

LEGAL



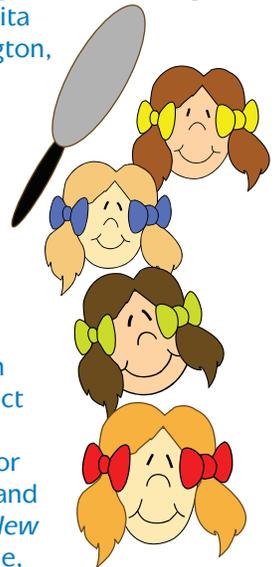
FALL 2009

Regulating Homeschooling?

by Phyllis Raybin Emert

According to the National Center for Education Statistics, about 1.5 million U.S. students were homeschooled in 2007, representing a 74 percent increase from 1999 when 850,000 students were homeschooled. Responsibility for education remains a matter for the states and varies across the country. A recent tragic case in Washington, D.C. has opened a discussion as to how far such regulation should go.

In 2007, Banita Jacks, a Washington, D.C. mother of four, killed her daughters who ranged in age from five to 17. The Jacks children were withdrawn from school by their mother in March 2007. The District of Columbia has no regulations for homeschooling and according to a *New York Times* article, that "lack of supervision" could have been the downfall of the Jacks children. The article pointed out that professionals "might have detected signs of abuse and neglect of the girls." A social worker did visit the Jacks home twice and notified the Child and Family Services Agency hotline of suspected abuse. Several other agencies attempted to contact Ms. Jacks, but no one answered the phone or the door. Weeks later, the case was closed after a report indicated that the family had moved to another state. There was no follow-up in this case either by city or school personnel.

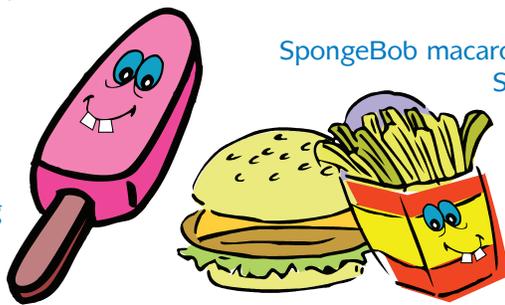


The Jacks family fell through the cracks of the system and as a result six child-welfare workers were fired from their jobs, with the homeschooling movement taking much of the criticism for the tragedy. Clive R. Belfield, a professor of

Childhood Obesity and Advertising: Should Junk Food Commercials Be Trimmed?

by Barbara Sheehan

Nickelodeon's lovable cartoon character SpongeBob SquarePants isn't just peddling the notorious crabby patties he cooks up on the show. With the help of real-life advertisers, he also has a hand in SpongeBob animal crackers,



SpongeBob macaroni and cheese, SpongeBob popsicles; and he's even dabbled in the occasional SpongeBob McDonald's happy meal.

This cheerful little guy who "lives in a pineapple

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You Take the Car and the House, But Fluffy Stays with Me!

by Cheryl Baisden

If you have pets at home, you probably consider them a part of the family. Chances are they have their own beds; their own spots in the living room where they settle in when you watch TV at night; and their own stash of special snacks and favorite toys, just like you. In New Jersey and other states, pets are considered property

rather than family members. So, when it comes to divorce, who gets custody of a beloved pet can be a little sticky.



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Conjuring Copyright Infringement

by Cheryl Baisden

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In the fictional world of Harry Potter, copying someone else's work at the Hogwarts School of Witchcraft and Wizardry could get you transformed into a ferret and bounced around the room. Of course in real life, as J.K. Rowling, the woman who wrote all seven *Harry Potter* novels, discovered this past fall, the punishment for plagiarism is far less dramatic.

In September 2008, Rowling won a lawsuit against RDR Books and received \$6,750 in damages and a guarantee that the New York publisher would not release a book called *The Harry Potter Lexicon*. The 400-page book was a detailed encyclopedia of words, places, people and events from the seven-volume *Harry Potter* series, and included lengthy excerpts copied directly from Rowling's novels. According to Rowling, 2,034 of the 2,477 entries in the book came directly from her novels.

"I believe this book constitutes wholesale theft of 17 years of my hard work," Rowling told a New York court in April 2008. "What particularly galls me is the lack of quotation marks. If Mr. Vander Ark had put quotation marks around everything he had lifted, most of the lexicon would have been in quotation marks."

