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

By
Lydia S. Antoncic*

The purpose of education, finally, is to create in a person the ability to look at the world for himself, to make his own decisions, to say to himself this is black or this is white, to decide for himself whether there is a God in heaven or not. To ask questions of the universe, and then learn to live with those questions, is the way he achieves his own identity. But no society is really anxious to have that kind of person around. What societies really, ideally, want is a citizenry which will simply obey the rules of society. If a society succeeds in this, that society is about to perish. The obligation of anyone who thinks of himself as responsible is to examine society and try to change it and to fight it—at no matter what risk. This is the only hope society has. This is the only way societies change.[1]

 The author is an associate attorney with Solomon and Solomon, PC and the president and founder of Humane Education Advocates Reaching Teachers (HEART). HEART is a not-for-profit group of community leaders and individuals from various professions who offer assistance to local and state educational organizations to ensure compliance with humane education laws in New York. The author wishes to thank Lisbet Chiriboga, Mariann Sullivan, Douglas Baughman, Michelle Lewis, Adam Roberts, Amy Trakinski, Samantha Marinovic, and all of the members of HEART for their invaluable encouragement and assistance with this article. In addition, special thanks to my five-year old son Andrew Richard Ciacci, whose never-ending patience, compassion, and insight provided me with the strength and inspiration necessary to continue to work on this important issue and to write this article.

[1] James Baldwin, *A Talk to Teachers,* in *Multicultural Literacy,* (Rick Simonson & Scott Walker, eds.) 4 (Greywolf Press 1988). (thanks to Matt Wildman, a ninth-grade teacher at Bushwick High School, who not only brought this to my attention, but begins each of his classes by distributing this mind-opening text). *See also Bethel School District No. 403 v. Fraser*, 478 U.S. 675, 681 (1986) (discussing the role of public schools to prepare students for citizenship).

I. INTRODUCTION

A passing glance at newspaper headlines today reveals what haunts most parents and educators: violence among our youth is extensive, drug and alcohol abuse is prevalent, and teen pregnancy is a common occurrence.[2] These symptoms suggest a chronic deficiency in the ethical education of our youth. Also troubling is that parents are left with fewer opportunities to effectively address these crucial issues, due to economic and societal pressures.[3] School intervention via programs can offer youth a solid foundation of basic values to counteract these trends.[4]

In the past, schools attempted to utilize humane and character education as a vehicle to tackle these issues. While using these foundations in the classroom raised awareness, change did not permeate the daily curriculum for a variety of reasons, including fear of indoctrinating non-universal values. In the last ten years, this issue has been re-

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[2] Thomas Lickona, *Educating for Character: How Our Schools Can Teach Respect and Responsibility*, 13–19 (Bantam Books 1991) (listing several indicators of a "moral decline" among youth, including violence and vandalism, stealing, cheating, disrespect for authority, peer cruelty, bigotry, bad language, sexual precocity and abuse, increasing self-centeredness and declining civic responsibility and self-destructive behavior, including suicide and substance abuse).

[3] *Id.* at 31 (explaining that most of these children will grow up in either a single parent home or in homes where both parents work full-time. The divorce rate is currently 50%. Studies show that 60%of children of divorce will spend the rest of their childhood in a single parent home. In addition, more than half of all children under eighteen have a mother that works outside of home.).

[4] *See* Susan Gilbert, *Scientists Explore the Molding of Children's Morals*, NY Times F5 (March 18, 2003) (citing to the effectiveness of character education programs in counteracting some of the abovementioned trends).

visited and is gaining significant national attention.[5] Though some may argue that the appropriate place for such education is in the home, widespread public concern, the growing unavailability of parents, and unnerving statistics[6] are energizing efforts to include humane and character education in classroom curriculum. The public is beginning to view these subjects as essential components of a child's education, on par with traditional subjects such as mathematics, reading, history, and science. In short, it is best viewed as a required course on basic life skills.

While humane education is not a new concept, schools are revisiting its value in part because of an increased call for character education, which focuses on traits such as kindness, honesty, and tolerance.[7] Schools and teachers no longer see humane education as limited in scope to "cat and dog" issues, but instead view humane education as a course that nurtures respect for the interconnectedness of all forms of life. Such education extends to environmental concerns at a time when rainforests are rapidly diminishing, pollution is rampant, and we are beginning to feel the effects of global warming. Young people must make important choices about their lifestyles, and humane education can offer them tools to make informed decisions.

