

emphasis on the creation of a trust for the care of animals. As Kristina described in her letter, the CLE was a success. ⚖️

Chair [Frances Carlisle](mailto:francescarlisle@earthlink.net) (francescarlisle@earthlink.net).

Workers' Compensation Subcommittee

The Workers' Compensation subcommittee will explore this increasingly important area, especially in light of workers' compensation issues related to veterinary services and the services of other volunteer animal

rescue workers during times of disaster. The subcommittee will consider workers' compensation issues at the state and federal levels; will review existing state and federal workers' compensation statutes, practices and procedures for the purpose of providing definitive guidance in this emerging area of disaster; and will look to other animal law issues that intersect with workers' compensation law. ⚖️

Chair [Benjamin Zvenia](mailto:drzvenia@myfedlawyer.com) (drzvenia@myfedlawyer.com).

REVITALIZING INTEREST IN HUMANE EDUCATION

By: [Meena Alagappan](#)

What Is Humane Education and Why Do We Need It?

While humane education has been in existence for over 100 years, the absence of a universal definition has hindered the movement's progress. Humane societies have traditionally focused their humane education efforts on responsible companion animal care. Educational groups like the United Federation of Teachers (UFT) stress the importance of imparting knowledge that sensitizes students to different philosophies in relation to animals that, in turn, leads to informed and compassionate choices. Some humane education organizations adopt a more comprehensive view of it as cultivating compassion and respect toward all living beings and the environment. *See e.g.* Institute for Humane Education web site at <http://www.ihed.org> and Humane Education Advocates Reaching Teachers web site at <http://www.teachhumane.org>. Additionally, character education often is deemed an integral part of humane education. Despite these diverse definitions, common elements of humane education emerge, such as the development of critical thinking skills, respect, and compassion. Essentially, these three components explicitly identify the cognitive, affective, and behavioral outcomes that are desirable from implementing humane education programs in schools.

Humane education has also suffered from a failure to institutionalize it within the school curriculum. However, in recent years, there has been a renewed interest in humane education due to increased violence in our society. The spate of school shootings especially has resulted in a re-examination of our



educational system. The link between violence toward human beings and violence toward animals has been well documented through numerous research studies. The FBI considers animal abuse in assessing the dangerousness of criminals and the American Psychiatric Association identifies cruelty to animals as a criterion for diagnosing conduct disorders. Clinical case studies of troubled youth and retrospective studies of violent criminals have repeatedly demonstrated a connection between childhood animal abuse and later interpersonal violence. *See generally*, Randall Lockwood & Frank Ascione, *CRUELTY TO ANIMALS AND INTERPERSONAL VIOLENCE* (Purdue Press: 1998). Recognition of the violence link has created a nationwide legislative response with over forty states upgrading their animal cruelty laws to felony status. By cultivating respect and

compassion toward all living beings, humane education functions as a valuable deterrent to violence and helps break the cycles of abuse toward both people and animals.

Humane Education Laws

Thirteen states in the country have humane education laws and nine of them are mandatory. Definitional ambivalence also surrounds these statutes. Some of the compulsory laws focus on animals, but others include people and the environment. For example, North Dakota, Florida, and New York's laws require instruction in the humane treatment of animals. N.D. Cent. Code § 15-38-11; Fla. Stat. Ann. § 1003.42; N.Y. Educ. Law § 809. California's code more broadly says, "each teacher shall endeavor to impress upon the minds of the pupils . . . kindness toward domestic pets and the humane treatment of living creatures," Cal. Educ. Code Ann. § 233.5, and Washington's statute has an expansive provision requiring teachers to "stress the . . . worth of kindness to all living creatures and the land." Wash. Rev. Code Ann. § 28A.230.020. Without even defining the subject at all, Illinois and Pennsylvania simply require that humane education be taught. 105 Ill. Comp. Stat. Ann. 5/27-15; Pa. Stat. Ann. tit. 24 § 15-1514. Wisconsin's Code requires the designation of an "Arbor and Bird Day" to promote "a spirit of protection to birds and trees," Wis. Stat. Ann. §14.16, while Tennessee's statute focuses on the environment by requiring instruction in "waste management . . . reduction and recycling." Tenn. Code Ann. § 68-211-845.

The four states with non-mandatory humane education laws—Maine, Louisiana, New Jersey, and Oregon—also advance different definitions. For example, Louisiana encourages teaching "kindness to dumb animals in public schools," La. Stat. Ann. § 17:266, while Maine requires instructors in public or private institutions to use their "best endeavors to impress on the minds of . . . youth . . . the principles of humanity . . . as illustrated by kindness to birds and animals." 20 Me. Rev. Stat. Ann. §1221.

Character Education Laws

Although instruction in animal protection does not occupy a prominent position in character education, the two have a clear "conceptual symmetry." Bernard Unti and Bill DeRosa, *HUMANE EDUCATION: PAST, PRESENT AND FUTURE IN STATE OF THE ANIMALS II* (Humane Society Press: 2003). Decreasing interpersonal violence relies in large part on educating people about the importance of the compassionate treatment of all living

beings. Recently, the character education movement has gained a lot of momentum and is beginning to cast a new light on the salience of humane education. Twenty-eight states have character education laws, of which fifteen are mandatory. About twenty other states, although they have no relevant statutes, have shown support for character education through voluntary funding of programs, official statements by departments of education, or the endorsement of specific programs. For an extended discussion of humane and character education laws, see Lydia Antoncic, *A New Era in Humane Education: How Troubling Youth Trends and a Call for Character Education Are Breathing New Life Into Efforts to Educate Our Youth About the Value of All Life*, 9 ANIMAL L. 183 (2003).