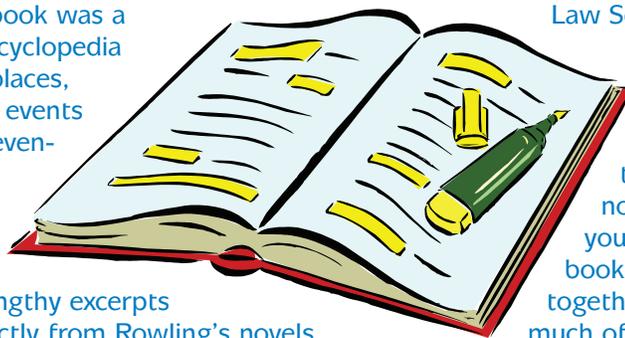
The volume's author, Steven Vander Ark, a major *Harry Potter* fan

who claims he read the series nearly 50 times and spent seven years writing his book, never disputed that he was using many of Rowling's words. Instead, his attorney argued that he had a legal right to reproduce excerpts from her novels because as a reference guide it needed to rely on her work.

"Regardless of the lexicon author's argument, when you look at the *Harry Potter* lawsuit it is pretty much a clear case of **copyright infringement**," said attorney Marc S. Friedman, who is the chairman of the New Jersey State Bar

Association's Intellectual Property Law Section. "Some

cases of infringement, or plagiarism, can be difficult to determine, but not this one. When you look at how the book was put together and how much of the material was copied, there was no question that it was copyright infringement."



It all comes down to ownership

Whenever someone creates a literary, musical or artistic work — for example a painting, poem or song — that work is automatically protected under the Copyright Act, and cannot be reproduced or used by someone else without the creator's permission. This protection is guaranteed in the U.S. Constitution under Article I,

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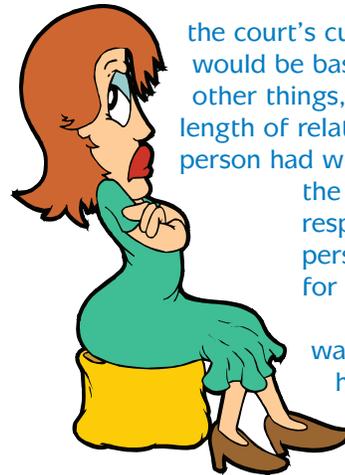
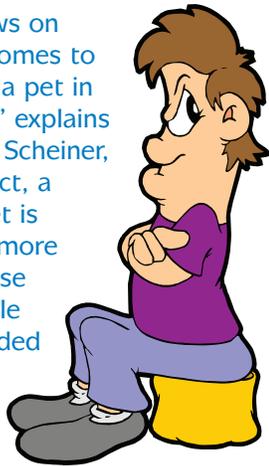
Catch Us on the Web and Read *The Legal Eagle* Online

Back issues of *The Legal Eagle* since its inception in 1996, may be downloaded on the New Jersey State Bar Foundation's website at www.njsbf.org.

While you're there, check out other law-related education publications for kids, such as *Bill of Rights Bulletin*, *Constitutionally New Jersey*, *What You Need to Know About Plagiarism*, and *Students' Rights Handbook*.



“There are no laws on the books when it comes to deciding custody of a pet in a New Jersey court,” explains family lawyer Karen Scheiner, of Cherry Hill. “In fact, a cat, dog or other pet is considered nothing more than property in these cases, just like a table or a chair, to be divided up between the couple. When it comes to children, the courts consider what is in their ‘best interest’ as far as custody goes. When it comes to pets, that doesn’t apply under the existing law.”



the court’s custody decisions would be based on, among other things, the type and length of relationship each person had with the animal and the financial responsibility each person had in caring for the pet.

The legislation was drafted on the heels of two New Jersey cases that illustrate the different

Lawyers usually encourage couples who are arguing over who will get the family cat or dog, or whether they will share ownership of the pet, to come to an agreement outside of the courtroom, according to Scheiner, since bringing up the issue before a judge can be tricky.

“If you get a judge who is a real animal lover, you may find he or she really will spend some time figuring out what is best for the pet,” Scheiner explained. “But more often than not, the judge won’t want to deal with those issues. The decision, if there is one made at all by the judge, will be based on who can show they ‘own’ the pet, not necessarily who the pet should be with.”

