

March 6, 2023

Dr. Scott Rocco, Superintendent of
Hamilton Township School District
90 Park Avenue
Hamilton, NJ 08690

Dear Dr. Rocco:

This complaint is submitted pursuant to District Policy 9130 Public Complaints and Grievances for the removal of the book, All Boys Aren't Blue, by George M. Johnson, published by Macmillan Publishing Group, from all school libraries as well as e-book availability to students. Currently this book is available in the libraries at Nottingham and Steinert High Schools and possibly in others in the district. Reading the entire book is recommended to alleviate the concern that this book may be a violation to the New Jersey Code of Criminal Justice 2C:34-3 Obscenity for persons under 18. **Explanation and details of these concerns, along with a sincere request of your attention to the Hamilton Township Board of Education policies and NJ Law are found in this letter. We ask that you read the examples taken directly from the book which are listed below.**

Reference is made to *District Policy 2530 Resource Materials* that states "[t]he Board of Education shall provide resource materials to implement district and school educational goals and objectives..." (emphasis added). *District Policy 2530* further states that "[t]he Superintendent shall be responsible for the selection and maintenance of all resource materials...."

Reference is made to *District Policy 5610 Suspension* which states that a student who is guilty of "habitual use of profanity or of obscene language...shall be liable to punishment and to suspension or expulsion from school."

Reference is made to *District Policy 2361 Acceptable Use of Computer Network/Computers and Resources* that notes:

Internet Safety Protection

As a condition for receipt of certain Federal funding, the school district shall be in compliance with the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and has installed technology protection measures for all computers in the school district, including computers in media centers/libraries. The technology protection must block and/or filter material and visual depictions that are obscene as defined in Section 1460 of Title 18, United States Code; child pornography, as defined in Section 2256 of Title 18, United States Code; *are harmful to minors including any pictures, images, graphic image file or other material or visual depiction that taken as a whole and with respect to*

minors, appeals to a prurient interest in nudity, sex, or excretion; or depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. (emphasis added)

This Policy also establishes Internet safety policy and procedures in the district as required in the Neighborhood Children's Internet Protection Act. Policy 2361 addresses access by minors to inappropriate matter on the Internet and World Wide Web; the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; unauthorized access, including "hacking" and other unlawful activities by minors online; unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and measures designed to restrict minors' access to materials harmful to minors.

It is highly recommended that you read the entire book and ask yourself what are the educational goals and objectives of the school district that All Boys Aren't Blue is serving, given the examples highlighted below, and whether this book is suitable to the maturation levels of the children in the district who have access to it.

As per the cover to the book, All Boys Aren't Blue, the author intends to be reaching out to young adults. The material covered is inappropriate for children under the age of 18. The author's experience includes molestation, fellatio, masturbation, profanity, pornography reference and alcohol abuse. An adult is writing about his sexual experience, his gender identity journey for the intended audience of young adults, not appropriate for minors in high school. Descriptions are sexually explicit. If this was a movie there would be a rating to advise parental involvement. Its presence in a school library has no oversight by a parent. Not all children have the maturity to handle this material.

Limited list of evidence of the above statements:

Pg 201-207 molestation by cousin

Pg 206 'f***ing'

Pg 232 'f***ed up'

Pg 266-269 virginity lost, 'act dominant like my favorite porn star'

Pg 271, 272 'avid porn watcher'; 'drunk', sexual encounter

Regards,

Hamilton Residents:

Claire Burns

John Muka

Patricia Staley

Joseph Jesson

Rosemary Griegel

Jeff Hewitson

CC: Susan Lombardo

Dina Thornton

Stacy Byrne

Anthony Celetano

Liam Z. Gonzales

Susan Ferrara

Christina Vassiliou Harvey

Richard Kanka

Jason McSheen

Exhibit A

Section 2C:34-3 - Obscenity for persons under 18a.

Definitions for purposes of this section:(1) "Obscene material" means 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.(2) "Obscene film" means any motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself:(a) Depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and(b) Emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest.(3) "Specified anatomical area" means:(a) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or(b) Human male genitals in a discernibly turgid state, even if covered.(4) "Specified sexual activity" means:(a) Human genitals in a state of sexual stimulation or arousal; or(b) Any act of human masturbation, sexual intercourse or deviate sexual intercourse; or(c) Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.(5) "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.(6) "Exhibit" means the sale of admission to view obscene material.(7) "Show" means cause or allow to be seen.**b. Promoting obscene material.**(1) 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.(2) A person who knowingly shows obscene material to a person under 18 years of age with the knowledge or purpose to arouse, gratify or stimulate himself or another is guilty of a crime of the third degree if the person showing the obscene material is at least four years older than the person under 18 years of age viewing the material.**c. Admitting to exhibition of obscene film.**(1) Any person who knowingly admits a person under 18 years of age to a theatre then exhibiting an obscene film is guilty of a crime of the third degree.(2) A person who knowingly shows an obscene film to a person under 18 years of age with the knowledge or purpose to arouse, gratify or stimulate himself or another is guilty of a crime of the third degree if the person showing the obscene film is at least four years older than the person under 18 years of age viewing the film.**d. Presumption of knowledge and age.** The requisite knowledge with regard to the character and content of the film or material and of the age of the person is presumed in the case of an actor who sells, distributes, rents, exhibits or shows obscene material to a person under 18 years of age or admits to a film obscene for a person under 18 years of age a person who is under 18 years of age. **e. Defenses.**(1) It is an affirmative defense to a prosecution under subsections b. and c. which the defendant must prove by a preponderance of evidence that:(a) The person under age 18 falsely represented in or by writing that he was age 18 or over;(b) The person's appearance was such that an individual of

ordinary prudence would believe him to be age 18 or over; and(c) The sale, distribution, rental, showing or exhibition to or admission of the person was made in good faith relying upon

Exhibit B

9:6-1. ABUSE, ABANDONMENT, CRUELTY AND NEGLECT OF CHILD; WHAT CONSTITUTES

Abuse of a child shall consist in any of the following acts: (a) disposing of the custody of a child contrary to law; (b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State; (c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child; (d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language; (e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child; (f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child; (g) using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or (h) in an institution as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21), willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

Abandonment of a child shall consist in any of the following acts by anyone having the custody or control of the child: (a) willfully forsaking a child; (b) failing to care for and keep the control and custody of a child so that the child shall be exposed to physical or moral risk without proper and sufficient protection; (c) failing to care for and keep the control and custody of a child so that the child shall be liable to be supported and maintained at the expense of the public, or by child caring societies or private persons not legally chargeable with its or their care, custody and control.

Cruelty to a child shall consist in any of the following acts: (a) inflicting unnecessarily severe corporal punishment upon a child; (b) inflicting upon a child unnecessary suffering or pain, either mental or physical; (c) habitually tormenting, vexing or afflicting a child; (d) any willful act of omission or commission whereby unnecessary pain and suffering, whether mental or physical, is caused or permitted to be inflicted on a child; (e) or exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

Neglect of a child shall consist in any of the following acts, by anyone having the custody or control of the child:(a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home, or (b) failure to do or permit to be done any act necessary for the child's physical or moral well-being. Neglect also means the continued inappropriate placement of a child in an institution, as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21), with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.

