

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

Linda Woodson	)	Court No.: 1:19-cv-14572
	)	
Plaintiff,	)	
vs.	)	
	)	
Atlantic City Board of Education,	)	
James Knox,	)	
National Association of Elementary School	)	
Principals,	)	
	)	
Defendants	)	

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**MOTION TO AMEND AND FILE SECOND AMENDED COMPLAINT**

Plaintiff Linda Woodson (“Plaintiff” or “Woodson”) herein respectfully moves the Court for permission to file the Second Amended Complaint, attached hereto. This motion is submitted pursuant to this Court’s March 23, 2020 Opinion that allows the filing of this motion to the extent Woodson can amend her complaint consistent with the Opinion. That Opinion partially granted the separate Motions to Dismiss of National Association of Elementary School Principals (“NAESP”) and the Atlantic City Board of Education and Knox (collectively “ACBE Defendants”) on the basis of statute of limitations, but denied them on the basis that the Complaint sufficiently alleged that the work at issue was not a “work for hire”. The Opinion allows this filing to present additional facts on the statute of limitations issue. This Motion will not address the resolved “work for hire” issue.

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## Introduction

Woodson claims that the NAESP and ACBE Defendants infringed her lawful copyright by incorporating a document she wrote (Second Amended Complaint, Ex. A (“Work”)) into an article that Defendant James Knox claimed to have written (Second Amended Complaint, Ex. D.) (“Article”). The attached Second Amended Complaint states facts that the Opinion said were lacking to establish that Woodson did not discover, and could not have discovered, the publication of the Article until 2018, within the statute of limitations of 17 U.S.C. § 507(b) under the “discovery rule” adopted by the Third Circuit in *William A. Graham v. Haughey*, 568 F. 3d 425 (3<sup>rd</sup> Cir. 2009). (“*Graham I*.”) Moreover, the Second Amended Complaint alleges additional facts that show that Woodson’s complaint was timely filed. With these additional facts, Woodson’s Second Amended Complaint is sufficient and should not be dismissed under FRCP 12(b)(6).

### I. Statement of Facts

Woodson has been a teacher at New York Avenue School since 2009.

Knox was, and is, her principal. In approximately 2010 Knox approached Woodson and asked her if she would prepare a writing about the change at the New York Avenue School since he arrived, to be used to apply for a National School Change Award (“Award”). Woodson then created a written Work that was submitted as the application for the Award. Knox incorporated most of Woodson’s Work into an Article entitled “At Risk for More than Academic Failure” for the NAESP’s professional journal called “Principal”. The Article was published in the January/February 2011 edition. The Second Amended Complaint alleges that the Article was available for transmission or display, or actually transmitted or displayed, after 2011 until 2018 from the NAESP’s website, accessible on the internet to NAESP members.

The Opinion noted that the Amended Complaint did not allege, among other defects, when and how Woodson first personally discovered the infringement. This defect is cured, as the Second Amended Complaint now alleges:

- Woodson first discovered the infringement in 2018 when the Article, with Knox's attributed authorship in "Principal", was discovered during her Google search of "James Knox." That search connected Knox to the Article in "Principal."
- Woodson could not have discovered the Article in "Principal" because she does not subscribe to it or read it because she is not a Principal. Access to the Article is only available to subscribers and members of NAESP.
- Woodson could not have discovered the Article in "Principle" in 2011 when Knox attached it to an email not addressed to her, but to ALL faculty that contained no indication in the transmission subject line, or email content, that the attachment had any connection to Woodson's work.
- Woodson did not open the Knox email in 2011, consistent with her email practice, because nothing about that email alerted her to the fact that her Work was involved.
- Knox never told Woodson that he had taken her Work and submitted it to "Principal". No one else at her place of work told her about the attachment to the Know email, because his attachment showed Knox-not Woodson- as the author.
- Woodson had no reason to believe in 2011 that Knox would publish her Work under his name because she thought that the only use for her work was to apply for the Award---not for re-purposing as an academic journal article, without giving Woodson authorship credit.

- The Article was available for transmission or display, or actually transmitted or displayed, after 2011 until 2018 from the NAESP's website, accessible on the internet to NAESP members.

## **II. The Standard of a Motion to Dismiss**

Woodson adopts the standard discussion in Section III in her first motion. The Second Amended Complaint meets the requisite standard because it contains “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 1949-50 (2009), quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “[D]etermining whether a complaint states a plausible claim is context-specific, requiring the reviewing court to draw on its experience and common sense.” *Iqbal* at 663-664, citing *Twombly* at 556.

## **III. Legal Argument**

The Opinion follows the Third Circuit's direction to allow curative amendment to a defective complaint, from *Alston v. Parker*, 363 F. 3d 229, 235 (3<sup>rd</sup> Cir. 2004): “that even when a plaintiff does not seek to amend, if a complaint is vulnerable to a 12(b)(6) dismissal, a District Court must permit a curative amendment, unless an amendment would be inequitable or futile.” *Alston v. Parker*, 363 F. 3d 229, 235 (3<sup>rd</sup> Cir. 2004).

The proposed amendment clearly would not be futile because the Second Amended Complaint states sufficient facts to allow Woodson to avail herself of the “discovery rule” adopted in *Graham I.* .

The “accrual” of a cause of action “occurs at the moment at which each of its component elements has come into being as a matter of objective reality, such that an attorney with

knowledge of all the facts could get it past a motion to dismiss for failure to state a claim.”

*William A. Graham Co. v. Haughey*, 646 F.3d 138, 149–150 (3d Cir. 2011) (“Graham II”). At that moment, the three-year copyright statute of limitations period begins to run. See *id.* at 147. Therefore, Plaintiff’s claims accrued at the moment that Defendant used works in which Plaintiff had a valid copyright. See, e.g., *In re McGraw-Hill*, 909 F.3d at 66.

Additionally, “[t]he separate-accrual rule provides that in the case of successive violations of the Copyright Act, the limitations period runs separately from the date of each violation. In other words, a separate copyright claim accrues upon the occurrence of each infringing act.” *Raucci v. Candy & Toy Factory*, 145 F. Supp. 3d 440, 449 (E.D. Pa. 2015) (citing *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 572 U.S. 663, 670–71, 134 S.Ct. 1962, 188 L.Ed.2d 979 (2014)). Thus, “where the infringing acts occurred before and after the three-year limitation period, only those discrete acts occurring within three years of the filing of suit are timely.” *Id.*

Under the “discovery rule,” a claim under the Copyright Act is tolled until “the plaintiff discovers, or with due diligence should have discovered, the injury that forms the basis for the claim.” *Grant Heilman Photography, Inc. v. McGraw-Hill Companies, Inc.*, No. 12-2061, 2012 WL 5944761, at \*3 (E.D. Pa. Nov. 28, 2012) (quoting *Graham I* at 438). It is presumed that a plaintiff “should have known of the basis for its claims” when the Plaintiff “had sufficient information of possible wrongdoing to place [them] on inquiry notice or to excite storm warnings of culpable activity.” *Graham I*, 568 F.3d at 438 (quoting *Benak ex rel. Alliance Premier Growth Fund v. Alliance Capital Mgmt. L.P.*, 435 F.3d 396, 400 (3d Cir. 2006)). “The test for storm warnings is ‘objective,’ based on what a reasonable person in the plaintiff’s position would have perceived.” *Grant Heilman*, 2012 WL 5944761, at \*3 (quoting *Benak*, 435 F.3d at 400). The

defendant bears the burden of “demonstrating such storm warnings, and if they do so, ‘the burden shifts to [the plaintiff] to show that it exercised reasonable due diligence and yet was unable to discover its injuries.’ ” *Graham I*, 568 F.3d at 438 (quoting *Benak*, 435 F.3d at 400). Accordingly, although Woodson’s claims accrued at the moment that the Defendants copied work that Woodson owned a valid copyright in, the statute of limitations on these claims was tolled until the point when Woodson should have known of the basis for her claims.

Under the “discovery rule,” Woodson can rebut the Defendants’ affirmative defense of the statute of limitations because Woodson can establish that she did not discover, nor in the exercise of reasonable diligence should have discovered, the basis for her claim against the Defendants until after July 1, 2018. *Id.* at 438.

The Opinion discusses facts alleged in Woodson’s Motion to Amend and her Declaration in support thereof, but not included in the Amended Complaint. Those facts have now been stated in the Second Amended Complaint to show that Woodson could not reasonably have discovered in 2011 that Knox infringed upon her Work. The new factual allegation show that Woodson had no reason to suspect that her work, prepared for one specific purpose (the Award), would be used for a completely different purpose (the Article) for publication in a periodical that she would not have access to, alerted by an e-mail that made **no mention of her name!**

More important, the Second Amended Complaint alleges facts that show potential infringing actions well within the three year statute of limitations in 17 U.S.C. § 507(b).

The Article, published in “Principal”, was available for transmission or display, or actually transmitted or displayed, after 2011 until 2018 from the NAESP’s website, accessible on the internet to NAESP members. If the Article was transmitted or viewed on the NAESP website, such actions are successive infringements and the copyright statute of limitations runs

from each violation, which could have occurred within three years of the filing of Woodson's complaint. Also, Woodson would not have been able to view or discover the infringements because Woodson was not the typical person of the NAESP membership, as she is not a principal of a school herself. *See Petrella* at 671; *APL Microscopic LLC v. United States*, No. 18.1851, Opinion, Aug. 27, 2019 (Ct. Fed. Claims). Discovery will be needed to ascertain successive infringement.

#### **IV. Conclusion**

Woodson deeply appreciate the Court's willingness in the Opinion to allow a curative filing. The attached Second Amended Complaint states sufficient facts to defeat a motion to dismiss at this stage of the litigation and it should be allowed to be filed.

Respectfully submitted,

Dated: April 20, 2020



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Linda Woodson



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Plaintiff,	)	
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Atlantic City Board of Education,	)	
James Knox,	)	
National Association of Elementary School	)	
Principals,	)	
	)	
Defendants	)	

---

**SECOND AMENDED COMPLAINT**

Linda Woodson, (“Plaintiff”) by her attorney, Anthony M. Verna III, Esq., hereby files the following Complaint against Atlantic City Board of Education, James Knox, and National Association of Elementary School Principals, (“Defendants”).

**NATURE OF THE ACTION**

1. Plaintiff seeks injunctive relief and damages for acts of copyright infringement that the Defendants engaged in in violation of the laws of the United States.
2. This case concerns Defendants’ willful infringement of the Plaintiff’s copyright of the valuable and distinctive textual, literary work that is Plaintiff’s work, passed off as Defendants’ own work and creation.
3. Despite the intellectual property ownership of the Plaintiff, Defendants introduced the same textual, literary work in the marketplace, despite lacking authorization.
4. Defendants undertook this behavior without the consent of the Plaintiff and Defendants created unauthorized copies in creating a publication with the Plaintiff’s work.
5. Plaintiff was damaged because of Defendants’ behavior and has lost status, recognition, and income from the credit not gained from the original work Plaintiff created.

**PARTIES**

6. Plaintiff Linda Woodson is an adult individual who is a citizen of the United States residing in Mays Landing, NJ, 08330.
7. Upon information and belief, Defendant Atlantic City Board of Education (“Board”) is a governmental agency with a principal address at 1300 Atlantic Ave., Atlantic City, NJ 08401.
8. Upon information and belief, Defendant James Knox (“Knox”) is an adult individual, the Principal of New York Avenue School, whose address is 411 N New York Avenue, Atlantic City, NJ 08401.
9. Upon information and belief, Defendant National Association of Elementary School Principals (“NAESP”) is a non-profit corporation incorporated under the laws of the District of Columbia with a principal place of business at 1615 Duke St, Alexandria, VA 22314.