How much do we love our pets?

According to the Animal Legal Defense Fund (ALDF), a nonprofit organization that helps protect the rights of animals, there are approximately 124 million dogs and cats living in American homes. In 2007, according to the American Pet Products Manufacturers Association, \$40.8 billion was spent on those pets, with only \$9.8 billion going to veterinary care. Further demonstrating how much we love our animals, the ALDF recently conducted a study that revealed 45 percent of pet owners take their companion animals on vacation with them and more than 50 percent would prefer the company of that animal over anyone else if stranded on a desert island. Although there are no laws or guidelines in place regarding pet custody, it is no wonder that the issue is becoming a growing concern among couples.

What about New Jersey?

New Jersey is currently considering laws that would set some guidelines for, and require the courts to decide, pet custody matters. In May 2008, New Jersey Assemblyman Anthony Chiappone proposed a bill that would allow individuals to enter into written agreements regarding their pets, and would instruct the court to consider all relevant factors and decide custody. Under the proposed legislation,

approaches the state’s judges now take when brought into a pet custody dispute as part of a legal battle.

In the fight over Dexter, Doreen Houseman was originally told by her fiancé that she could keep their dog when they broke up, but when he found out she was dating someone he demanded the dog be returned to him since he originally paid for the pug, said Scheiner. The judge ordered the dog be returned to the fiancé when he proved it was a possession he owned.

“The judge said he did not want to know about the emotional attachment,” Houseman’s attorney, Gina Calogero of Oradell, who specializes in animal law, explained on the *Today Show* in September 2008. “He didn’t want to consider it, because to him the dog was no different from a chair or a couch. They’re not people. They’re not children.”

Mark Haskoor had a different experience when he asked a judge to grant him joint custody of Bobesh following his wife’s decision to refuse to let him see the dog after they separated.

“We got Bobesh when we were together, and when we separated, she had taken him with her,” he told the *Today Show*. “When I asked to start seeing Bobesh again, the answer was no. It hit me like a ton of bricks. He’s my best friend. He’s part of my family. I’m not willing to let that go.”

Haskoor won joint custody, but the decision was a rare one, he admits. “You have to hire a good lawyer that’s willing to take the case, and hope that it gets in front of a judge that’s willing to listen to it. Without those two components, you have nothing.”

While Bobesh’s case may have had a satisfactory outcome, Dexter’s saga continues. In March 2009, a New Jersey appeals court ordered a new trial to decide the fate of the six-year-old pug. The court ruled that the judge should not have treated Dexter like a piece of property but rather considered him “like heirlooms, family treasures and works of art,” that have “subjective value.”

economics at Queens College, told *The New York Times*, “limited compliance and follow up” allows families to be abusive and gives “an excuse to get out of being observed.” Mitchell L. Stevens, associate professor of education and sociology at New York University told *The New York Times*, “Homeschooling removes children from a lot of...surveillance [by the school district].”

In a press release issued after the incident, the Home School Legal Defense Association (HSLDA), stated, “we must be careful not to sacrifice constitutionally protected freedoms for increased regulation in reaction to the criminal activities of the very few. In the Jacks case, homeschooling was mentioned, but it did not cause the tragedy.” The HSLDA asserts, “studies have clearly shown that the vast majority of homeschooling parents responsibly and effectively teach and care for their children. Extensively regulating homeschoolers is not the solution to these types of problems.”

The homeschooling movement

Until the 19th century children were either educated at home or went to unstructured community schools. It was at that time states began passing legislation requiring parents to send their children to school, with Massachusetts becoming the first state to adopt **compulsory** education in 1852. By the 1960s and 1970s, some parents began to question the teaching methods and quality of the American school system, giving rise to homeschooling. Once illegal, groups like HSLDA were influential in making homeschooling legal in all 50 states by the late 1990s.

In an article on homeschooling that appeared in the March 2008 issue of *Glamour* magazine, Rae Adams, a University of Michigan law student, said, “There was never a time I didn’t love being homeschooled. I was a U.S. history buff, so when I was 12, my family took two weeks off and visited every Civil War battlefield,” Adams said. “With other homeschooling families we formed a debating team, joined a choir and avoided the negative peer pressure. When I got to college...I had an easier time than most because I was used to structuring my own curriculum...”

