suit on behalf of other minors at Watchung Hills.

Subsequently, the defendants filed a motion to dismiss for failure to state a claim upon which relief could be granted. In the interest of judicial economy, the Court scheduled the return date for the motion to dismiss to coincide with plaintiffs' return date for its order to show cause. The Court begins by addressing defendants' motion to dismiss.

For Failure to State a Claim

Defendants seek to dismiss plaintiffs' complaint for failure to state a claim upon which relief can be granted pursuant to R. 4:6-2. Defendants also seek to dismiss the individually named defendants.

When a party moves to dismiss a complaint pursuant to R. 4:6-2, a court must search the pleading "in depth and with liberality to ascertain whether the fundament of a cause of action may be gleaned even from an obscure statement of claim." Printing Mart v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989). A plaintiff's obligation on a motion to dismiss is "not to prove the case but only to make allegations, which, if proven, would constitute a valid cause of action." Leon v. Rite Aid Corp., 340 N.J. Super. 463, 472 (App. Div. 2011). Thus, the test for determining the adequacy of a pleading is whether a cause of action is suggested by the facts. Velantzas v. Colgate-Palmolive Co., 109 N.J. 189, 192 (1988). Having accepted the facts in the pleading as true, and giving them

all reasonable inferences, the Court must dismiss a pleading where it lacks any cognizable basis in law. See Printing Mart, 116 N.J. at 746.

Here, plaintiffs' complaint seeks two-fold relief, requesting that (1) the Court declare the defendants' policy of including Fun Home as optional reading material and part of the 12th grade English curriculum illegal, and (2) the Court issue preliminary and permanent injunctive relief. (Verified Complaint, ¶¶ 35-36, 39, and "Wherefore" Clause). To this end, plaintiff relies on select portions of the New Jersey Code of Criminal Justice, Section 2C:34-3 – "Obscenity for Persons under 18." N.J.S.A. 2C:34-3. Specifically, plaintiffs cite to the definitions of "obscene material," "specified sexual activity," and the requisite state of mind, "knowingly." (Verified Complaint, ¶¶ 6-8 (quoting N.J.S.A. 2C:34-3(a)). However, plaintiffs did not analyze whether Fun Home meets the definition of "concentrate prurient interest" under N.J.S.A. 2C:34-3.

As a threshold matter, despite plaintiffs' claims to the contrary (Pb2), the Court finds it is clear from the relief requested that plaintiffs seek enforcement of N.J.S.A. 2C:34-3. Plaintiffs explain that the criminal statute is used only to establish the requisite proofs that Fun Home should not be distributed to minors at Watchung Hills. (Pb9). However, because plaintiffs ask the Court to declare that the defendants' policy to include Fun Home is "illegal," and, accordingly, issue an injunction, the ultimate effect of plaintiffs' instant application is indeed **enforcement** of a criminal statute, albeit without the criminal penalty that would ordinarily follow. Merely because plaintiffs do not seek enforcement of N.J.S.A. 2C:34-3 "in a manner that is reserved for law enforcement" (Pb2) does not mean that this Court can provide the relief sought.

Plaintiffs contend that they are entitled to such a private right of action to seek injunctive and declaratory relief even though there is no statutory language in N.J.S.A. 2C:34-3 that would expressly sanction same. Plaintiffs must meet a high burden to be entitled to such a right, and they fail to do so here. Both the United States Supreme Court and the New Jersey Supreme Court have held that "a statute that does not expressly create a private cause of action may, nonetheless, implicitly create one." Jarrell v. Kaul, 223 N.J. 294, 307 (2015). To determine if a statute confers an implied private right of action, our Supreme Court considers the following three factors:

[1] whether the plaintiff is "one of the class for whose special benefit the statute was enacted"; [2] whether there is any evidence that the Legislature intended to create a private cause of action under the statute; and [3] whether implication of a private cause of action in this case would be "consistent with the underlying purposes of the legislative scheme."

Ibid. (citing In re Resolution of State Com. of Investigation, 108 N.J. 35, 41 (1987)). While this exception exists, plaintiffs do not meet any of these factors.