While the strength of the humane and character education movement offers a great deal of promise, educators must take care to ensure that lesson plans focus on the development of values, rather than merely imposing or dictating conclusions.[8] For character and humane education to be successful, teachers must receive proper training, and there must be methods in place to make certain that materials promote universal traits and not political agendas.

This article examines the issues surrounding the inclusion of humane and character education into the curriculum for kindergarten through twelfth-grade, including the basis for it, applicable legislation, and ethical concerns in implementation. Part II discusses how humane education is defined, explores what traits should be stressed in the classroom, and the relationship between character and humane education. Part III discusses the reasons behind the growing demand for humane education, including: acceptance of the "violence link" (the link between violence against animals and violence against humans) and the role of humane education as a deterrent, an increasing call for character education laws, and the growing interest in humane education as a field of study. Part IV is a survey of humane and character education laws throughout the country. Finally, Part V offers suggestions on how to effectively use these laws to incorporate humane edu-

[5] *See* Lorraine Ali & Julie Scelfo, *Choosing Virginity*, Newsweek 61 (Dec. 9, 2002) (discussing the national trend to promote abstinence, a major focal point of character education curriculum).

[6] Lickona, *supra* n. 2, at 12–15.

[7] *Infra* pt. II (D) (fully exploring the relationship between character and humane education).

[8] *See* Lickona, *supra* n. 2, at 10–12; Baldwin, *supra* n. 1, at 161–84.

cation into the classroom, using New York State as an example, where extensive efforts are currently underway to force compliance with these laws.

II. WHAT IS HUMANE EDUCATION?

The following section introduces different definitions of humane education and explains how humane education relates to character education. The discussion will address how teachers can foster universally accepted positive attributes while still preserving critical thinking, personal choice, and the development of these values at home. While ample evidence supports the theory that humane education can play an important role in decreasing levels of violence,[9] implementing the program may also provide opportunities for introspection. For example, terms such as "character," "respect," "civility," and "humane" are open to a variety of interpretations and applications.

A. Definitions by Humane Educators

Modern humane education grows out of a view that education is meant to develop values by creating independently-thinking minds. Humane education did not begin with this broad purpose, but rather as an attempt to teach children the importance of kindness to animals. The topic has evolved to embody the independent-thinking theory, as well as promote the crucial art of critical thinking.

Humane education began in the late 1800s as an effort by animal protectionists to instill empathy for animals among children. The purpose was to decrease the number of animal cruelty cases and increase the strength of the animal welfare movement.[10] These efforts resulted in laws that fall under the heading of "humane education," and focused mainly on the humane treatment of animals.[11] Creating such law was an important step, but a lull in progressive law-making ensued. Today, the humane education movement is beginning to anchor itself in a philosophy that recognizes and encourages respect for the interconnectedness of all forms of life and the environment.[12] This not only

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[9] For a thorough discussion of the benefits of humane education, see *infra* pt. III.

[10] *See* Stephen Zawistowski, *Humane Education Movement*, in Ency. of Animal Rights and Animal Welfare 189–91 (Marc Bekoff & Carron A. Meany eds., Greenwood Press 1998); Emily Stewart Leavitt & Bianca Beary, *Humane Education in the Public Schools*, in *Animals and Their Legal Rights: A Survey of American Laws from 1641 to 1990*, 245–46 (4th ed., Animal Welfare Inst., 1990); Bernard Unti, *The Quality of Mercy: Organized Animal Protection in the United States 1860–1930*, 594 (Ph.D. dissertation, Am. Univ. 2002) (on file with the author).

[11] Humane Education Advocates Reaching Teachers, *Humane Education Laws* <http://www.nyheart.org/laws.html> (accessed Apr. 6, 2003).