### **JURISDICTION AND VENUE**

10. Plaintiff repeats and realleges Paragraphs 1 through 9 of this Complaint as if fully set forth herein.
11. Knox is a resident of the State of New Jersey who is employed in the State of New Jersey.
12. The Board is a governmental entity organized under the laws of the State of New Jersey.
13. NAESP has members or affiliates or representatives in the State of New Jersey.
14. Jurisdiction in this Court is proper pursuant to Fed. R. Civ. Proc. 7, 28 U.S.C. §1331 and 1338(a).
15. This Court has subject matter jurisdiction pursuant to 17 U.S.C. § 504.
16. This Court has personal jurisdiction over Defendants, which have purposefully availed themselves of the laws of the State of New Jersey by inhabiting and/or headquartering their businesses, marketing, and sales of goods bearing copies of the Plaintiff’s copywritten text, within the State of New Jersey, including *via* the Internet.
17. Upon information and belief, Defendants have transacted business within the State of New Jersey by contracting with each other to distribute copies of Plaintiff’s work, which the Defendants infringed and passed off as their own original work.

18. Upon information and belief, Defendants have derived substantial revenues from their infringing acts occurring within the State of New Jersey and within this District.
19. Upon information and belief, all Defendants have worked in the State of New Jersey, derived substantial revenues from their work in New Jersey and other acts occurring within the State of New Jersey and within this District.
20. Venue in this Court is proper pursuant to 28 U.S.C. §1391.
21. Venue in this Court is proper pursuant to 28 U.S.C. §1400.

### **BACKGROUND AND FACTS**

22. Plaintiff repeats and realleges Paragraphs 1 through 21 of this Complaint as if fully set forth herein.
23. Plaintiff is a teacher employed by the Board at the New York Avenue School, where Knox is the Principal. She is not employed for the purpose of assisting her school's administration in applying for academic awards. Her job duties do not include this task.
24. In 2010, Knox, in a vague email, asked Plaintiff to "facilitate the application process" for the Panasonic National School Change Award, an academic award, as a favor to him. See **EXHIBIT E**. Knox gave no instruction or guidance to Plaintiff's Work, giving her complete control.
25. Plaintiff, on her own time, personally prepared written materials to apply for the Panasonic National School Change Award. These included the report at issue in this case, "At Risk for More than Academic Failure" ("Article"), see **EXHIBIT A**, and a digital presentation (partially formatted for Microsoft PowerPoint and partially an audio file) to accompany the report. See **EXHIBIT B**. (Exhibits A and B are jointly the "Plaintiff's Work").
26. No Defendants edited, created, guided or gave instruction to Plaintiff about Plaintiff's Work.
27. Plaintiff received no additional remuneration for creating the Plaintiff's Work, which was created outside of the scope of Plaintiff's employment.
28. Plaintiff received no credit in the application to the Panasonic National School Change Awards submitted by the New York Avenue School.
29. Plaintiff received copyright registration number TX 8-573-531 for Plaintiff's Work ("Plaintiff's Copyright"). See **EXHIBIT D** for the certificate issued by the Library of Congress.

30. Knox never told Plaintiff that he planned to submit her Article for publication in a professional journal, "Principal" under his name for his own career advancement. Plaintiff had no reason to expect that he would do so because she prepared the work for a different purpose-award eligibility. "Principal" is the professional journal of NAESP, subscribed to by principals. Plaintiff has never been a subscriber because she is not a principal.
31. Without Plaintiff's consent, Knox submitted her Article to "Principal" which was published in its January/February 2011 edition, plagiarizing Plaintiff's Work. See **EXHIBIT E**. Knox used the application to the Panasonic National School Change Awards in its entirety in "his" "At Risk for More Than Academic Failure" article.
32. On information and belief, to be confirmed through discovery, Plaintiff's Article in "Principal" was available for transmission and download, and was transmitted and downloaded, from the NAESP website to persons able to access this publication since 2011 until after 2018. Only NAESP members have full access to all articles in "Principal."
33. Plaintiff is not a subscriber to Defendant NAESP's website because Plaintiff is not a principal of a school and would not be someone who subscribes to NAESP's website, just as Plaintiff is not a subscriber to "Principal".
34. On information and belief, to be confirmed through discovery, Plaintiff's Article in "Principal" was available for display from the NAESP website to persons able to access this publication 2011. Only NAESP members have full access to all articles in "Principal."
35. On information and belief, to be confirmed through discovery, Plaintiff's Article in "Principal" was transmitted from the NAESP website and was viewed from its display through the NAESP website since 2011 and after 2018.
36. On information and belief, to be confirmed through discovery, Plaintiff's Article in "Principal" was made inaccessible and taken down from the NAESP website after this litigation commenced. The search engine for the NAESP website discloses that the Article, authored by James Knox appeared in the "Principal" January/February 2011 edition, but a search of the archived edition shows that it was removed.
37. Plaintiff received no credit in this edition of "Principal" for the Article.
38. The Board is responsible for Knox's unlawful infringement.
39. Plaintiff did not discover, nor in the exercise of reasonable diligence could or should have discovered, the basis for her claim against the Defendants until 2018.

Plaintiff first learned of the Article's publication in 2018 when she conducted a Google search for "James Knox", while on leave from her job. The search disclosed Plaintiff's Article in "Principal" unlawfully attributed to Mr. Knox.

40. In 2011, Plaintiff had no reason to suspect that Plaintiff's Work, prepared for one specific purpose (the Panasonic National School Change Awards), would be used for a completely different purpose for publication in a periodical that she had, and has, no access to.
41. Knox never told Plaintiff about his publication of her Article in "Principal."
42. Knox did distribute this information on January 4, 2011, as an attachment to an e-mail to ALL faculty at the New York Avenue School (**EXHIBIT F**) that said in the subject line "Message from KMBT\_600". The attachment is labeled SKMBT\_60011010322341.pdf. Nothing establishes any connection to Plaintiff or Plaintiff's Work.
43. Plaintiff never opened this e-mail, as there was no indication that this e-mail was an important e-mail for the faculty to read by the subject line or even that this e-mail contained an attachment of Plaintiff's Article.
44. The subject of the January 4, 2011 e-mail is "Message from KMBT\_600", the copy machine at the New York Avenue School. The only substantive message in the e-mail is "Principal's Magazine article....Enjoy!!!", with no further reference to the subject matter attached.
45. During 2011, Plaintiff received frequent e-mails from Knox (approximately three to five times a day). Many times, Knox sent e-mails to a large group of the staff, like **EXHIBIT G**, containing general information about the school or education practices. Plaintiff also received a lot of emails at work in addition to those from. Knox. Like many people with limited time, due to her teaching schedule, Plaintiff skimmed her emails to prioritize those that warranted attention and did not read "junk" e-mail of no relevance to her Plaintiff. She only read email attachments if the email was specifically addressed to her with a subject line that clearly showed that the contents were relevant to her work.
46. Some of those important e-mails as seen in **EXHIBIT G** have subjects such as "Grades" or "Student Remote Interaction" or "Classroom Data Boards" or "Important End of Year Information" or "Professional Development for January 26, 2011." These e-mail subject lines tell the recipient the importance of the subject inside, unlike "Message from KMBT\_600".
47. Consistent with her email practice, Plaintiff did not read the attachment to Knox's January 4, 2011 email, because nothing in the transmission or wording of that email showed any relation to Plaintiff, the Article or her work. Plaintiff had no reason to believe, or even suspect, that Knox had published her Article in "Principal".

48. Neither Knox, nor anyone else at work, ever verbally or in writing, alerted Plaintiff that the January 4, 2011 email and its attachment had any connection to her.
49. Since January 4, 2011 Plaintiff had no reason to think that her Article had been infringed upon in the “Principal” because she does not receive it or read it because she is not a principal.
50. Defendants’ willful infringement of the Plaintiff’s Work has injured the Plaintiff. She was denied author credit and additional compensation for her work in the application to Panasonic National School Change Awards. She received no compensation or credit from the original publication of her article in “Principal” and reproductions. This has hurt Plaintiff’s professional reputation as well.

**COUNT I**  
**(Copyright Infringement)**

51. Plaintiff repeats and realleges Paragraphs 1 through 50 of this Complaint as if fully set forth herein.
52. The Defendants have created, caused to be created, managed the creation of, distributed, supplied, promoted, offered for sale, sold infringing products with the same exact text and words as the Plaintiff’s Work without the authorization of Plaintiff or license from Plaintiff.
53. The reproduction of, distribution of, and creation of derivative works from the Plaintiff’s Work constitutes the direct infringement of Plaintiff’s Work and Plaintiff’s Copyright.
54. Defendant NAESP reproduced and distributed Plaintiff’s Work on the NAESP website to persons able to access this publication since 2011 until after 2018.
55. Defendant NAESP, upon information and belief that is to be confirmed through discovery, had subscribers to its website, through which Plaintiff’s Work could be accessed from 2011 until after 2018.
56. Defendant NAESP, therefore, repeatedly and continuously, infringed Plaintiff’s Work and Plaintiff’s Copyright from 2011 until after 2018.
57. As a result of Defendants’ infringement of Plaintiff’s exclusive rights under copyright, Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504, and to its attorneys’ fees and costs pursuant to 17 U.S.C. § 505.
58. The conduct of Defendants continues to cause, unless enjoined and restrained by this Court will continue to cause, Plaintiff great and irreparable injury that cannot

fully be compensated or measured monetarily. Plaintiff has no adequate remedy at law.

59. Pursuant to 17 U.S.C. §§ 502-503, Plaintiff is entitled to injunctive relief prohibiting Defendants from further infringing Plaintiff's Copyright.

**COUNT II**  
**(Vicarious Copyright Infringement)**

60. Plaintiff repeats and realleges Paragraphs 1 through 59 of this Complaint as if fully set forth herein.
61. The reproduction of, distribution of, and creation of derivative works from the Plaintiff's Work constitutes the direct infringement of Plaintiff's Work and Plaintiff's Copyright.
62. Upon information and belief, the Defendant Knox derives a direct financial benefit from this infringement, including without limitation credit for a publication in his name that the Plaintiff would have received otherwise, including without limitation monetary and other incalculable benefits for the credit received for Defendant Knox' credit of authorship.
63. Upon information and belief, the Defendant National Association of Elementary School Principals derives a direct financial benefit from this infringement, including without limitation revenue sharing and/or royalty payments for each infringing version and reproduction sold.
64. Upon information and belief, the Defendant Knox has the right and ability to supervise the activities of those engaged in the infringement, namely, the other Defendants, including without limitation contractual rights, license agreement(s), and/or approval rights.
65. Upon information and belief, Defendant Atlantic City Board of Education has the right and ability to supervise the activities of those engaged in the infringement, namely, the other Defendants, including without limitation contractual rights, license agreement(s), and/or approval rights.
66. Defendants' acts of infringement were willful, in disregard of, and with indifference to, the rights of the Plaintiff.
67. As a result of Defendants' acts as set forth herein, Plaintiff has suffered and continues to suffer substantial damage to her including, without limitation, diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of her rights and , none of which may be fully ascertained at this time. The Defendants have also unlawfully profited from their infringement, constituting actual damages not yet fully ascertainable but expected to be sufficiently established through discovery.



68. Defendants' actions alleged herein constitute vicarious copyright infringement in violation of the Copyright Act, 17 U.S.C. §§101 *et seq.*
69. The conduct of Defendants, and each of them, was intentional, willful, malicious, fraudulent and calculated to injure Plaintiff and infringe Plaintiff's Work.
70. As a result of the copyright infringements described above, Plaintiff is entitled to relief including but not limited to, injunctive relief, actual or statutory damages in the maximum amount allowed by law, statutory costs, and attorney's fees.