First, none of the plaintiffs are members of a class that benefits from N.J.S.A. 2C:34-3. While Emmett Gallic was—at one point—a minor, and thus, a member of this class, because of the plaintiffs' delay in bringing this suit, he is no longer a minor.⁵ Furthermore, the primary relief sought here is injunctive—plaintiffs seek to prevent minors from being exposed to Fun Home. (Pb2). However, Emmett Gallic has already read Fun Home, and thus, cannot benefit from an injunction. (Verified Complaint, ¶ 14). In addition, the Court finds plaintiffs' discussion as to whether they had standing to bring this suit on behalf of other minors lacking. Plaintiffs indicate that Daniel Gallic certified that his daughter, N.G., currently attends Watchung Hills and that he has other, younger children who will attend Watchung Hills in the future. (Gallic Cert., ¶ 2). However, Daniel Gallic has not brought this suit on behalf of N.G. The remaining plaintiffs do not belong to a class for whose benefit the statute was enacted. Plaintiffs Daniel Gallic, Tristin Goode, and Doreen Blanchard-Gliebe are adults, not minors, and fail to articulate any imminent irreparable harm to them. Though plaintiffs allege that approximately 650 people signed a petition to have Fun Home removed from the curriculum, none have joined in this lawsuit.

Second, there is no evidence that our Legislature intended that N.J.S.A. 2C:34-3 provide private plaintiffs with the right sue to enjoin the distribution of obscene materials to minors. At one point, a statute which afforded such a private right of action **did** exist, but this statute N.J.S.A. 2A:115-3.5 was repealed, effective September 1, 1977. N.J.S.A. 2A:98-2; see Egg Harbor, 182 N.J. Super. at 114. Thus, plaintiffs' suggestion that Keuper v. Wilson, 111 N.J. Super. 502 (Ch. Div. 1970)—which was based on this repealed statute—empowers this Court to interpret criminal statutes and adjudicate the legality of defendants' actions is totally unpersuasive and misleading.

Third, enforcement of N.J.S.A. 2C:34-3 by this Court, a court of general equity, would be totally inconsistent with the underlying purposes of the Legislative scheme. It is well-established that "New Jersey courts generally will not allow private plaintiffs to sue for injunctions to enforce the state penal laws." State Com. of Investigation, 108 N.J. at 41 (citing Egg Harbor v. Colasuonno,

⁵ It was initially unclear how old Emmet Gallic was. Plaintiffs have clarified that Emmett Gallic was 18 at the time the lawsuit was filed. (Pb2). He is now 19. At the time he was required to read Fun Home, Emmett was 17. (Verified Complaint, ¶ 14). Accordingly, Emmett Gallic cannot be harmed again.

182 N.J. Super. 110, 113 (Ch. Div. 1981)).^{6, 7} Violations of criminal statutes “are left to the agencies charged with the enforcement of the criminal laws.” State Com. of Investigation, 108 N.J. at 41 (citing Trisolini v. Meltsner, 23 N.J. Super. 204, 209 (App. Div. 1952)); see also Egg Harbor, 182 N.J. Super. at 115 (holding that “it is clear that prosecutions for obscenity offenses are to be tried in the Criminal Division of the Superior Court.”); Kugler v. Romain, 110 N.J. Super. 470, 488 (App. Div. 1970); Inganamort v. Merker, 148 N.J. Super. 506, 509 (Ch. Div. 1977). Furthermore, it would be completely contrary to public interest if a court of equity were allowed to determine the guilt or innocence of defendants without their waiver of a jury trial under a less stringent evidentiary standard, even if the verdict is a declaration, not a conviction. See Egg Harbor, 182 N.J. Super. at 115; see also State Com. of Investigation, 108 N.J. at 46 (“[A] declaratory judgment, like other forms of equitable relief, ‘should be granted only as a matter of judicial discretion, exercised in the public interest.’”).