[12] *See* Humane Education Advocates Reaching Teachers (HEART), *What is Humane Education?* <http://www.nyheart.org/education.html> (accessed Mar. 1, 2003) (defining humane education as "a broad-based field of study devoted to principles of critical thinking and compassion for all beings and the environment. Specifically, humane education raises questions that cause us to examine our cultural assumptions regarding the inher-

constitutes a more holistic approach to the subject, but also makes it more palatable to the general public.[13] The holistic view is further supported by the fact that the only certification program in humane education in the United States equally stresses human, animal, and environmental issues.[14] By covering such a broad range of issues, humane education can offer society hope for an active, independent, self-thinking future citizenry.

B. What Humane Education Is Not

At first glance, it appears that the approach described above would produce uniform results, but that is not the case. Misinformation has produced many efforts to include materials in curricula that clearly do not constitute humane education.[15] For example, a well-meaning school may attempt to teach kindness and respect to animals through projects that glorify the Iditarod Race in Alaska.[16] In such

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ent value of different species and nature, helps us explore our responsibility towards earth and other human and non-human beings, and teaches us the connections between our daily choices and their global impact."); Zoe Weil, *Humane Education: Charting a New Course*, Animals' Agenda (Sept./Oct., 1998) (available at <http://www.seedsforchangehumaneeducation.org/articles/charting_a_new_course.htm>) (accessed Mar. 1, 2003) (stating that humane education was traditionally defined as "education about 'pet' responsibility" and that "[i]n the last decade, the definition of humane education has been expanded . . . to encompass all animal issues, as well as environment and human rights issues"); San Juan Charter School, *San Juan Humane Education Charter School Initiative*, 2 (unpublished, on file with author) (stating that humane education "supports a life-loving and life-affirming ethic for all sentient beings, respect for the self-worth and dignity of all humans, recognizes that multiculturalism and diversity are essential to a creative learning process, and appreciates the interdependent relationship between the human and natural community").

[13] While the general public appears to support humane education, critics have unsuccessfully characterized humane education as a vehicle by animal rights advocates to push their own political agenda. *See* Debra J. Saunders, *Humane or Inane?* <http://www.sfgate.com/cgi-bin/article.cgi?file=chronicle/archive/2002/08/11/ED80050.DTL> (accessed Feb. 15, 2003); *The Compassionate Curriculum,* The San Francisco Chronicle, Editorial, A25 (Aug. 1, 2002) (criticizing California State Senator Jack O'Connell, D-San Luis Obispo for supporting a humane education bill in his bid for state school chief); Neil Gonzales, *Teaching Kindness to Animals Pays Off*, The Record B2 (May 4, 2002) (referring to criticism of humane education programs as promoting animal rights).

[14] International Institute for Humane Education, *Humane Education Certificate Program* (available at <http://www.compassionateliving.org/programs.htm>) (accessed Mar. 1, 2003).

[15] For example, pamphlets were distributed in schools from the Animal Industry Foundation, such as "Ag-tivities for fun and learning" a project of Minnesota Agriculture in the Classroom; "Agriculture Activity Colorbook," from Kansas Agri-Women; "Milk from Cow to You," National Dairy Council; "Milk Cartons in the Classroom," Dairy and Food Nutrition Council of Florida.

[16] *See* Doug Esser, *Iditarod is in the Books* <http://www.adn.com/iditarod/news/story/785319p-852312c.html > (accessed Mar. 1, 2003) (where Esser reviews the book *Iditarod: The Great Race to Nome*, stating that it "nicely tells the whole story, from the early days when dogs were beasts of burden to the days where they have become pampered racers, flown about the state in bush planes." Esser then goes on to describe another children's book that "gives equal credit to the brave huskies.").

projects, educators portray the dogs as happy and eager to run the treacherous race across Alaska in the name of sport. The dogs who suffer injuries and death in this grueling expedition are mentioned rarely. Instead, promoters depict the race as a noble act by the dogs.[17]

The treatment of farm animals is another area that is not fairly represented in schools. Animal industry advocates have gone to great lengths to create learning exercises for students that depict farm animals as happy creatures that can move around freely, spend leisurely time outdoors, and exhibit natural behaviors.[18] Nowhere do teachers discuss the reality of factory farming, where animals are barely given freedom to move or express natural behaviors.[19] In addition, other special interest groups work to preserve and teach their way of life through education programs targeting youth, despite evidence indicating ill-effects, such as gun camps that target youth in an effort to preserve hunting[20] or websites tailored for young girls that promote the consumption of animal products.[21] Without adequate monitoring, it is difficult to ensure that materials provided to schools embody the true principles of humane education.