**COUNT III**  
**(Contributory Infringement)**

71. Plaintiff repeats and incorporates herein by reference, as though specifically pleaded herein, the allegations of paragraphs 1-70 above.
72. The infringement, including without limitation the reproduction of, distribution of, and creation of derivative works from the Plaintiff's Work constitutes the direct infringement of Plaintiff's Work and Plaintiff's Copyright.
73. Upon information and belief, Defendants had constructive knowledge that the infringement violated Plaintiffs' rights.
74. Upon information and belief, Defendants had actual knowledge that the infringement violated Plaintiffs' rights.
75. Upon information and belief, Defendants induced, caused, and/or materially contributed to the direct infringement of Plaintiffs' work that occurs in the infringement by, among other things, commissioning and/or licensing the versions of the Plaintiff's Work.
76. Defendants' acts of infringement were willful, in disregard of, and with indifference to, the rights of Plaintiff.
77. As a result of Defendants' acts as set forth herein, Plaintiff has suffered and continues to suffer substantial damage to her business including, without limitation, diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of her rights, none of which may be fully ascertained at this time. The Defendants have also unlawfully profited from their infringement, constituting actual damages not yet fully ascertainable but expected to be sufficiently established through discovery.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court enter judgment against Defendants as follows:

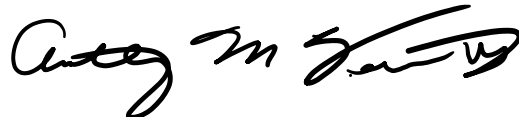


1. Permanently enjoin Defendants from using the Plaintiff's Work in any capacity.
2. Permanently enjoin Defendants from creating, causing to be created, managing the creation of, importing, exporting, distributing, supplying, advertising, promoting, offering for sale, and selling any product that infringes upon the Plaintiff's Work in any capacity.
3. Adjudge that Plaintiff recover from Defendants its damages in an amount to be determined at trial.
4. Adjudge that Defendants be required to account for revenues and profits that are attributable to its unlawful acts and that Plaintiff be awarded those revenues and profits under 17 U.S.C. § 504 and 17 U.S.C. §1203.
5. Adjudge that Defendants are liable for statutory damages under 17 U.S.C. § 504 and 17 U.S.C. §1203.
6. For costs of suit including reasonable attorneys' fees and disbursements under 17 U.S.C. § 505.
7. To impound all infringing materials and to destroy all infringing materials under 17 U.S.C. § 503.
8. Grant any other and further relief as this Court may deem just and proper.

### **JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff requests a trial by jury of all issues so triable.

Dated: April 17, 2020



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Anthony M. Verna III, Esq.  
Verna Law, P.C.  
80 Theodore Fremd Ave.  
Rye, NY 10580  
Attorney for Plaintiff  
Linda Woodson

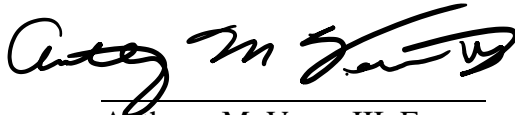
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James Knox,	)	
National Association of Elementary School	)	
Principals,	)	
	)	
Defendants	)	

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**CERTIFICATE OF SERVICE**

Dated this



Anthony M. Verna III, Esq.  
Verna Law, P.C.  
80 Theodore Fremd Ave.  
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## EXHIBIT A

### Dimension 1

#### **How meaningful is the change? Is it substantial rather than superficial?**

There has been measurable change in attitudes, beliefs, and values at New York Avenue School. Meaningful school change is determined by the measurable academic and social outcomes of students. Students who attend New York Avenue School were given the opportunity to change their attitudes, beliefs and values in the 2006-2007 academic year when Mr. James Knox became their Vice-Principal. Primarily responsible for discipline, Mr. Knox increased direct pupil contact time, provided mentoring and most importantly, held students accountable for their actions. For these reasons, students' social behavior improved as evidenced by the percentage of students who were suspended from the school during that year. In 2006, New York Avenue School experienced a suspension rate of 24%. In 2007, Mr. Knox was able to lower the suspension rate to 21%. In 2008, the suspension rate decreased from 21% to 19%. Mr. Knox has had a tremendous impact upon changing the attitudes, beliefs and values of students at New York Avenue School.

Built at the epicenter of low-income housing, poverty, crime and drug trafficking, New York Avenue School serves families where mom and dad did not go to college and where few, if any, siblings or other relatives have continued their education beyond high school. Why build a 13 million dollar, state of the art Elementary School for such a marginalized population? The project was illogical to most and a waste of taxpayer's money to many. Then, no one foresaw New York Avenue School as one of the foremost academic institutions in the Atlantic City School District. Then, no one knew from this very neighborhood a leader would emerge, an educational leader who would redefine public education for the disenfranchised and demonstrate the efficacy of a "community school" in an urban setting. Previously known as the Indiana Avenue School for more than 100 years, it became New York Avenue School which has evolved as an exemplary model of effective urban education. Opened in January of 2004, New York Avenue School is a K-8 Elementary School where approximately 95% of the students receive free or reduced lunch. The population of the school is 79.4% Black, 17.50% Hispanic, 2.5% Asian/Pacific Islander and 0.96% Caucasian. The staff is comprised of two administrators, thirty classroom teachers, six basic skills teachers, six special education teachers, one guidance counselor plus one shared guidance counselor, a school nurse, six specialists and several non-certified support personnel. There are also five Early Intervention Reading Specialists and two Teacher Literacy Coordinators. The building is serviced by one Technology Coordinator and one teacher of the Gifted and Talented. Basic Skills services are available to students who need extended assistance in Reading, Math and Language Arts Literacy. The Special Education program provides for those students who have been identified and classified. New York Avenue School currently has two self-contained Special Education classrooms in addition to two Learning Resource Centers.

Since 2007, as the principal of New York Avenue School, Mr. Knox focused on the goal of increasing academic achievement for students and convincing the stakeholders within the neighborhood that New York Avenue School could be a haven of hope, a center of

transformation and an epicenter of change in the community. Mr. Knox began implementing academic and social programs that also challenged the attitudes, beliefs and values of stakeholders within the educational community who were less familiar with the dictates of urban education. He hoped they too would ultimately share his vision.

Pedagogical practices, especially in classroom instruction, dramatically changed once Mr. Knox became the educational leader. Literacy Coaches and Math Coaches were better utilized to work with classroom teachers to use assessment data. Classroom teachers were expected to align assessment data with classroom instruction. Students were given greater opportunities for collaboration, experiential learning, project based learning and theme based learning. Together, the shared focus was helping students arrive at their best learning outcomes. With diligence given to coordinating instruction, and increased staff accountability, improved measurable academic outcomes were expected and indeed came to pass. In the 2008-2009 school year, New York Avenue School reduced its all over failure rate by 10% on the New Jersey Assessment of Skills and Knowledge (NJASK) thereby reaching Adequate Yearly Progress (AYP). AYP is a mandate of the No Child Left Behind legislation and marks a significant milestone for the school. By improving pedagogical practices in classroom instruction, positive outcomes for students and groups of students were also achieved. Seeing the results of their efforts, teachers are now further engaged and own the vision of change set forth by the school's new leadership. Principal Knox and Vice-Principal, Mr. Atiba Rose are the new leadership. Together, they create an atmosphere in which a first class education can be offered to every student who passes through the doors without regards to any obstacle that may statistically, historically, socially, or economically deter them from attaining their highest potential as productive citizens.

With 95% of the student population receiving free and reduced lunch, New York Avenue School, like many other urban schools, faces a multiplicity of challenges to achieve academic success. With high student mobility, large numbers of English Language Learners (ELL), poverty and homelessness, Mr. Knox understood his students were "at risk" of more than academic failure. With this understanding, Mr. Knox took extreme care in making programming decisions that would impact the academic, as well as the social, challenges students face. As the principal of New York Avenue School, Mr. Knox understands the direct and influential role he plays in the school community and in shaping the lives and personal values of its students.

Knowing children in poverty are more likely to become members of dysfunctional families that experience an unusually high stress level, "Dare to Be Kings" was established under the current administration. A mentoring program for boys in grades 6 through 8, this after school club addresses the "thug" mentality that often lures Middle School students to embrace the street culture. The anti-social culture we desire our students to avoid is that which includes sales, distribution and use of illegal substances and gang involvement. Knowing young girls living in poverty receive less parental supervision and are 5 to 7 times more likely to become pregnant teenagers "Dare to be Queens" was established for girls in grades 6 through 8. This after school club encourages girls to clarify their goals for the future and helps them identify the benefits of avoiding

negative behaviors. Girls learn refusal skills they can use when peers attempt to encourage them to participate in behaviors that threaten their future and the timely attainment of their educational, professional and social goals. “Girls Rule” is also a club for girls in grades 4 through 6. This after school club teaches girls everything from setting academic goals to setting a table for a family meal. Identifying family and community values, along with discussing girls’ health issues, are strong components of this mentoring program. “T.R.U.S.T.” (Trusting, Respecting, Understanding, Supporting Teens) is actually a pregnancy prevention club that asks girls in grades 5 through 8 to examine what it would be like if they became teen parents, how it would change their life’s goals and affect their families? “Wise Guys” is the male version of Girls Rule for boys in grades 4 and 5. In this after school club, boys learn about responsibility, money management and financial literacy. Boys also learn about staying healthy, and male physical and emotional development. For male and female students who suffer from stress, demonstrate low self-esteem and exhibit aggressive behavior, “Don’t Blow Your Kool” is another after school club available for students in grades 4 through 8. Here students learn anger management and conflict resolution in a supportive environment. All of these programs are offered through the AtlantiCare Behavioral Health’s Atlantic City Family Center, Rosalind Norrell-Nance, Director. The goal of the Family Center is to support families, strengthen the community, and give necessary attention to the social needs of students in order for them to experience successful learning outcomes. New York Avenue School is fortunate to have a Family Center within the school building. Knowing the school cannot address all the challenges faced by urban students before they reach the doors of the school, Mr. Knox and Mrs. Nance seamlessly weave the social benefits of the Family Center into the lives of students here at New York Avenue School.

Knowing children living in poverty spend more time watching television and possess fewer learning resources at home, Mr. Knox extends the school day with meaningful and purposeful before and after school tutoring programs. The normal school day begins at 8:15 a.m. Teachers, however, arrive as early as 7:00 a.m. so students can begin their day with nurtured confidence and a well balanced breakfast. Normally the school day ends at 2:45 p.m. Many students, however, are tutored after school by committed staff members until 4:30 p.m. Thereafter, students have the option of attending “Club Destiny,” another school based program that extends the day until 7:00 p.m. Students in the community have a place to feel safe from 7:00 a.m. to 7:00 p.m., twelve hours of each twenty-four hour day, because Mr. Knox understands that children who live in poverty often find themselves in trouble when there is nothing constructive to do at home. Knowing students who live in poverty also live in shelters for the homeless, or live in crowded, substandard housing in unsafe neighborhoods, Mr. Knox thought of extending the school week to include “Saturday School.” Saturday School consists of a half day of learning for students who would otherwise be idle, chasing police cars and ambulances for fun. With the various programs available for the academic and social benefit of its students, 41% of elementary students surveyed said they enjoy coming to school each morning. New York Avenue School has become a place where students in the community come to learn and come to have fun. Mr. Knox strives to ensure that students experience a quality education and enjoy the benefits of a safe and civil, community school.