Despite the existence of these statutes, humane education has still not gained adequate recognition because none of the states enforce their mandatory humane education laws. Furthermore, these laws have no budgetary funding or provisions for teacher certification to ensure that schools are able to implement humane education into school curricula. Moreover, there is little empirical evidence demonstrating the impact of humane education. Empirical data demonstrating the positive effects of humane education on children's attitudes and behavior is one of the most valuable tools to persuade legislatures, school administrators, teachers, and departments of education that humane education deserves funding and representation in the standard curriculum. A few research studies and anecdotal evidence suggest that humane education is beneficial, but humane education programs have not usually been subjected to formal evaluations to test their effectiveness. Frank Ascione, *Children's Attitudes About the Humane Treatment of Animals and Empathy: One-Year Follow Up of a School-Based Intervention*, IX (4) ANTHROZOOS 188 (1996).

Increasing Enforcement: New York Case Study

New York is in a unique position since it has both a character education mandate and the strongest humane education law in the country, making it an excellent test state for promoting humane education. The SAVE legislation, N.Y. Educ. Law § 801, mandates character and civility education in grades K-12. Section 809 of the Education Law requires that publicly funded elementary schools provide instruction in the humane treatment and protection of animals and lessons on the importance of spaying and neutering. Most remarkably, the penalty for non-compliance is withdrawal of school funding. However, this penalty provision has never been

imposed nor tested through litigation. In fact, most educators are unaware that Section 809 even exists.

In September 2006, in response to efforts by local humane advocates, the NYC Council agreed to introduce a resolution that would call upon the NYC Department of Education to help increase compliance with the forgotten humane education mandate by instructing elementary school principals to direct their teachers to act in accordance with this requirement. This resolution currently has the support of the majority of Council Members. If passed, it would greatly facilitate implementation of humane education programs in NYC schools. Other cities in states with humane education mandates might also try forcing compliance at local levels.

Humane Education Advocates Reaching Teachers (HEART), a non-profit organization, recently launched a 10-lesson integrated humane and character education initiative in NYC public elementary and middle schools. HEART's curriculum, addressing various topics ranging from sweatshops to endangered species and global

warming, was developed with input from the Institute for Humane Education, ASPCA, National Association for Humane and Environmental Education, and UFT's Humane Education Committee. During an 18-month period, empirical data will be gathered to measure students' development cognitively, affectively, and behaviorally. This initiative is in direct response to the void in assessment and instruction in humane education.

Documenting the case for incorporating humane education into school curricula is critical. The ultimate goal is the development of a prototype that can be replicated in other geographical regions so that this vital education is provided to as many children as possible nationwide. 

Meena Alagappan is the Executive Director of *Humane Education Advocates Reaching Teachers* (www.teachhumane.org), a non-profit organization based in New York. She is the former Chair of the New York City Bar Association's Committee on Legal Issues Pertaining to Animals and is a Vice-Chair of the ABA-TIPS' Animal Law Committee. She can be reached at alagappan.meena@gmail.com.

SUPREME COURT PRESENTED OPPORTUNITY TO DECIDE RELATIONSHIP OF ENDANGERED SPECIES ACT TO OTHER FEDERAL STATUTORY DIRECTIVES

By: Tim Sullivan

On April 17, 2007, the United States Supreme Court will hear oral argument in the first Endangered Species Act ("ESA") case to come before the Court in ten years—the consolidated cases of *National Ass'n of Home Builders v. Defenders of Wildlife* and *United States Environmental Protection Agency v. Defenders of Wildlife* (collectively, "*Defenders of Wildlife*"). These cases present the Court with an opportunity to decide the appropriate relationship of the ESA to other federal statutes; specifically whether the ESA's mandate that federal agencies insure that their actions do not jeopardize the continued existence of threatened or endangered species trumps other statutory mandates applicable to those agencies. While these cases arise in the context of an action involving the interplay between the ESA and the Clean Water Act, the Supreme Court's ruling could impact agency actions involving the ESA and any federal statute.

The Ninth Circuit Opinion

In *Defenders of Wildlife*, 420 F.3d 946 (9th Cir. 2005), the Court of Appeals for the Ninth Circuit

"Does 'the ESA's mandate that federal agencies insure that their actions do not jeopardize the continued existence of threatened or endangered species trump other statutory mandates applicable to those agencies?'"

vacated the United States Environmental Protection Agency's ("EPA") decision to transfer National Pollutant Discharge Elimination System ("NPDES") permitting authority to Arizona under the Clean Water Act Section 402(b), 33 U.S.C. § 1342(b) because, according to the court, EPA failed to satisfy its statutory duties under ESA Section 7(a)(2), 16 U.S.C. § 1536(a)(2). At the time Arizona applied to the EPA for permitting authority under the NPDES program, it was one of only a few remaining states in which the EPA had retained NPDES permitting authority. When it enacted the Clean Water Act in 1972, Congress envisioned that each state would ultimately administer the NPDES program within its jurisdiction. 33 U.S.C. §

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