Schools should not exclude subjects such as the Iditarod or factory farming from a humane education curriculum, simply due to their special-interest motives. To the contrary, these topics should be taught, because they offer excellent opportunities to present students with viewpoints from both sides of the issue. Humane education encourages independent research and investigation, so that students may determine for themselves what is or is not humane, rather than accepting at

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[17] *See Iditarod Officials Report First Dog Death of 2002 Race* <http://www.sportserver.com/other_sports/story/297422p-2613206c.html> (accessed Mar. 1, 2003); Paula Dobbyn and Craig Medred, *Dogs in Pain Prompt Small-kennel Musher to Give Up the Iditarod*, <http://adn.com/life/story/868932p-954649c.html> (accessed Mar. 1, 2003).

[18] *See supra* n. 15.

[19] Michael Pollan, *An Animal's Place*, N.Y. Times Magazine 58 (Nov. 10, 2002) (discussing the brutal realities of factory farming).

[20] *See* Donna Leinwand, *Gun Camp Targets Safety, NRA Offers Teens the Ultimate in Introductory Shooting,* USA Today (Aug. 10, 2000) (reporting on the National Rifle Association's attempt to educate youth on violence prevention and gun safety through a summer camp); *but see also* David Anderson, *Curriculum, Culture, and Community: The Challenge of School Violence*, 24 Crime & Just. 317 (1998) (indicating that weapon possession is the single most disturbing trend in youth violence). Interestingly, New York is one state that allows instruction on the safe use of firearms and in game laws, however, "[s]uch course of instruction shall be approved by both the education department and the Department of Environmental Conservation." N.Y. Educ. Law § 809-a (McKinney 2003). Upon submission of a Freedom of Information Law (FOIL) request, the author was advised that "[t]here are no records concerning requests for approval of courses" pursuant to this section. Letter from Leslie E. Templeton to Lydia A. Ciacci (Dec. 6, 2000) (on file with author).

[21] See Cool to Be Real, a website created by the Cattlemen's Beef Board and National Cattlemen's Beef Association to encourage young girls to be "real," by encouraging the consumption of animal products. The site includes a poll entitled, "What Type of Beef Do You Most Like to Eat with Your Friends?" Cool to Be Real <http://www.cool-2b-real.com> (accessed April 4, 2003).

face value the information that is given to them, a point illustrated by a special education teacher in Bradford, Ohio, who said:

> Far from being value free, schools promote, if not actively, at least in subtle ways, the following beliefs: Animals are ours to use as we see fit; their suffering is inconsequential; our benefit is the primary criterion governing their use; animals are simply a collection of muscles, bones, nerves and tissues; and the use of animals is not an issue to be seriously discussed.[22]

This idea is mirrored by the way animal issues are approached by the general public. Mainstream media is beginning to analyze both views, instead of merely granting lip service to one side.[23] Such values should be encouraged in our schools too.[24] The concept of humane education now includes discussions of more controversial issues such as vegetarianism and factory farming, whereas in the past, the position of animal rights advocates was accepted as illegitimate or not credible.[25] Teachers are beginning to analyze animal welfare opinions alongside industry positions to help students reach more balanced conclusions.[26]

C. "Humane" Traits

Respect for others, responsibility, honesty, kindness, and compassion are positive traits which should be encouraged in children.[27] In the context of humane education, the term "humane" is succinctly defined as "what are considered the best qualities of human beings" by Zoe Weil, a leader in the field.[28] While it may seem a simple issue to resolve among adults, conflicting opinions on the part of parents can ensue when they are asked to surrender part of their child's moral upbringing to the state.[29]

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22 Lickona, *supra* n. 2, at 165.

23 *See e.g.* Pollan, *supra* n. 19. (discussing the issue of vegetarianism and animal rights. Pollan considers the position and arguments of animal rights advocates and contrasts it with the industry and mainstream view. Although he concludes that meat-eating can be ethically permissible under certain circumstances, which includes a thorough investigation of farm and slaughter facilities, the conclusion is based on an evaluation of all viewpoints, while taking into account the author's personal and moral judgment).