The “Developing Safe and Civil Schools” (DSACS ) project is designed to assist school staff in implementing social-emotional learning and character development (SECD) principles and practices for developing safe and civil schools. A requirement of DSACS is for participating schools to complete climate surveys measuring student, staff and parent perceptions of the school. DSACS evaluates the data collected and provides a detailed report of the findings. In its fourth year of partnering with New York Avenue School, DSACS also links our school with other schools that can assist with addressing specific needs and goals. In a recent DSACS Staff Climate Survey, 55% of the staff strongly agreed that they enjoy coming to work. 28% of Middle School students and 56% of Elementary School students perceived the same; teachers and staff enjoy working at New York Avenue School. Further self-reflection revealed 41% of Elementary School students like coming to school and 60% of them feel that teachers in the school really care about them. Middle School students were generally neutral in their perceptions of student approval, utility of learning, and student pride. Overall, 43% of the staff strongly agree that the morale in this school is high and 67% of the staff would say they are very satisfied with the school. The level of satisfaction and high morale can be attributed to the staff recognizing how caring and supportive teachers are to their students, how comfortable students are to talk to their teachers about problems, how respectfully staff members treat one another, how supported by the school the teachers feel, how respectful parents are to teachers, and how supportive the administration is to all staff.

**Dimension 2****How deep and broad is the change? Is it systemic rather than isolated?**

The change in school culture is both deep and broad, affecting academic achievement in more than one classroom and at more than one grade level. The change has also been systemic. Stemming from the change in students' attitudes, beliefs and values, and seeing the effects thereof, teachers also began to accept greater accountability which represented a change from past practices. For example, Mr. Knox refined procedures for lesson plan review to ensure that all feedback guided teachers toward increased student-centered instruction and differentiated instruction for all students. By closely tracking lesson plans, classroom practices began to change. Classroom instruction was enhanced. Additional programming was implemented based on formative benchmark data. The data allowed for strategic interventions targeted to meet the specific needs of students rather than random enrichment and after school programming. Moreover, having addressed the social needs that often impede academic success, because he understands the dictates of urban education, Mr. Knox placed New York Avenue School on an academic achievement track never experienced before. Data from the "New York Avenue State Test Achievement Results By Grade- Language Arts/Literacy- All Students" shows academic achievement at multiple grade levels from 2006 to 2009. Achievement data will be further discussed within Dimension 4, however, it should be noted there has been consistent Language Arts/Literacy growth in two cohorts of students, those currently in grades 3 and 8, since Mr. Knox became the educational leader in 2006. Thus, the changes in the school culture have been deep, broad and consistent over time.

The changes in the school are evident in decisions about instruction, organization, governance and accountability. Mr. Knox's vision is to build a school culture where academic rigor is the cornerstone. Teachers are encouraged to use their time wisely and gently. With strategic rigor, however, teachers are to approach instruction and learning to increase student performance. In addition to quality instruction, increased student performance can also be attributed to the extension of the school day and the school week. Changing the organization of the typical school day and, moreover, the typical school week, with the addition of Saturday School, has affected the organization of the school week for the entire Atlantic City School District. Having studied the data from students at New York Avenue School who attended Saturday School from 2007 to 2008, it was concluded that additional instruction under the extended day organizational structure produced an increase in overall student achievement. Mr. Knox's vision of encouraging, nurturing and empowering students to achieve success through offering an additional half day of school on Saturdays was viewed by district level administrators as an initiative worthy of implementing district-wide. With such focus upon the great changes that are taking place at New York Avenue School, governance is closely monitored at the state and district levels. Recently the school underwent a CAPA Review conducted by the New Jersey Department of Education and received high ratings. At times it seems as though the school is being observed under a Gesell dome. The vast majority of staff, however, welcomes the positive attention and the heightened accountability change has brought to New York Avenue School.



There is a distinct perception among stakeholders in the immediate community that positive change has come to New York Avenue School. Once known for the infamous bullet holes that greeted you at the entrance doors, a second set was located in windows enclosing a glass stairwell, New York Avenue School was initially identified as an unsafe environment for children soon after the school opened. How ironic, a school constructed to be a haven of hope, and a center of transformation had become a pariah among those it was built to serve. The lores associated with the two separate incidents would haunt the multi-million dollar school for the next 3 years. Then change forced a different story to be told. The positive story of a successful urban school changing the lives of children replaced negative stories of shattered glass that had threatened the future of these same lives. The many ways positive change has come to New York Avenue School is often highlighted in the local newspaper, the Atlantic City Press. Stories ranging from Stockton College partnering with the school to paint murals and build a community garden to “University Hall,” located in the Middle School, a school within a school. Envisioned by the vice-principal to inspire youth to aspire for a college education, Mr. Knox brought the vision to pass. Such positive news articles depicting what the school is like today overshadow those written of the school in the past. Administrators at the district and school levels are elated at the social and academic achievement students are experiencing. The positive attention attracts potential teachers who are passionate about education and sincerely want to teach in an urban school. Students are proud of their many accomplishments for which they are often celebrated.

Parents are equally proud to enroll their children at New York Avenue School because they know the education their children receive will give them a bright future. They are also glad to be able to receive support in accessing social services available to them through the Family Center located within the school. Rosalind Norrell-Nance, Director of the Family Centers believes social service issues must be addressed in the educational setting. According to Mrs. Nance:

If a teacher sees a child coming to school bundled up in sweaters or “hoody” jackets, they let the family center know and a winter coat is purchased. Likewise if a family needs help purchasing school uniforms, paying for prescriptions, keeping their electric or gas on, the Family Center, through grants, assists them. Transportation to doctor’s appointments, social security or other social service agencies is provided. Children who need to see medical specialists are assisted in getting appointments, transported to the appointment and if necessary helped in finding ways to pay for the medical services needed. A family case manager will help advocate for the family who may not feel they have the ability to express their needs and concerns. This has made parents feel that our school is some place to go for support and they play an important part in the education and success of their children.

Parents know they are valued and respected At New York Avenue School. The level of parent involvement in the academic lives of their children is also improving. Clearly there is a perception in the immediate community that positive change has taken place at New York Avenue School.

There is also a perception in the larger community that positive change has taken place. Recently, New York Avenue School was selected to partner with “The Stockton Center for Community Schools.” To date, students from the local college have worked in after-school programs, in-school teacher assistance, and nursing outreach. Additionally, Stockton students have developed projects in such diverse areas as school gardens, murals, and yoga for at-risk youth. Most recently the Stockton Center for Community Schools received a grant from the United States Tennis Association to develop a junior tennis program in Atlantic City. It is hoped that New York Avenue School students will have an opportunity to develop tennis skills on courts located directly across the street from the school.

### **Dimension 3**

#### **How is the change focused? Is it student centered looking at teaching and learning?**

The change in school culture is student centered, however, it is not solely relegated to student change. The overall quality of teaching has improved as measured by observations and student feedback. Throughout the hallways of New York Avenue School on any day, at any time of the day, you will observe the instructional staff actively, joyfully and vigorously engaged in the art of teaching. Such passion for education is contagiously inspired by the educational leader.

In keeping with the mission of the school, teachers are proud to provide a first class education to every student that passes through the school doors. The educational services provided to students are done without regard to any obstacle that may statistically, historically, socially, or economically deter them from attaining their highest potential as students and productive citizens. Recent surveys reflect Elementary and Middle School students are cognizant of the sincere support and caring that is found in their learning environment. Each day, students enter a nurturing community of learners, educators and support staff.

New York Avenue School has not attempted to recreate the wheel of instruction with new teaching practices for the purpose of affecting “change.” Rather, the change in student achievement is directly attributable to consistency with familiar teaching practices. The element of consistency is what causes the practice to be innovative and effective. Too often in education, we are apt to try the newest instructional trend being offered and we lose the continuity of sustained consistency and, therefore, student focus. New York Avenue School has consistently applied educational practices that have survived the test of time. The instructional model simply includes teaching the skill, testing the skill, assessing the level of mastery and using the data to inform small group instruction if re-teaching the skill is indicated. Additionally, offering the necessary social and academic support programs enable students to give their best efforts to the learning process. In addition, focus has been given to align curriculum, instruction and assessment. Teachers recognize students’ strengths, needs and experiences. Teachers have been trained to attend to different intelligences that account for a broader range of individualized achievement (Gardner.) Teachable moments are found in all student experiences (Dewey). Teachers understand that students are unable to attend at higher levels unless their basic needs have been met first (Maslow). Instruction is offered in Basic Skills, English as a Second Language, and Gifted and Talented. Literacy programs include Read 180, Accelerated Reader, Plato Focus, Reading Recovery and Leveled Literacy Intervention. Lessons are taught in state-of-the-art- computer labs, art and music rooms, on the athletic field, on the stage, and at in-school science and art fairs. All inspire confidence in students to continue striving to reach their goals.

Mr. Knox has significantly changed the culture of New York Avenue School in so many ways. The effects are many. To name a few:

- The changed school culture promotes the use of research. All educational strategies are grounded in scientifically based research that will strengthen instruction in core academic subject. The school uses curriculum and instructional materials that are supported by scientifically based research and are aligned to the New Jersey Core Curriculum Content Standards (NJCCCS).
- The changed school culture promotes the use of professional development. Professional development is ongoing at New York Avenue School. Literacy Coaches and Math Coaches conduct professional development during school, for example grade level meetings and after school in principal literacy meetings. The Literacy Initiative is also supported by after school professional development throughout the school year. This ongoing training is necessary as teachers are expected to uniformly implement literacy instruction across the district in grades K-6. Grades 7 and 8 follow a different literacy model. Partnerships with Lesley University for literacy and Stockton College for math provide ongoing and sustained training and professional development for teachers and administrators to improve instructional practices. The data suggests that by providing ongoing professional development that primarily focuses on improving instruction and using data to inform instruction has benefited teachers and has equipped them for targeted instruction.
- The changed school culture promotes school growth. Each year the New York Avenue School develops a school improvement plan in accordance with recommendations from the State of New Jersey Department of Education. The school improvement plan provides a framework for analyzing problems, identifying causes and creating a map for reaching the root causes of existing instructional challenges. The committee that collectively works to gather information for this document includes dedicated members of the teaching staff, administrative staff, guidance staff, parents, community and paraprofessional staff members.
- The changed school culture promotes the idea of New York Avenue School being a "learning organization." New York Avenue School learns from the internal school community and the external school community. The internal school community includes students, parents and teachers and staff. School climate surveys and focus groups are consistently used to assess the perceptions of community stakeholders. The information learned from these queries is then recycled and used to drive programming and overall school improvement when the annual needs assessment is conducted. New York Avenue School also learns from the external learning community. Having established partnerships with Lesley University and Richard Stockton College to improve language arts literacy

and math instruction, respectively, it is recognized that the school can become even stronger by forming alliances with institutions of higher learning.

- The changed school culture includes appreciating teacher initiatives which has led to a Veteran's Day Program, beloved by students and Veterans alike; an Anti-Drug Program which brought the realities of the drug culture to the forefront; Peer Mediation instituted at the Middle School level, allowing students to solve differences amongst themselves.

## **Dimension 4**

### **How is it measured?**

#### **Is it solution or outcome oriented?**

Mr. Knox placed New York Avenue School on an academic achievement track when he became the educational leader in 2006. Over the past four years, there has been a sharp increase in student achievement in both Language Arts/Literacy and Math. Student achievement is measured by the New Jersey Assessment of Skills and Knowledge (NJASK) assessment results. This assessment is administered each year to students in grades 3 through 8.

If one looks at any particular grade level over the last four years, in either Language Arts Literacy or Mathematics, there are numerous examples of student achievement. Consider the following data:

#### **Language Arts/Literacy**

From 2006 to 2007 – Proficiency increased by 21.8 percentage points in grade 3.

From 2007 to 2008 – Proficiency increased by 27.4 percentage points in grade 4.

From 2008 to 2009 – Proficiency increased by 20 percentage points in grade 7

#### **Math**

From 2006 to 2007 – Proficiency increased by 16.7 percentage points in grade 5.