Writer Heather Kristin had the opposite experience and told *Glamour*, “I craved the company of other children. I grew up in a cocoon, protected but isolated. By the time I got to [college] I didn’t know how to have relationships, so I shut people out. When my husband and I have children, I want them to go to a public school.”

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State regulations vary

Home school regulations vary widely from state to state. States that have the strictest regulations concerning homeschooling, according to HSLDA, can require parents to send notification or achievement test scores and/or professional evaluations to the school districts. In addition, the homeschool curriculum may have to be approved by the state, parents may be required to have teacher qualifications, and state officials may be required to make home visits.

New Jersey, along with nine other states (Arkansas, Texas, Oklahoma, Missouri, Illinois, Indiana, Michigan, Idaho, Connecticut) and the District of Columbia, has no state requirements for homeschooling. Two court decisions handed down more than 30 years ago might have helped shape the homeschool movement in the Garden State. With the 1965 decision in *State v. Vaughn*, the court held that a parent/guardian was required to introduce evidence that a child was receiving equivalent education elsewhere. “Once there is such evidence in the case,” ruled the court, “the burden of persuasion with respect to whether the education comes within the exception is with the State.” In the 1970 case of *West Morris Board of Education v. Sills*, the court declared “parents have a constitutional right to choose the type and character of education they feel is best suited for their children, be it **secular** or **sectarian**.”

The New Jersey **statute** that applies to compulsory education “requires that every parent, guardian or other person having custody and control of a child between six and 16...ensure that such child regularly attends the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools...or to receive

equivalent instruction elsewhere than at school.” It is the phrase, “to receive equivalent instruction elsewhere than at school” that allows a child to be educated at home. If a parent or guardian refuses to comply with the above statute, they are considered a disorderly person and subject to a fine.

New Jersey proposes tighter homeschooling regulation

In September 2008, Assemblywoman Sheila Oliver (Essex and Passaic) and Assemblyman L. Harvey Smith (Hudson) introduced a bill in the New Jersey State

Copyright Infringement CONTINUED FROM PAGE 2

Section 8. Copyright protection for works created since 1978 are usually protected for the life of the creator, plus 70 years. For works created before 1978, the length of protection varies.

“The framers of the Constitution believed that in order to encourage inventors and artists to create great things, they needed to be protected on some level, which is where the Copyright Act came from,” said Friedman. “If you are a writer and spend your time, money and effort writing a book, or a poem, or a play, someone else should not be able to just come along and rip you off by copying it and making money from it. If there weren’t protections in place, why would you spend the time and energy creating something?”

Copying someone’s creative work without permission is called copyright infringement, a legal term for plagiarism. But while the concept of **copyright** protection seems

simple, proving infringement can be difficult.

“It’s something that can be challenging to prove because, most likely, no one saw you copy,” said Friedman. “Also, there is a possibility that you just happened to come up with the same idea and the same words as someone else, just by chance. The courts have found a way to determine whether something was most likely copied by considering two things: whether the works are substantially similar and whether the person who produced the second work had access to the original work. If a book is in my local library and I create a book that is very similar to it, I most likely infringed on the copyright by trying to pass it off as an original work.”

1 Is the use for profit?

2 How is the copied material being used?

3 How much material is being copied?

4 What is the effect on the value of the original work?

In the case of *The Harry Potter Lexicon*, however, the book’s author was not claiming the work was totally original. Instead, he and his lawyer argued he

had a right to reprint portions of the *Harry Potter* text under an exception to the Copyright Act known as the Fair Use Doctrine.

Fair use gives someone the right, in some cases, to reproduce portions of a copyright-protected work for certain purposes, for example as part of a research project, news report or literary criticism. To determine if something should fall under the Fair Use Doctrine, a four-step test is used, focusing on whether the use is for profit, how the copied material is being used, how much material is being copied and what effect the use would have on the value of the original work.

“The judge in the Harry Potter case found that the amount of material that was copied from the original books was substantial, and that the *Lexicon* was being published as a money-making venture and could harm the sales of Rowling’s own books, including two *Harry Potter* companion books she wrote that were already in print,” said Friedman. “If the author went back and produced a different version of his book, without so many excerpts, or using quotes in a different way, it very well could be allowed to be published.”