24 *See e.g.* Lickona, *supra* n. 2 at 161–62 (describing the ethical process where a sixth grade class independently investigated the circumstances surrounding a fuel oil spill to determine what happened, rather than accept industry or government reports at face value).

25 *See e.g.* Pollan, *supra* n. 19.

26 *Id.*

27 *See e.g.* Lickona, *supra* n. 2, at 45; Ruth Wilson, Ph.D., *Caring: It's a Not a Lesson, It's a Way of Life* <http://www.earlychildhood.com/ECNEWS/index.cfm?Article=1> (accessed Mar. 1, 2003).

28 Weil, *supra* n. 12. Ms. Weil has been a humane educator since 1985. She is the founder of Animalearn, a humane education program that offers presentations in schools and colleges, and has authored dozens of articles on humane education. The Intl. Inst. for Humane Educ., *IIHE Faculty* <http://www.iihed.org/whoweare.html> (accessed Mar. 1, 2003).

29 *See* Richard S. Myers, *Reflections on the Teaching of Civic Virtue in the Public Schools*, 74 U. Det. Mercy L. Rev. 63 (1996) (espousing the viewpoint that while no

Character education, which advocates teaching certain values, offers assistance on this point by categorizing different types of values, giving educators comfort in teaching universal traits.[30] Values can be divided into two kinds: moral and non-moral.[31] Moral values "tell us what we *ought* to do. We must abide by them even when we'd rather not."[32] Non-moral values involve personal taste or preferences, such as hobbies.[33]

Moral values can be further broken down into universal and non-universal values.[34] Universal values include "treating all people justly and respecting their lives, liberty and equality—[which] bind all persons because they affirm our fundamental humane worth and dignity."[35] Non-universal values include values that are specific to one's religion or values that are strongly held but cannot be forced onto

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establishment clause issue exists in allowing the state to teach civic virtues, the rights of parents are impeded and there is no effective means of legal redress. A solution to this dilemma may be the adoption of a school policy on how to deal with the teaching of controversial issues. Such a policy should include: prior approval of the lesson plan, written parental consent and the option to switch out of the course.); Lickona, *supra* n. 2, at 277. Additionally, the following states allow or encourage parental involvement in curriculum determination: Florida: Fla. Stat. Ann. § 1003.42 (3) (West 2003) (allowing a student to be exempted from sex education or HIV/AIDS instruction); Georgia: Ga. Code Ann. § 20-2-145 (a) (2002) (mandating opportunities for parental involvement in developing a character education program); Iowa: Iowa Code Ann. § 256.18 (1) (West 2002) (calling for the development of character education programs in close cooperation with parents and with input from community leaders); Maine: 20-A Me. Rev. Stat. Ann. § 254 (11), (12) (2002) (calling for the development of programs in consultation with parents and the community); North Carolina: N.C. Gen. Stat. § 115C-81(e1)(4)(g), (7) (2001) (allowing parental participation and review of lesson plans teaching sexual abstinence, HIV/AIDS and sexually transmitted diseases and also allows input from the local community); Utah: Utah Code Ann. § 53A-13-101 (3)(a), (b) (2001) (providing instructional materials for parental review at the regular meeting of local school board on sex education and prevention and requiring parental notification and consent for certain lesson plans; failure to comply results in disciplinary action); Arizona: Ariz. Rev. Stat. Ann. § 15-719(D) (West 2002) (allowing a parent to elect to not have their child participate in a character education program); Texas: Tex. Educ. Code Ann. § 29.903 (c) (2003) (requiring that character education program development committees include parents and members of the community in addition to educators); Virginia: Va. Code Ann. § 22.1-208.01 (2002) (directing that "components of each program should be developed in cooperation with students, their parents and the community at large"). Other states merely acknowledge parents as the primary provider of character development. Colorado: Colo. Rev. Stat. § 22-29-101(2002); Louisiana: La. Stat. Ann. § 17:282.2 (A) (2003). Ky. Rev. Stat. Ann. § 158.645 (LEXIS L. Publg. 2002) (reciting the necessity of parental involvement in sharing responsibility for a child's education generally). *See also San Juan Humane Education Charter School Initiative*, *supra* n. 12 (calling for direct parental involvement in learning).