From 2007 to 2008 – Proficiency increased by 12.3 percentage points in grade 5

From 2008 to 2009 – Proficiency increased by 16.1 percentage points in grade 8.

#### **Science** (Only administered in grades 4 and 8)

From 2006 to 2009 – Proficiency increased by 38.8 percentage points in grade 4

From 2006 to 2009 – Proficiency increased by 4.2 percentage points in grade 8.

Many conclusions can be drawn from this data. For example, Grade 5 is performing better in Math than in Language Arts/Literacy. The Language Arts/Literacy program is preparing students well at the Elementary School level for Middle School. Science is fun and engaging for 4<sup>th</sup> grade students. Data can tell many stories. Clearly you can see New York Avenue School is achieving academic success. This desire for achievement began when Mr. Knox became the educational leader.

If one studies the data further, the grade that is consistently achieving and has made major strides over the last four years is grade 3. It is no coincidence that this cohort of students came to New York Avenue School as Kindergarten students at the same time Mr., Knox became the principal of the school. Grade 3 has performed well on the assessment every year since 2006. Could it be because Mr. Knox often finds himself in the Kindergarten classrooms at the height of a hectic day and probably did the same with the current third grade class? Consistency is the key. Or could it be that Mr. Knox, being an educator, kept his foot in the classroom and gave those Kindergarten students a great beginning by instilling in them a sense of purpose and a desire for excellence? There is indeed a direct correlation between the success of the current third grade class and the presence of Mr. James Knox in their lives at such an impressionable and malleable stage of development. There is yet another story that can be told about the data and this 3<sup>rd</sup> grade class.

According to [www.schooligger.com](http://www.schooligger.com), in 2008-2009, New York Avenue School ranked 3<sup>rd</sup> in the state for most improved in Third Grade test scores. This is a great improvement because in 2004-2005, New York Avenue School ranked in the state as being one of the bottom ten schools for the same grade level.

When Mr. Knox became the educational leader in 2006, he began the task of closing the achievement gap. With much work still ahead, we move forward. Words cannot express how much it would mean to our students to be recognized for the Panasonic National School Change Award. They have worked very hard as have the teachers. The school has been recognized for its many accomplishments at the district level for improved student performance, but never beyond its immediate four walls. Achieving the Panasonic National School change Award would prove to the students that their diligent efforts have not been in vane. Children **are** and **will always be** the focus of the New York Avenue School.

Thank you for your consideration of New York Avenue School to receive the Panasonic National School Change Award.

**EXHIBIT B****Dimension 1**

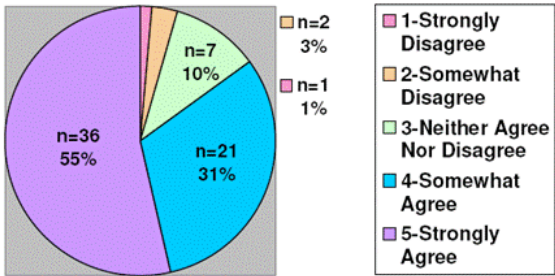
**Percentage of students who were suspended from  
New York Avenue School during the school year**

<b>Year</b>	<b>School</b>	<b>District Average</b>	<b>State Average</b>
<b>2008 - 2009</b>	<b>19%</b>	<b>20%</b>	<b>4%</b>
<b>2007 - 2008</b>	<b>21%</b>	<b>26%</b>	<b>5%</b>
<b>2006 - 2007</b>	<b>24%</b>	<b>30%</b>	<b>5%</b>



Dimension 1

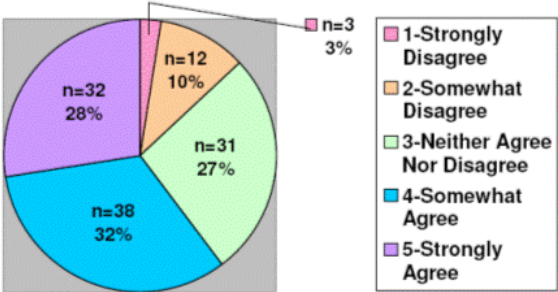
Staff perceptions of TEACHER APPROVAL ("Teachers in this school like to come here")



1-Strongly Disagree	2-Somewhat Disagree	3-Neither Agree Nor Disagree	4-Somewhat Agree	5-Strongly Agree
n=1 (1%)	n=2 (3%)	n=7 (10%)	n=21 (31%)	n=36 (55%)

Dimension 1

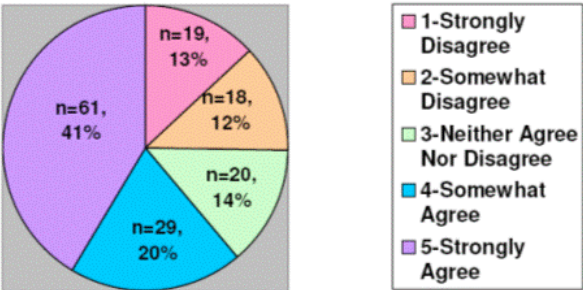
Student perceptions of TEACHER APPROVAL (“Teachers in this school like to come here”)



1-Strongly Disagree	2-Somewhat Disagree	3-Neither Agree Nor Disagree	4-Somewhat Agree	5-Strongly Agree
n=3 (3%)	n=12 (10%)	n=31 (27%)	n=38 (32%)	n=32 (28%)

Dimension 1

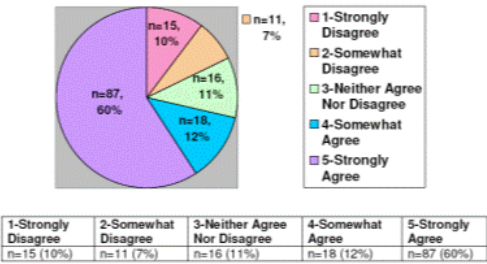
Student perceptions of STUDENT APPROVAL ("Students like being in this school")



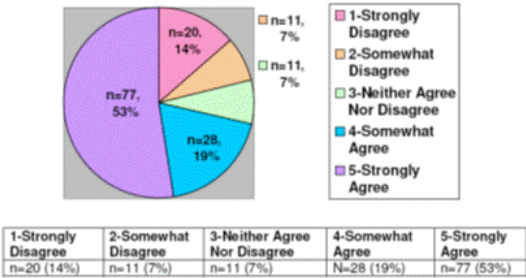
1-Strongly Disagree	2-Somewhat Disagree	3-Neither Agree Nor Disagree	4-Somewhat Agree	5-Strongly Agree
N=19 (13%)	n=18 (12%)	n=20 (14%)	n=29 (20%)	n=61 (41%)

Dimension 1

Student perceptions on TEACHERS CARE ABOUT STUDENTS ("In my school, my teachers really care about students like me") MEAN = 4.03

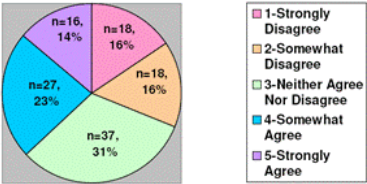


Student perceptions on HELPFUL ADULTS ("Students think that adults in this school are helpful") MEAN = 3.89



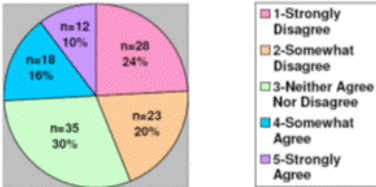
Dimension 1

Student perceptions of STUDENT APPROVAL ("Students like being in this school")



1-Strongly Disagree	2-Somewhat Disagree	3-Neither Agree Nor Disagree	4-Somewhat Agree	5-Strongly Agree
n=16 (14%)	n=18 (16%)	n=18 (16%)	n=27 (23%)	n=37 (31%)

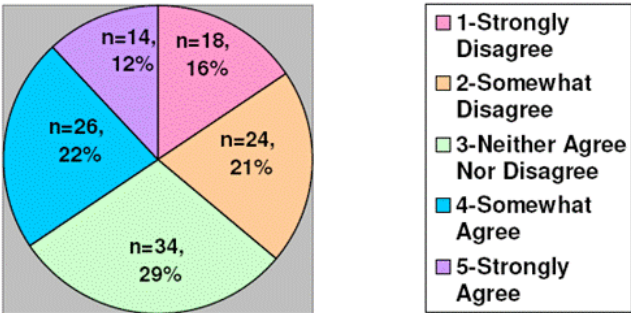
Student perceptions of STUDENTS' PERCEPTIONS OF UTILITY OF LEARNING ("In this school, students don't feel like they learn anything useful")



1-Strongly Disagree	2-Somewhat Disagree	3-Neither Agree Nor Disagree	4-Somewhat Agree	5-Strongly Agree
n=12 (10%)	n=28 (24%)	n=23 (20%)	n=35 (30%)	n=18 (16%)

**Dimension 1**

Student perceptions of STUDENT PRIDE (“Students here have a lot of school pride”)



1-Strongly Disagree	2-Somewhat Disagree	3-Neither Agree Nor Disagree	4-Somewhat Agree	5-Strongly Agree
n=18 (16%)	n=24 (21%)	n=34 (28%)	n=26 (22%)	n=14 (12%)

Dimension 1

*Staff Perceptions of Support For Parents and Staff: Composite Scores*

Staff perceptions of SUPPORT AND CARE FOR PARENTS (how respectful teachers and students treat parents in the school environment) were reported to be **slightly positive**.

*Support for  
Parents* **3.74**

Staff perceptions of SUPPORT AND CARE FOR AND BY STAFF (how caring and supportive teachers treat their students, how comfortable students are to talk to their teachers about problems; how respectfully staff members treat one another, how supported by the school the teachers feel, and how respectful parents are to teachers) were reported to be **strongly positive**.

*Support for  
Staff* **4.25**

*Staff Perceptions of Student Climate: Composite Scores*

Staff perceptions of STUDENT RESPECT (how respectful staff and fellow students perceive students at that school to act in the school environment, including in their interactions with fellow students (i.e. teasing) and their teachers) were reported to be **neutral**.

*Student Respect* **2.80**

Staff perceptions of STUDENT FRIENDSHIP AND BELONGING (how inclusive, cooperative, welcoming and friendly students interact with one another in the school environment, how respectful staff and fellow students perceive students at that school to act in the school environment) were reported to be **slightly positive**.

*Friendship/  
Belonging* **3.46**

Staff perceptions of STUDENTS ABILITY TO SHAPE THEIR ENVIRONMENT (how involved students are in solving school problems, improving the school environment and solving their interpersonal conflicts effectively) were reported to be **neutral**.

*Students  
Shaping Their  
Environment* **3.00**

## Dimension 1

### *Staff Perceptions of School Climate: Composite Scores*

Staff perceptions of PROFESSIONAL INTERACTION (how well staff members communicate with one another) were reported to be **strongly positive**.

*Professional Interaction* **4.32**

Staff perceptions of EFFECTIVE DISCIPLINE (how well the school discipline policy is understood and agreed upon by staff and students) were rated to be **positive**.

*Effective Discipline* **3.79**

Staff perceptions of SUPPORTIVE LEADERSHIP (how aware, concerned and supportive the staff perceive the administrators to be regarding their problems and grievances) were reported to be **positive**.

*Supportive Leadership* **3.96**

Staff perceptions of APPRAISAL AND RECOGNITION (how satisfied staff are with the structure and quality of feedback they receive on their performance) were reported to be **positive**.

*Appraisal/ Recognition* **4.05**

### *Staff Perceptions of Student Climate: Single Item Indicators®*

Staff perceptions of STUDENT APPROVAL (how much students like or dislike the school) were rated to be **positive**.