Finally, the Court finds no special, overriding reason or public policy concern to allow private plaintiffs to seek an injunction to enforce N.J.S.A. 2C:34-3. Equity will not issue injunctive relief on the sole grounds that an injunction is needed to prevent the commission of alleged criminal acts. Trisolini, 23 N.J. Super. at 208-09. Though plaintiffs correctly point out that the State has a legitimate interest in protecting the welfare of its children see Prince v. Massachusetts, 321 U.S. 158, 168 (1943), here, plaintiffs are asking the Court to protect the welfare of minors who have not been named in this action. The named plaintiffs cannot allege harm for these non-parties when the latter have not done so themselves. See Stubaus v. Whitman, 339 N.J. Super. 38, 47 (App. Div. 2001).⁸ The Court cannot grant an injunction, finding that non-party minors will be

⁶ Plaintiffs argue that Egg Harbor is not controlling and attempt to distinguish it from the case at bar in a number of different ways. (Pb8-9). The Court does not find Egg Harbor controlling, only persuasive. Furthermore, the statute analyzed by the court in Egg Harbor was N.J.S.A. 2C:34-2 (Obscenity for persons 18 years of age or older), making Egg Harbor conceptually similar to the case at bar. The Court does, however, find the Supreme Court’s decision, State Com. of Investigation, which cites Egg Harbor and promulgated the same, general principles as Egg Harbor, controlling.

⁷ The only exception to this rule is when the activity sought to be enjoined constitutes a nuisance in and of itself. Egg Harbor, 182 N.J. Super. at 113. The inclusion of a book into the school curriculum is not a nuisance in and of itself as defined by law. Cf. id. at 114 (sale of “adult” books not “actionable nuisance”); Inganamort, 148 N.J. Super. at 509 (distributing letters adverse to the economic interests of plaintiffs is not nuisance).

⁸ Litigants are only allowed to assert the rights of third parties in limited circumstances. Stubaus, 339 N.J. Super. at 51. None of those circumstances are present here.

harm when their parents have failed to bring suit or allege harm on their behalf.⁹ As a result, no plaintiff is in a position to seek injunctive relief.

Plaintiffs have failed to meet the three factors, and have not demonstrated any special circumstances exist. Accordingly, this Court does not find that a private right of action for injunctive or declaratory relief can be implied from N.J.S.A. 2C:34-3. For these reasons, this Court is not an appropriate venue to seek enforcement of the criminal statute, N.J.S.A. 2C:34-3 by way of declaratory and injunctive relief.¹⁰ The prosecution of complaints based on alleged violations of the state obscenity laws must be tried in the Criminal Division of the Superior Court. Put simply, the remedies sought by plaintiffs cannot be granted by this Court, and thus, are not valid causes of action. See Leon, 340 N.J. Super. at 472. For this reason alone, the Court finds good cause to dismiss plaintiffs' complaint for failure to state a claim upon which relief may be granted. And because no amendment of the complaint will change the fact that the chancery court cannot issue the relief sought based on a violation of the criminal statute, the dismissal is with prejudice.

Given this result, the Court need not address the defendants' and plaintiffs' arguments related to whether the individually named defendants—Peter Fallon, George Alexis, James Aquavia, Courtney Griffith, Elizabeth Jewett, and Mary Ellen Phelan—are appropriately included as defendants in their official capacities. The Court also need not address the parties' arguments with respect to plaintiffs' taxpayer standing to bring suit as the requested relief cannot be granted irrespective of standing.

Preliminary Injunction

In conformity with this determination, the Court finds that an analysis of the factors promulgated by the Supreme Court in Crowe v. DeGioia, 90 N.J. 126 (1982) is unnecessary, as it cannot grant injunctive relief when the plaintiffs have failed to state claims upon which relief can be granted, resulting in the dismissal of the case at bar. Notwithstanding, even if, arguendo, plaintiffs had brought this suit under a valid cause of action—which the Court does not find—the

⁹ The Court notes the implication in plaintiffs' arguments that it can assume that all the minors at Watchung Hills may be harmed. To suggest that plaintiffs have standing to bring suit on behalf of consenting adults is one matter, but to suggest that plaintiffs have standing to bring suit on behalf of all these minors when only their parents may bring suit on their behalf is troubling. Cf. In re Quinlan, 70 N.J. 10, 34-35 (1976) (finding that a father had standing to assert his daughter's constitutional rights). Here, no other parents have brought suit.