30 Lickona, *supra* n. 2, at 45 (advocating that the following traits should be taught and encouraged: respect, responsibility, honesty, prudence, self-discipline, helpfulness, compassion, cooperation, courage and a host of democratic values).

31 *Id.* at 38.

32 *Id.*

33 *Id.*

34 *Id.*

35 *Id.*

others, such as followers of Judaism keeping kosher, or Catholics not eating meat on Good Friday.[36]

Using Thomas Lickona's model as a framework, it is clear which values should be taught: "respect, responsibility, honesty, fairness, tolerance, prudence, self-discipline, helpfulness, compassion, cooperation, courage, and a host of democratic values."[37] Although critics argue that schools are too inundated for additional curriculum requirements, character and humane education can be effectively taught as part of a standards-based curriculum, alongside mathematics, science, English, history, arts and music.[38] Children would then be more engaged in curriculum as well. For example, instead of a typical mathematics question involving Train A and Train B, teachers could ask students to determine how many kittens will be born as the result of one unspayed cat.[39] Thus, students would satisfy their math requirements, while learning concepts such as responsible animal guardianship and overpopulation, for a more interesting experience overall.

Another effective method is to present core lessons through practical hands-on activities, such as having children start a recycling program to compliment an environmental conservation module in their science class.[40] Another example is participating in an "insect rescue program" where students place a cup over an insect that makes its way into the classroom, slide a piece of paper under it and then release it outside.[41] Teachers could combine a science discussion on the insect's natural habitat, a lesson in literature by reading books on insect rescue,[42] or an art project by drawing pictures of the insect.

Humane and character education are effective ways to enhance learning, not an additional burden on teachers. "Character [e]ducation is not one more thing to add to the plate—it is the plate. Character

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36 *Id* at 39. *See also infra.* pt. IV (B) (describing non-universal values in character education programs).

37 *Id.* at 45.

38 *Id.* at 166.

39 This example math problem is part of the lesson plans distributed by the American Society for the Prevention of Cruelty to Animals (on file with author). *See also* American Society for the Prevention of Cruelty to Animals, *Humane Education* <http://www.aspca.org/site/PageServer?pagename=education&JServSessionIdr006=4socth0e5l.app6a> (accessed Mar. 1, 2003).

40 Wilson, *supra* n. 27.

41 Humane Education Advocates Reaching Teachers, *The Insect Rescue Service* <http://www.spca.bc.ca/rescue.htm> (accessed Mar. 1, 2003). For this and other HEART lesson plans, see <http://www.nyheart.org/curriculum.html> (accessed Mar. 1, 2003).

42 Phillip and Hannah Hoose, *Hey Little Ant* (Tricycle Press 1998) (following a conversation between a boy and an ant. The boy wants to squish the ant; the ant explains to the boy that he is important in the balance of nature and why his life matters. Both sides are explored and in the end, the boy is left with his shoe over the ant. At this point, the author asks the young readers what they think that the boy should do, encouraging problem-solving skills and critical thinking.).

education can easily be a part of the new standards."[43] In other words, teachers can utilize humane and character education as a foundation for teaching existing curriculum.

D. Relationship to Character Education

There is synergy between the fields of character and humane education. Humane education fosters respect for all living things and the environment.[44] Similarly, character education encourages values and traits such as kindness, honesty, and tolerance; traits that would necessarily achieve the same goal by creating compassionate responsible children.[45]

Leaders in both fields see an overlap and a natural "marriage" between humane and character education. For example, character education advocates support teaching respect for the environment and animal rights issues.[46] As one commentator said, "Many of the elements of effective character education—kindness, compassion, responsibility and respect—apply to our relationships with animals as well as to our relationships with people."[47] Both fields encourage critical thinking as a key component to formulating conclusions. Discussing issues such as whether or not it is ethical both to love animals and eat them is one example of a character-developing discussion that would overlap with humane education.[48] This method allows children to determine the best personal ethical decision, while considering both sides of the issue.[49]

While character and humane education promote similar core values, extensions of philosophy can cause disagreement. Furthermore, many states include positions that are contrary to the majority of public beliefs.[50] For example, Utah's character education law mandates teaching "the essentials and benefits of the free enterprise system,"[51] and goes on to prohibit instruction in "the intricacies of intercourse, sexual stimulation, or erotic behavior," "the advocacy of homosexuality," "encouragement of the use of contraceptive methods" or "the advocacy of sexual activity outside of marriage."[52] Certainly, these values are not universally endorsed.