*Student Approval* **4.06**

Staff perceptions of STUDENTS' PERCEPTIONS OF UTILITY OF LEARNING (how useful students find what they learn in school) were reported to be **strongly positive**.

*Student Perceptions of Utility of Learning* **4.26**

Staff perceptions of STUDENT PRIDE (how proud students are of the school) were reported to be **slightly positive**.

*Student Pride* **3.60**

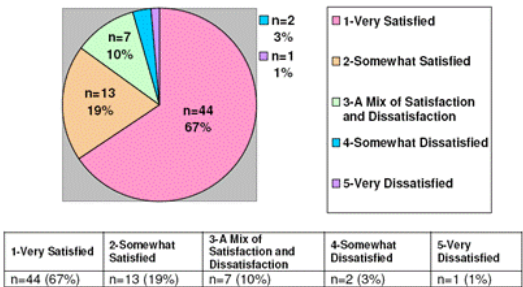
Staff perceptions of TEACHER APPROVAL (how much teachers like the school) were rated to be **strongly positive**.

*Teacher Approval* **4.33**

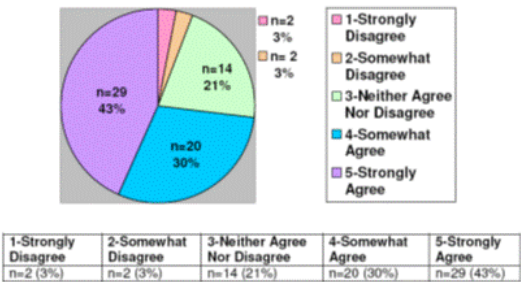


Dimension 1

Staff perceptions of OVERALL SATISFACTION ("In the past 3 months, how would you rate your overall satisfaction with your experience in this school?")

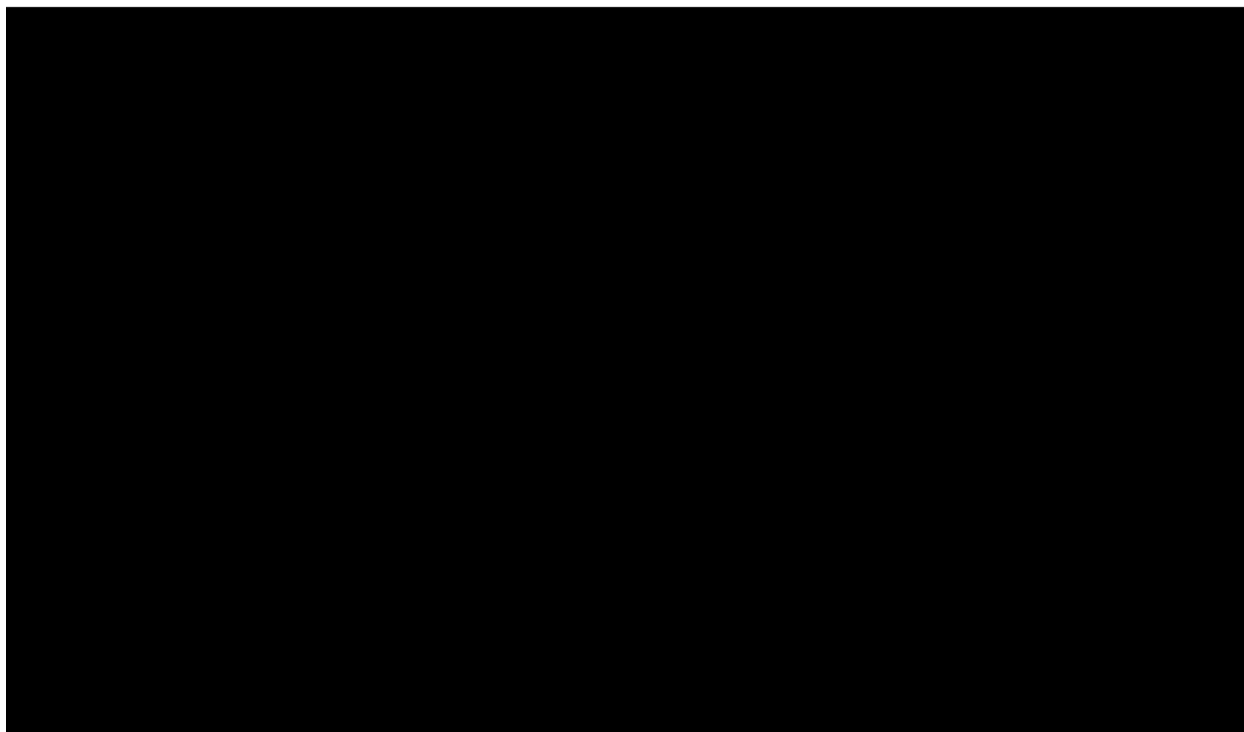


The extent to which staff see the MORALE in this school as high



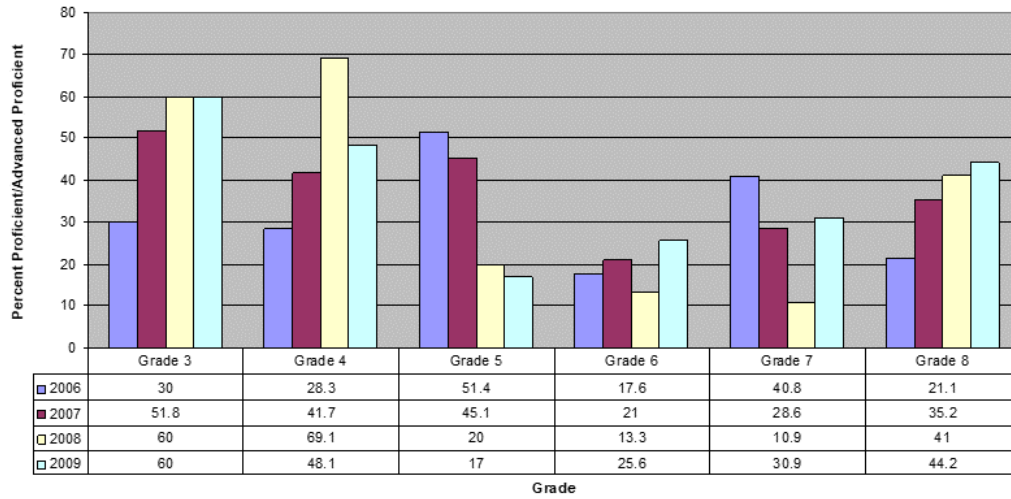
**Dimensions 2 & 3**

**New York Avenue School Video Clip**



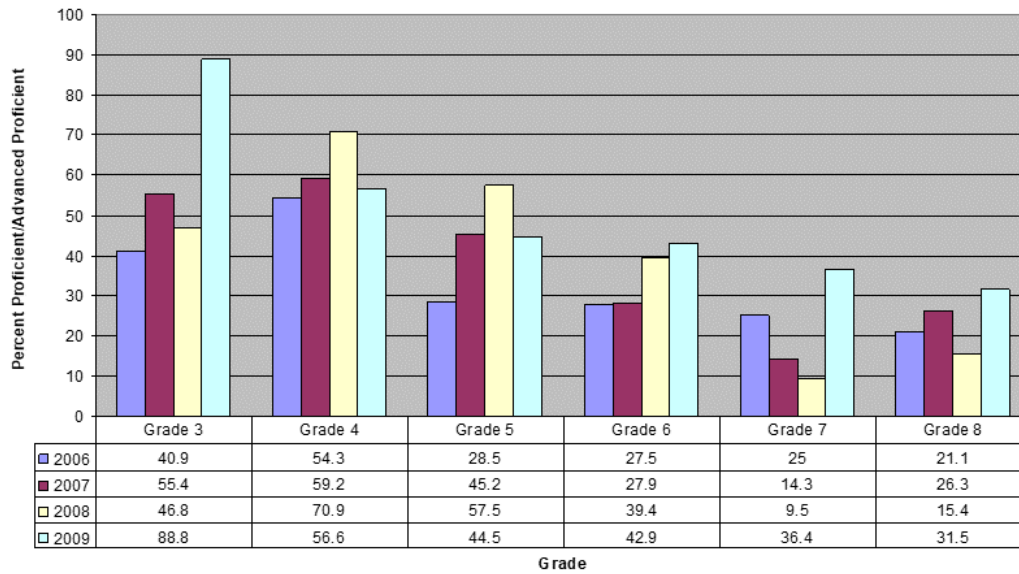
**Dimension 4**

New York Avenue School  
 New Jersey ASK (NJASK) Assessment Data  
 By Grade  
 Language Arts/Literacy  
 All Students - Spring 2006 to Spring 2009



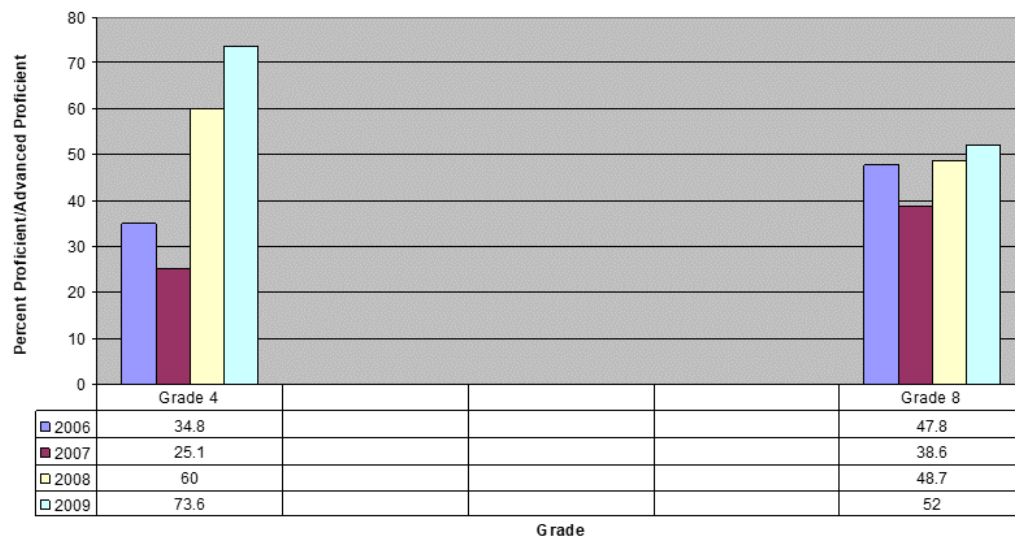
**Dimension 4**

New York Avenue School  
New Jersey ASK (NJASK) Assessment Data  
By Grade  
Mathematics  
All Students Spring 2006 - Spring 2009



**Dimension 4**

New York Avenue School  
New Jersey ASK (NJASK) Assessment Data  
By Grade  
Science  
Grades 4 and 8  
Spring 2006 - Spring 2009



**EXHIBIT C**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Kary A. Lush*

Acting United States Register of Copyrights and Director

Registration Number

**TX 8-573-531**

Effective Date of Registration:

May 10, 2018

### Title

Title of Work: Narrative and Powerpoint for Application

### Completion/Publication

Year of Completion: 2010  
Date of 1st Publication: March 04, 2010  
Nation of 1<sup>st</sup> Publication: United States

### Author

• Author: Linda C Woodson  
Author Created: text, artwork  
Work made for hire: No  
Citizen of: United States

### Copyright Claimant

Copyright Claimant: Linda C Woodson  
2 Westwood Road, Mays Landing, NJ, 08330

### Rights and Permissions

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Address: 80 Theodore Fremd Ave.  
Rye, NY 10580

### Certification

Name: Anthony M Verna III  
Date: May 10, 2018

Page 1 of 2

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Page 2 of 2



## EXHIBIT D

RAISING THE BAR

JAMES E. KNOX JR.