¹⁰ Accordingly, the Court does not consider the report and certification of Dr. Judith Reisman, PhD.

Court would not grant a preliminary injunction because plaintiffs cannot clearly and convincingly demonstrate irreparable harm, the first factor required by Crowe. Id. at 132.

At the outset, the plaintiffs concede that “the present case involves **potential harm** to minors.” (Pb9) (emphasis added). Moreover, the alleged irreparable harm must be imminent, concrete, non-speculative, and the harm must occur in the near, not distant future. See Subcarrier Communications, Inc. v. Day, 299 N.J. Super. 634, 638 (App. Div. 1997). As discussed earlier, plaintiffs Daniel Gallic, Emmett Gallic, Tristin Goode, and Doreen Blanchard-Gliebe are not entitled to a preliminary injunction because they are not minors and thus, cannot suffer the harm contemplated under N.J.S.A. 2C:34-3.

Further, to the extent that Emmett Gallic alleges that he has already been harmed, the Court notes that the plaintiffs’ delay in bringing this suit resulted in said harm. See McKenzie v. Corzine, 396 N.J. Super. 405, 414-15 (App. Div. 2007) (holding that the trial court did not err in finding an absence of irreparable harm because plaintiffs caused the emergency by their delay in bringing the action in September 2007 when it could have been brought in July 2007). The Board included Fun Home in its curriculum in 2017, before Emmett Gallic was required to read the book. The Court is unable to issue an injunction when the act has already been done and where there is no definite threat of future harm. See Weiss v. Levine, 133 N.J. Eq. 441, 445 (Ch. 1943) (“The chancery court will not prohibit the doing of acts already done.”); City of Los Angeles v. Lyons, 461 U.S. 95, 107-08 n.8 (1983) (“The emotional consequences of a prior act simply are not a sufficient basis for an injunction absent a real and immediate threat of future injury by the defendant.”).¹¹ Finally, as discussed above, plaintiffs cannot allege harm on behalf of non-party minors who have not appeared in this case.

As no plaintiff faces imminent irreparable harm of any nature, and no injunction may be entered without a clear and convincing showing of same, the Court need not address the remaining Crowe factors and cannot grant a preliminary injunction. Accordingly, even if this Court did not dismiss plaintiffs’ complaint, a preliminary injunction would not issue.

¹¹ For this same reason, the Court finds that even if suit had been brought on N.G.’s (or her younger siblings’) behalf, injunctive relief would not be appropriate. N.G. is 14 years old. (Gallic Cert., ¶ 2). Thus, by the time N.G. becomes a 12th grade student, Fun Home—or any book plaintiffs allege is obscene—may not be required reading. See Subcarrier Communications, 299 N.J. Super. at 638.

Failure to Exhaust Administrative Remedies

Although the plaintiffs have couched this action as a violation of N.J.S.A. 2C:34-3, ultimately, the genesis of the plaintiffs' suit is their disagreement with the Board's approval of the 12th grade English curriculum which includes the option of reading Fun Home.

The Commissioner of the Board of Education (the "Commissioner") has jurisdiction to hear and determine disputes about curriculum. N.J.S.A. 18A:6-9 "Controversies, disputes arising under school laws; jurisdiction" provides in pertinent part:

The commissioner shall have jurisdiction to hear and determine, without cost to the parties, all controversies and disputes arising under the school laws, excepting those governing higher education, or under the rules of the State board or of the commissioner ...

Ibid.; see also Bower v. Bd. of Educ., 149 N.J. 416, 420 (1997). Furthermore, "school laws" encompass curriculum choices:

Each school district shall provide, for all children who reside in the district and are required to attend the public schools therein and those who reside therein or elsewhere and are entitled or permitted to attend the schools of the district pursuant to law, suitable educational facilities including proper school buildings and furniture and equipment, convenience of access thereto, **and courses of study suited to the ages and attainments of all pupils between the ages of five and 20 years**, either in schools within the district convenient of access to the pupils, or as provided by article 2 of chapter 38 of this title, but no course of study shall be adopted or altered except by the recorded roll call majority vote of the full membership of the board of education of the district.