In fact, in February 2009, RDR Books published a stripped-down version of Vander Ark’s book, eliminating all material that the court ruled infringed on Rowling’s copyright. In addition, Rowling has said she plans to someday publish her own *Harry Potter* encyclopedia and donate the profits to charity. 

A Few Facts About Plagiarism

According to the website, plagiarism.org, here are a few facts about cheating and the issue of plagiarism.

- A poll conducted by *US News and World Report* found that 90 percent of students believe that cheaters are either never caught or have never been appropriately disciplined.
- *The State of Americans: This Generation and the Next* (Free Press, July 1996) states that 58.3 percent of high school students let someone else copy their work in 1969, and 97.5 percent did so in 1989.
- A national survey published in *Education Week* found that 54 percent of students admitted to plagiarizing from the Internet; 74 percent of students admitted that at least once during the past school year they had engaged in “serious” cheating; and 47 percent of students believe their teachers sometimes choose to ignore students who are cheating.

In addition to plagiarism.org, check out these websites for more information about plagiarism, copyright, fair use and public domain.

www.indiana.edu/~wts/pamphlets/plagiarism.shtml

www.copyright.gov

www.umuc.edu/library/copy.shtml

www.unc.edu/depts/wcweb/handouts/plagiarism.html

fairuse.Stanford.edu/Copyright_and_Fair_Use_Overview/chapter0/0-a.html

Junk Food CONTINUED FROM PAGE 1

under the sea” is one of many beloved figures that food marketers have recruited to pitch their products to kids. But given the alarming rate of childhood obesity in America, some people feel it’s time for characters like SpongeBob and the food companies they represent to go on a healthier diet.

The facts about childhood obesity in America

According to statistics provided by Princeton’s Robert Wood Johnson Foundation (RWJF), nearly one-third of U.S. children and adolescents—more than 23 million youths—are obese or overweight. The problem, they say, starts at an early age, with almost 25 percent of children ages two to five already obese or overweight. It is worse for African-American and Latino children, according to the statistics, with rates of overweight and obesity exceeding 40 percent in some groups.

Childhood obesity seems to be on the rise. According to RWJF’s 2006 Annual Report, the average 10-year-old girl weighed 77 pounds in 1963. Now, she weighs about 88 pounds. A 10-year old boy who weighed 74 pounds then now weighs 85 pounds. Some health issues associated with being overweight or obese, according to RWJF, include increased risk of asthma, type 2 diabetes, cardiovascular disease, orthopedic complications and sleep apnea.

As for the cause of the increase in childhood obesity, Susan Levine, a spokesperson for RWJF, calls it a “toxic stew” of factors, ranging from policy, environmental and societal changes to more basic realities like shorter school recesses and easy-access convenience markets stocked with junk food.

What role does advertising play?

Many believe junk food advertisers, who spend millions of dollars every year to help shape the food choices our nation’s young people make, are partly to blame for the rise in childhood obesity. Of course, parents often have the final say in what their children eat; but many feel junk food commercials and other marketing tactics are barraging their kids at every turn.

Fed up with messages that promote sugary, unhealthy snacks, some of these parents and other critics of the food industry have pushed for changes in the way snacks and other food items are marketed to children, and would like to see government regulation of junk food advertising. The idea is not entirely new.

In the late 1970s, the Federal Trade Commission (FTC) attempted to regulate television advertising of sugary foods to children, claiming that some kids viewing these ads were too young to understand the problems associated with eating too much sugar. Congress blocked that effort and sharply criticized the FTC initiative.

Later, in 1980, Congress passed a law restricting the FTC’s ability to control advertising to children. To this day, some say it’s more difficult in the U.S. to regulate advertising to children because of that failed FTC attempt.

Now, almost three decades later, the subject is being revisited in light of the weight-related challenges facing the nation’s young people. While federal regulation has not been imposed, the subject has received federal attention in recent years with some food companies taking note and reportedly trying to fix the problem themselves before the government steps in.

What are companies doing?

Efforts by big food companies to adjust the way they market to kids were noted in an FTC report issued last July titled “Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities and Self-Regulation.” Among its findings, the report noted that 13 of the largest food and beverage companies have pledged not to advertise to children under age 12, or to limit their television, radio, print and Internet advertising to foods that meet specified nutritional standards.