# At Risk for More Than Academic Failure

**B**uilt at the epicenter of low-income housing, poverty, crime, and drug trafficking, New York Avenue School (NYAS) in Atlantic City, New Jersey, serves large numbers of homeless and high-mobility families and English-language learners. Most parents did not attend college and few, if any, siblings or other relatives continued their education beyond high school. NYAS, which opened in 2004, is a K-8 school where 95 percent of the students receive free or reduced-price lunch.

Seventy-nine percent of the population is black and 17 percent is Hispanic. When the school was opened, many questioned why the district would build a multimillion dollar state-of-the-art school for such a marginal population. Because of the vision of our superintendent, NYAS has evolved as an exemplary model of effective urban education.

NYAS is undergoing a transformation that has a positive, measurable impact on the attitudes, beliefs, and values of students, staff, parents, and community. I became principal of the school in 2007, and since that time I have focused on increasing academic achievement and convincing neighborhood stakeholders that NYAS can be a haven of hope, a center of transformation, and an epicenter of community change. By coordinating instruction and increasing staff accountability, our school improved academic outcomes. In the 2008-2009 school year, NYAS reduced its overall failure rate by 10 percent on the New Jersey Assessment of Skills and Knowledge and reached adequate yearly progress.

## Solving Social Challenges

NYAS students, however, were at risk for more than academic failure. For this reason, programs were developed to impact the academic and social challenges students face. For example, I established Dare to Be Kings, an after-school mentoring program where boys address the thug mentality that often lures middle school students to embrace street culture. And because young girls who live in poverty receive

less parental supervision and are five to seven times more likely to become pregnant teenagers, I established Dare to Be Queens to encourage them to clarify their future goals and avoid negative behaviors. In Wise Guys, boys learn about responsibility, money management, and physical and emotional wellness.


These are only a few of the programs offered to NYAS students through a collaborative partnership with AtlantiCare Behavioral Health's Atlantic City Family Center. The goal of the Family Center, which is located within the school building, is to support families, strengthen the community, and give necessary attention to the social needs of students so they can experience successful learning outcomes.

Students of poverty often lack learning resources at home and do not have affirming experiences. That's why I extended the school day to include before- and after-school tutorial programs. Students can come to school at 7 a.m. to receive nurtured instruction and a well-balanced breakfast. Once they've been tutored after school by committed staff members, students can attend another after-school program, Club Destiny, which lasts until 7 p.m. Taken together, these programs create a safe place for students from 7 a.m. to 7 p.m. In addition, I extended the school week to include Saturday school, which consists of a half-day of educational enrichment for students who would otherwise be idle. NYAS has become a place where students in the community come to learn and to have fun.

## Instructional Accountability

The change in school culture has been extensive, affecting academic achievement and social interactions. The change has also spurred teachers' acceptance of greater accountability. I refined procedures for lesson plan review to ensure that all feedback guided teachers toward increased student-centered and differentiated instruction. Closely tracking lesson plans has enhanced classroom practices and instruction. Additional programming was implemented based on formative benchmark data. The data allowed for strategic interventions that were targeted to meet the specific needs of students. As a result, NYAS is on an academic achievement track that it has never before experienced. Data from our state achievement tests show significant academic achievement from 2006 to 2009. For example, the number of students achieving proficiency or advanced proficiency in language arts/literacy increased 30 percent for third graders and 23 percent for eighth graders. In math, for the corresponding years, the number of students achieving proficiency or advanced proficiency increased 48 percent for third graders and 10.5 percent for eighth graders.

In keeping with the mission of the school, teachers are proud to provide a first-class education to every student who passes through the school's doors. The educational services are provided to students without regard to social or economic obstacles. Saturday school and before- and after-school programs have been so successful that they have been considered districtwide.

When I became the principal in 2007, I began to close the achievement gap. We still have much work ahead of us, but the school has been recognized for its accomplishments at the district and state levels. This success is based in large part on my ability to help change the attitudes, beliefs, and values of students at NYAS. 

**James E. Knox Jr.** is principal of New York Avenue School in Atlantic City, New Jersey.

**EXHIBIT E**

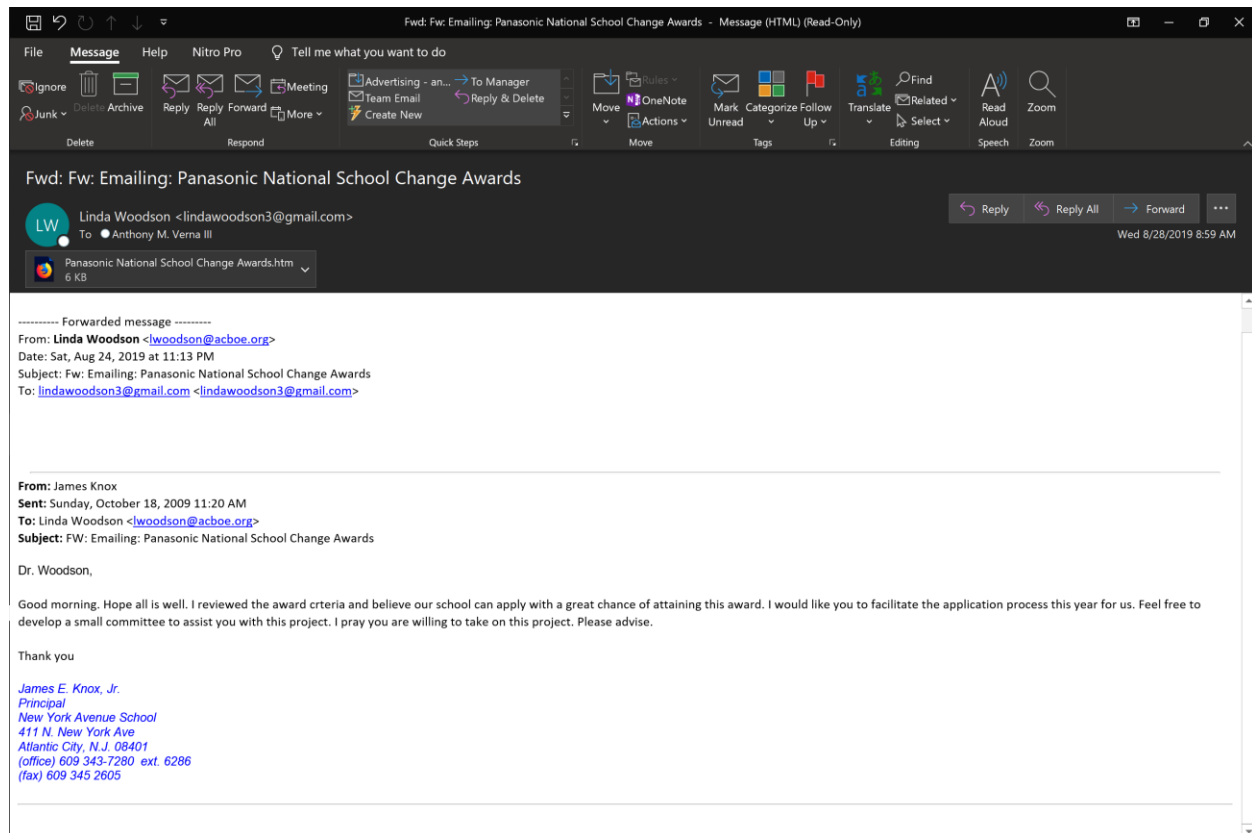
**From:** James Knox  
**Sent:** Sunday, October 18, 2009 11:20 AM  
**To:** Linda Woodson <[lwoodson@acboe.org](mailto:lwoodson@acboe.org)>  
**Subject:** FW: Emailing: Panasonic National School Change Awards

Dr. Woodson,

Good morning. Hope all is well. I reviewed the award criteria and believe our school can apply with a great chance of attaining this award. I would like you to facilitate the application process this year for us. Feel free to develop a small committee to assist you with this project. I pray you are willing to take on this project. Please advise.

Thank you

*James E. Knox, Jr.*  
*Principal*  
*New York Avenue School*  
*411 N. New York Ave*  
*Atlantic City, N.J. 08401*  
*(office) 609 343-7280 ext. 6286*  
*(fax) 609 345 2605*