N.J.S.A. 18A:33-1 "District to furnish suitable facilities; adoption of courses of study" (emphasis added). The Court finds that plaintiffs' contention that Fun Home should not have been included as part of the 12th grade English curriculum would fall under N.J.S.A. 18A:33-1. See Hinfey v. Matawan Regional Bd. of Education, 77 N.J. 514, 525 (1978) ("[The Commissioner's] jurisdiction over school law litigation obviously encompasses questions relating to academic courses of study and curricula."). Accordingly, pursuant to the procedures set forth in N.J.A.C. 6A:3-1.1 through -1.17 and N.J.A.C. 6A:3-2.1 through -2.3, plaintiffs are required to direct their complaints to the Commissioner.¹²

¹² It is unclear if plaintiffs have pursued all available rights of appeal at lower administrative levels, including the local board of education. If plaintiffs have not exhausted all lower administrative remedies, they must first exhaust those remedies before making an appeal to the Commissioner, assuming they have not missed their time deadline to

The Court also finds no overriding public policy concerns, urgent necessity, or special circumstances which would create an exception to doctrine of exhaustion of administrative remedies. Indeed, the Court's reading of prior cases indicates that the bar for such an exception is high. For instance, in Valent v. N.J. State Board of Education, the Commissioner—not the local board of education—directed the inclusion of a sexual education class in the curriculum. 114 N.J. Super. 63 (Ch. Div. 1971), overruled, Preston v. Bd. of Educ., 67 N.J. 317 (1972). The Valent's, parents of students who attended public school, brought suit, alleging violations of their constitutional rights. Initially, the chancery division sided with the Valent's, and allowed them to bypass exhaustion of administrative remedies because their case had a strong constitutional dimension and because it would be futile to ask the Valent's to appeal to the Commissioner when it was the Commissioner who directed the addition of the class to the curriculum. Id. at 69-70. In spite of these findings, the Valent court reversed itself, dismissed the Valent's' complaint, and directed them to exhaust administrative remedies after the Supreme Court ordered same in Preston. See Valent v. N.J. State Bd. of Educ., 118 N.J. Super. 416, 417 (Ch. Div. 1972) (finding that Preston involved substantially the same issues as did Valent).

In New Jersey, “[e]xhaustion of administrative remedies before resort to the courts is a firmly embedded judicial principle.” K. Hovnanian Cos. of N. Cent. Jersey v. N.J. Dep't of Env'tl. Prot., 379 N.J. Super. 1, 8 (App. Div.) (quoting Garrow v. Elizabeth Gen. Hosp. & Dispensary, 79 N.J. 549, 558-59 (1979), certif. denied, 185 N.J. 390 (2005)); see also R. 2:2-3(a)(2); R. 4:69-5. The doctrine of exhaustion of administrative remedies serves important interests:

- (1) the rule ensures that claims will be heard, as a preliminary matter, by a body possessing expertise in the area;
- (2) administrative exhaustion allows the parties to create a factual record necessary for meaningful appellate review; and
- (3) the agency decision may satisfy the parties and thus obviate resort to the courts.

SMB Assocs. v. N.J. Dep't of Env'tl. Prot., 137 N.J. 58, 69 (1994) (internal citation omitted). Unlike the Court, the Commissioner has special expertise on matters regarding curriculum, and what is or is not appropriate curricular materials for 12th grade English students. See generally Hinfey, 77 N.J. at 525.

do so. Thereafter, as the Commissioner's decision is “deemed to be the final agency decision,” any appeal to the Appellate Division must be filed within 45 days of the date of the final decision. N.J.S.A. 18A:6-9; R. 2:2-3.

In sum, plaintiffs are required to exhaust their administrative remedies, and may not assert their disagreements with the curriculum approved by the Board in this Chancery Court.

CONCLUSION

For the foregoing reasons, (1) plaintiffs' request for a preliminary injunction to enjoin defendants from distributing, including, facilitating, or in any way permitting the book Fun Home: A Family Tragicomic from appearing or being any part of the curriculum at Watchung Hills Regional High School is **DENIED**; and (2) defendants' motion to dismiss the complaint for failure to state a claim **with prejudice** is **GRANTED**.