“...[A]lthough there is room for improvement, the food and beverage industries have made significant progress since the FTC and the Department of Health and Human Services co-sponsored the Workshop on Marketing, Self-Regulation and Childhood Obesity in 2005,” the report noted.

As for dollars spent trying to influence kids, in 2006, the FTC found that 44 major food and beverage marketers spent \$1.6 billion to promote their products to children under age 12 and adolescents ages 12-17 in the U.S.

“That same year, cross-promotions tied foods and beverages to about 80 movies, shows and animated characters that appeal primarily to children,” the FTC report found.

In the end, the report seemed to put the burden on the food industry to regulate itself. While there are some who support this concept, skeptics, who were hoping for more federal regulation, believe it may not be enough.

A July 2007 article on consumerist.com, for example, accused some cereal makers of trying to “weasel out of their promise to stop advertising junk food to audiences under 12 by fudging serving size information.” The article suggested that some cereal makers were adjusting serving sizes to meet recommended nutritional guidelines, such as sugar content.



In addition, a *New York Times* article noted that while food companies may have cut back on their advertising on kids' channels like Nickelodeon, they still advertise on programs like *American Idol*, which is not a designated children's show but still has a huge number of young viewers.

"It's well known that the food and beverage industries spend extraordinary sums of money to advertise snacks, drinks, and items of little nutritional value directly to children and teens," said Dwayne C. Proctor, director of the Robert Wood Johnson Foundation's Childhood Obesity

Team. "The industries' ads are designed with young consumers in mind and purposely placed everywhere kids frequent—not just television but the Internet, online games and text messaging as well as school events and more."

Proctor went on to say, "We applaud those companies that have pledged to change their marketing practices to encourage healthy eating habits among youth. The crucial question will be how well they live up to their pledges and how many more companies follow their lead."



Legislating junk food

At the same time food companies re-examine their advertising practices, other steps are being taken to get America's kids back on a healthier track. Naturally, a big focus is in schools. Back in 2005, New Jersey made news headlines when it passed a law banning the sale of candy, soda and fatty, sugary foods in schools.

Many other schools have also taken a hard look at the food that is being made available to students in vending machines, in the cafeteria and other school venues. On a wider scale, New York City made national headlines in Dec. 2006 when its Board of Health voted to ban trans fats from use in restaurants. Trans fats are an ingredient believed to contribute to heart disease by raising bad cholesterol and lowering good cholesterol.

Also, New York City now requires food chains with more than 15 outlets nationwide to list the calorie count of items on their menus. While some laud efforts like these as positive steps toward better health, others find them to be overly burdensome and unnecessary. Also, some believe that the impact on businesses of these well-intentioned proposals must be taken into consideration.

In October 2007, the New Jersey Legislature withdrew from consideration a bill that would have required restaurants with 20 or more locations in New Jersey to clearly list on their printed menus or menu boards the nutritional content of regularly served items. Deborah Dowdell, president of the New Jersey Restaurant Association (NJRA), said her organization opposed this and other proposed New Jersey menu labeling bills that she said offer a "patchwork approach" that "does a disservice to customers and to businesses trying to serve the public."

Dowdell said that the NJRA instead favors proposed federal legislation known as the LEAN Act (Labeling Education and Nutrition Act). This legislation is similar to the proposed New Jersey bill in that it sets labeling requirements for chains with 20 or more units; however, Dowdell touts the LEAN act for providing clearer, more uniform requirements as well as liability protection for restaurants that comply with the law.

As for other related legislation in New Jersey, there is a proposed bill that would designate March of each year as "Childhood Obesity Prevention Month" in New Jersey, as well as a proposed bill that would permit public school districts to address obesity as part of the Core Curriculum Content Standards in Comprehensive Health and Physical Education. There is also proposed legislation that would limit liability of food producers and other food-related handlers for claims arising out of weight gain or obesity.

New Jersey Assemblywoman Joan Voss, who serves on the Assembly's Education Committee, believes early intervention—for instance instilling healthy eating habits in elementary-aged students—is key to addressing the nation's weight problem. Often, by the time kids reach middle school or high school, their eating habit are established and hard to change, she said.