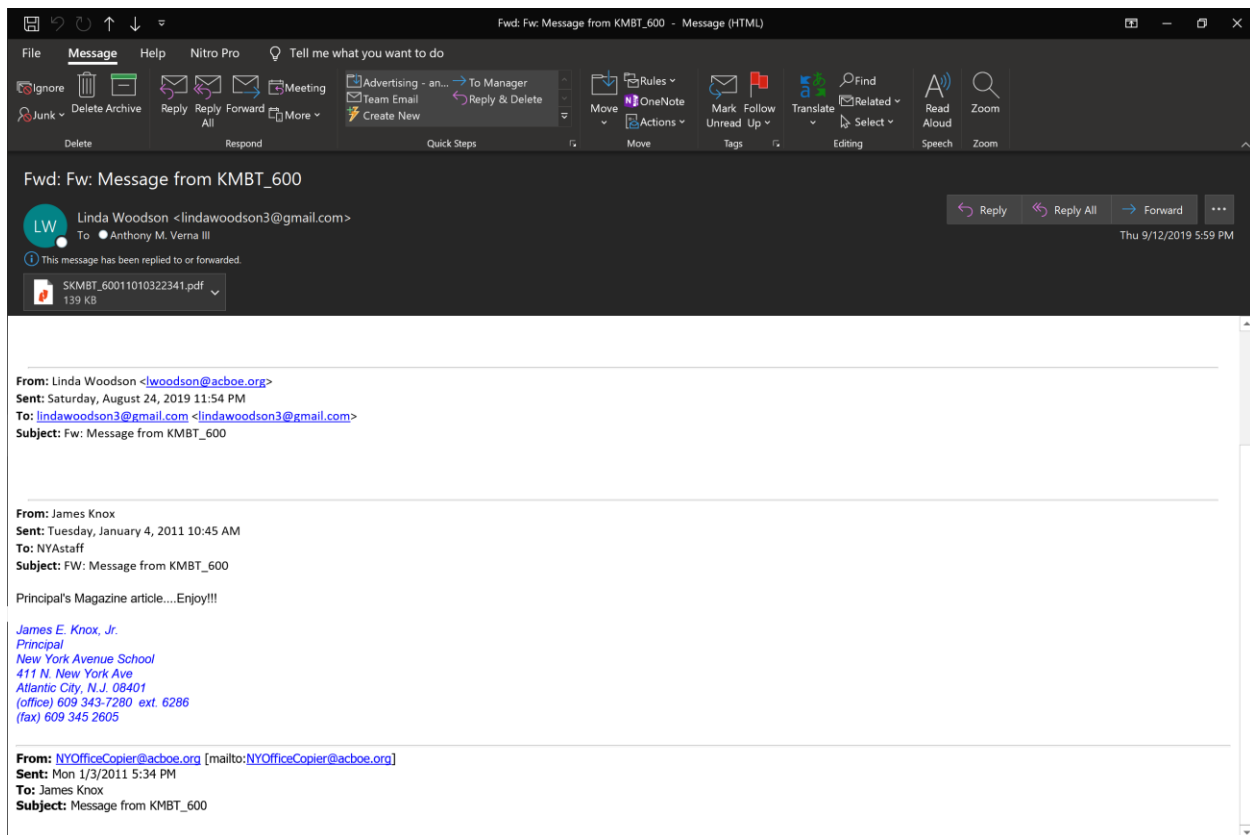
## EXHIBIT F

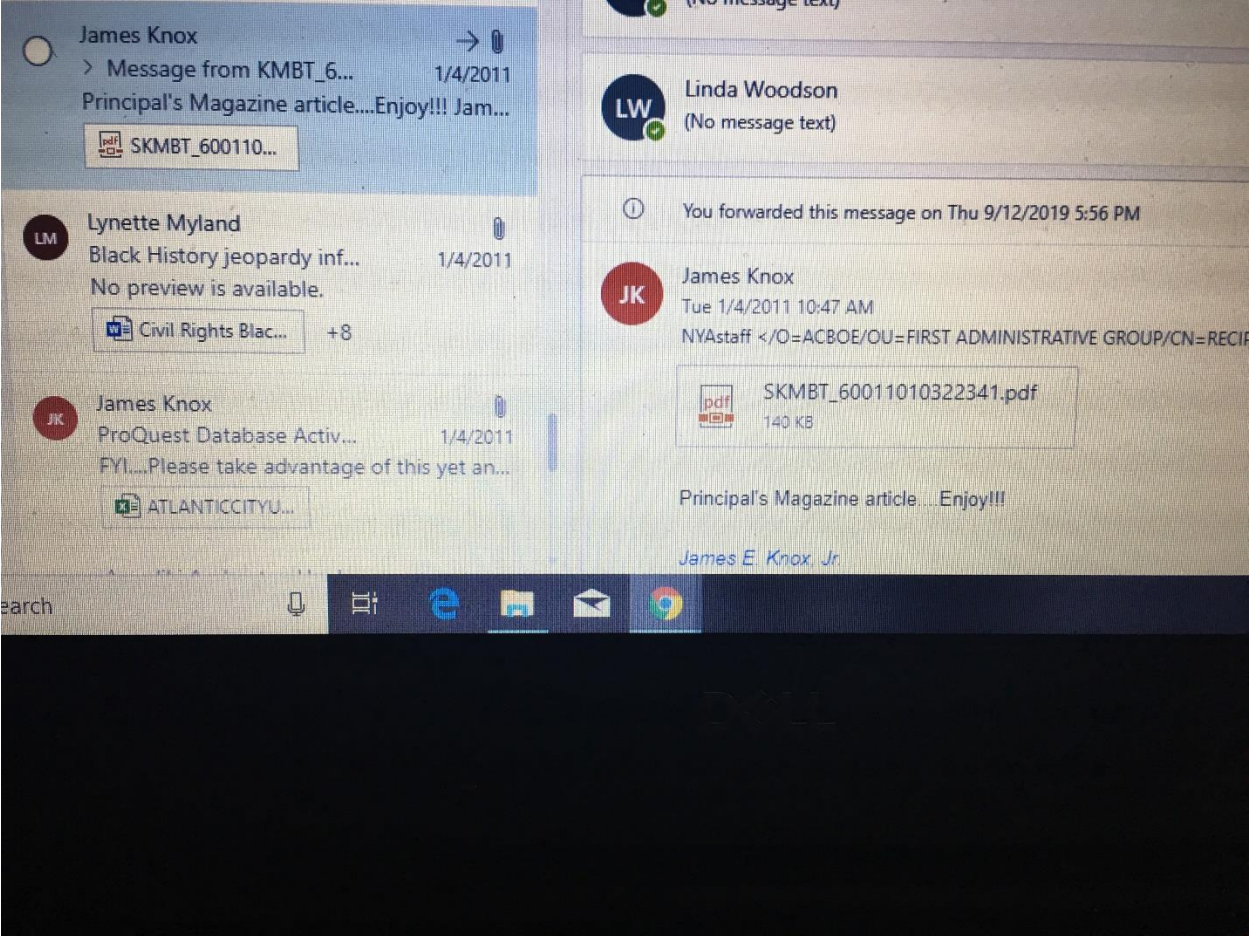
**From:** James Knox  
**Sent:** Tuesday, January 4, 2011 10:45 AM  
**To:** NYAstaff  
**Subject:** FW: Message from KMBT\_600

Principal's Magazine article....Enjoy!!!

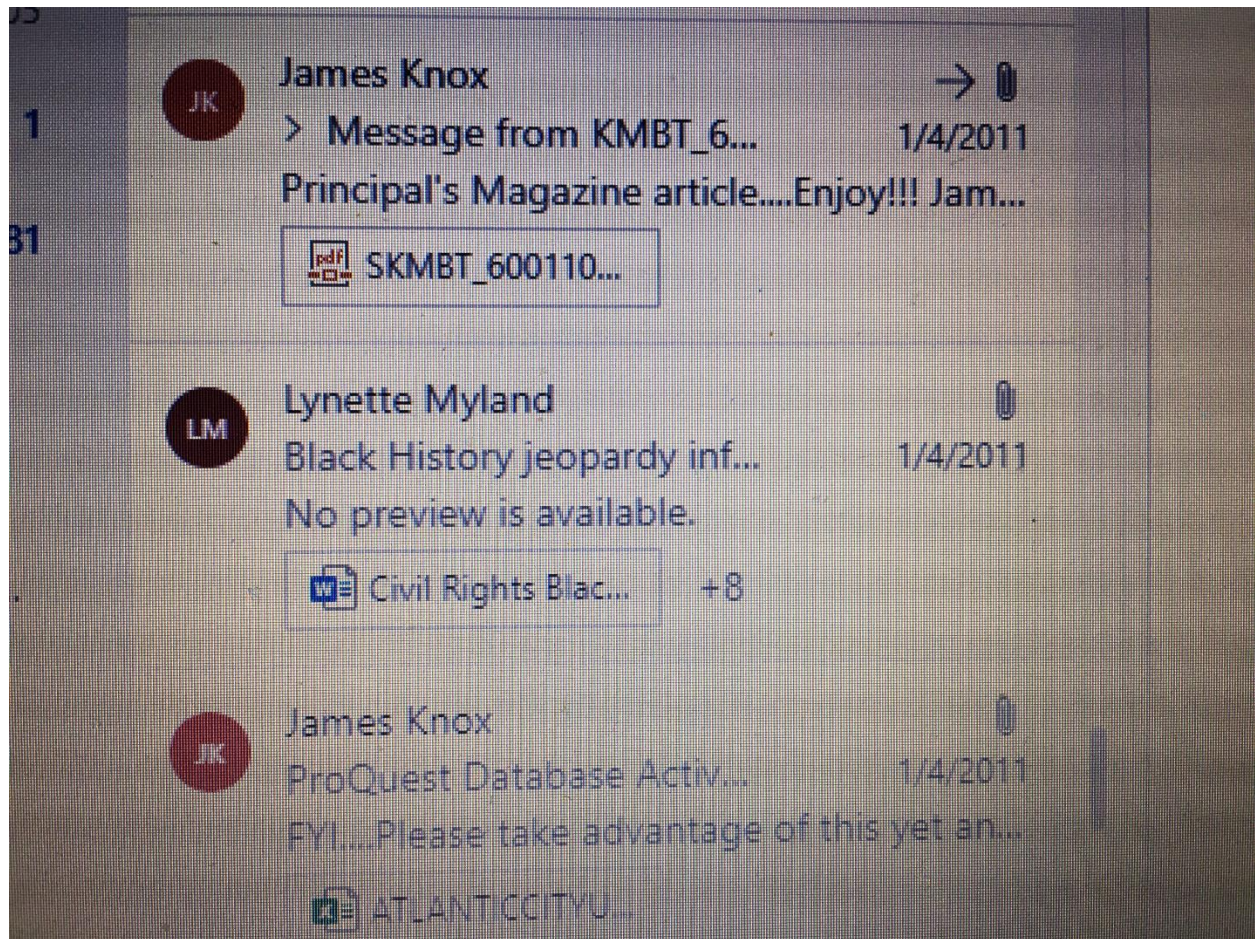
*James E. Knox, Jr.  
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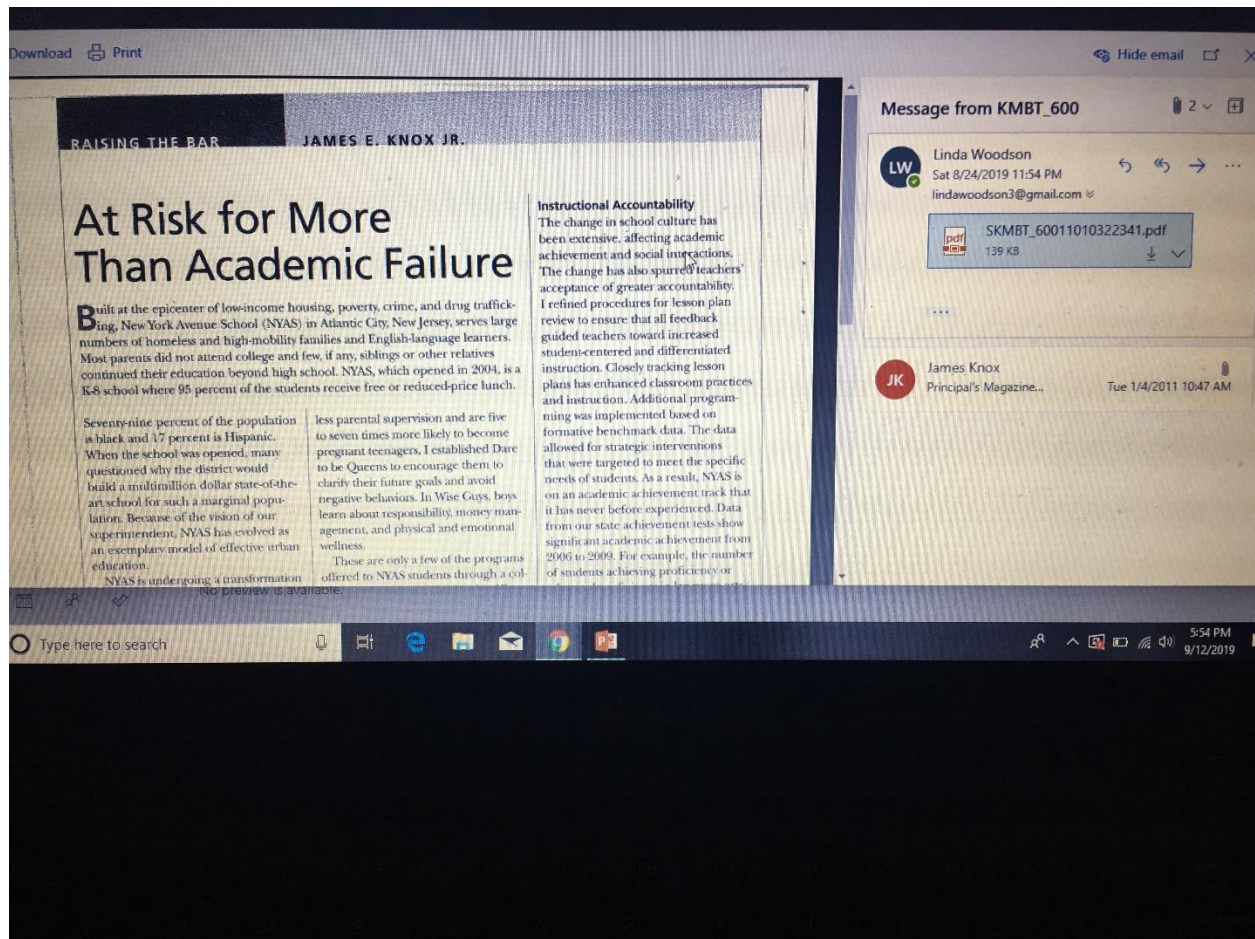
**From:** [NYOfficeCopier@acboe.org](mailto:NYOfficeCopier@acboe.org) [mailto:[NYOfficeCopier@acboe.org](mailto:NYOfficeCopier@acboe.org)]  
**Sent:** Mon 1/3/2011 5:34 PM  
**To:** James Knox  
**Subject:** Message from KMBT\_600













## EXHIBIT G