When asked for her opinion on limiting junk food advertising to kids, Assemblywoman Voss expressed reservations about putting constraints on businesses in today's strained economy and skepticism about the impact it would have. While she is sensitive to the demands on today's busy parents and the pressure that comes from outside influences like advertising, Assemblywoman Voss contends that too often television is used as a babysitter. In the end, she said, it is up to parents to decide what their children eat.

"I don't think we can legislate eating habits or morality," Assemblywoman Voss said.

While people may have differing ideas about the best way to address our nation's growing waistlines, few deny that America's children need to get their health back on more solid footing. Most likely, it will take a multi-faceted approach to turn around the weight trend. Revamping how advertising is directed at children is one way some people are hoping to make a difference.

As for SpongeBob, given the heightened attention on kids' nutrition, maybe he'll develop an affinity for fiber cereal or Brussels sprouts. In the meantime, at least he lives in a *pineapple* under the sea and not a giant cookie jar. 🍌

homeschool CONTINUED FROM PAGE 4

legislature that would require registration, regulation and review of homeschool programs. The bill was referred to the Assembly Education Committee.

This new legislation would “require a parent or guardian seeking to educate his child at home to register with the resident school district prior to the establishment of the home education program...The registration must include: certain descriptive information about the child, his home education supervisor, and the program; a statement that the child will be provided instruction in such subjects as required by law; evidence that the child has been properly immunized and has received necessary health and medical services; and a certification that the supervisor, all adults living in the home, and persons having legal custody of a child in a home education program have not been convicted of certain criminal offenses.” Homeschooling must be a minimum of 180 days each year, and include courses determined by the commissioner of education. The district can lend textbooks and other materials to the parent or guardian, and the students can participate in district extracurricular activities, such as sports programs. The supervisor of

the homeschooling must “maintain a portfolio of records and materials demonstrating the student’s work and progress, including the results of standardized tests and an independent evaluation of the student’s education progress.”

The HSLDA described the bill as causing “a catastrophic destruction of homeschool freedom in New Jersey,” and is working to defeat it.

Owen Snyder, assistant superintendent for administration, supervision and curriculum in the Paramus public school system, believes “the homeschooling process seems to work well for parents as well as for schools” and doesn’t believe the proposed legislation is necessary. “I have not seen abuse of the homeschooling process so from my personal perspective I don’t see the need for the bill,” Snyder stated. “I think there’s a great benefit to kids going to public school, obviously I’ve made it my career,” declared Snyder, a public educator for 34 years. “However, I think there are some parents who are very capable of teaching their children. They have a unique relationship that can’t really be replicated by a teacher or a coach.”

In his article, *Revisiting the Common Myths About Homeschooling*, that appeared in *The Clearing House*, an educational journal, Michael H. Romanowski, a professor at the Center for Teacher Education at Ohio Northern University, stated, “We need to respect parents’ choices because this is the essence of a democratic educational system. Instead of constantly comparing and contrasting public schools and home schools, we should look at how each can learn from one another and then use this information to improve the learning experiences of all children, no matter what form of education takes place.” 🪄



compulsory — required by law without discretion.

copyright — the U.S. Copyright Office defines copyright as “a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works.”

copyright infringement — the unauthorized use of someone’s copyrighted work, which can include certain other works based on the original work, although there are exemptions to infringement, such as fair use.

precedent — a legal case that is applicable to a future case dealing with the same issues.

sectarian — devoted to a particular religious point of view.

secular — not sacred or concerned with religion.

statute — legislation that has been signed into law.

Fluffy CONTINUED FROM PAGE 3

In the new trial that was held in July, the Hon. John Tomasello, the same judge who issued the original ruling, heard testimony that he refused to allow the first time. This time Judge Tomasello ruled there was no clear agreement between the couple regarding Dexter and he was “joint property.” A custody hearing is scheduled for September when the judge will issue a final decision on Dexter’s fate.

Calogero said in news reports after the ruling by the appeals court, “It’s the first custody decision involving pets and I think it’s going to be very helpful in the future to have this **precedent**.”

What the future will bring for pets and their owners in New Jersey is unclear, but for now, since pets are considered property under the law,

Scheiner suggests owners keep records that will prove ownership of their cat or dog and consider mediating, or coming to a mutual agreement outside of the courtroom, when pursuing pet custody. 🪄