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43 Academy for Character Education, *Frequently Asked Questions* <http://www.hvcc.edu/k-12/charactered/faq.html> (accessed Mar. 2, 2003).

44 Weil, *supra* n. 12.

45 Lickona, *supra* n. 2, at 45 (advocating that teachers should teach and encourage the following traits: "respect, responsibility, honesty, prudence, self-discipline, helpfulness, compassion, cooperation, courage and a host of democratic values").

46 *Id.* at 161–63, 165.

47 Bill DeRosa, *The Character Connection*, <http://www.hsus2.org/sheltering/magazine/currentissue/sept_oct01/feature1_article1.html> (accessed Mar. 2, 2003).

48 Lickona, *supra* n. 2, at 183.

49 *Id.* at 273.

50 *Infra* pt. IV (B) (discussing character education laws).

51 Utah Code Ann. § 53A-13-101(4) (2001).

52 Utah Code Ann. § 53A-13-101(1)(c)(iii)(A) (I–IV) (2001).

When character education advocates strongly stress abstinence before marriage, alongside the values of kindness, honesty, and tolerance,[53] character education moves beyond merely advocating universal morals and imposes value judgments or decisions based on those values. Such laws take away the essential element of personal choice and critical thinking, since they fail to present students with all options. To illustrate this example, compare the treatment of abstinence and the issue of hunting, both of which draw strong opinions on both sides. Hunting is explored by asking students thought-provoking questions such as: "Is hunting ethical? Under what conditions? Do animals have moral rights?" and allowing the students to evaluate these issues on their own.[54] The issue of abstinence, on the other hand, is taught by imposing the following messages on teens: "Abstinence offers freedom from guilt, doubt, and worry; sexually transmitted disease; pregnancy; the trauma of abortion; loss of reputation; and pressure to marry early. Abstinence offers freedom to become more creative in sharing feelings; develop skills and abilities . . . and develop greater trust in marriage."[55] Another message is offered to teens who do not choose abstinence, "[a]fter having been sexually active, it is possible to regain the advantage of abstinence. Decide to change; forgive yourself and others; change old habits; and develop ways of sharing that do not include sexual activity."[56] This type of instruction is not ideal, because it fails to offer options for students who may choose to have a sexual relationship.[57]

The abstinence issue is becoming a controversial component of character education as it continues to gain national attention.[58] The Bush Administration promises increased funding for programs on abstinence that do not promote or endorse condom use, but follow criteria including teaching that "sexual activity outside the context of marriage is likely to have harmful psychological and physical side effects," and "a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity."[59]

While students may adopt a single view, such as abstinence, after participating in a balanced lesson, any single mandated view is outside the realm of "universal" moral traits that advocates agree should be

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[53] *See e.g.* Lickona, *supra* n. 2, at 367; 20-A- Me. Rev. Stat. Ann. § 254 (11) (2002); N.C. Gen. Stat. § 115C-81(e1)(1)(l) (2001); S. D. Codified Laws § 13-33-6.1 (2002); Utah Code Ann. § 53A-13-101(1)(a)(i)(A) (2001).

[54] *Id.* at 274.

[55] *Id.* at 357 (citing a six-week course in San Marcos, California entitled "Sexuality, Commitment and Family").

[56] *Id.*

[57] In fact, one study indicates that "students who took virginity pledges found the vows did delay sexual activity—but students who lapsed were less likely to use contraceptives," indicating that such one-sided abstinence lesson plans fail to provide students with crucial information. Debra Rosenberg, *The Battle Over Abstinence*, Newsweek 67, 71 (Dec. 9, 2002).

[58] *Id.*

[59] *Id.* at 70.

taught.[60] Abstinence is not a value. Rather, it is a conclusion made by an individual based on his or her values. Teaching the traits of responsibility, self-control, and respect for oneself and others along with education on the dangers of pregnancy, sexually transmitted diseases, and HIV/AIDS can lead students to recognize the benefits of abstinence before marriage. This is distinguishable from encouraging kindness towards animals and respect for the environment. No child can be kind, responsible or compassionate if they are intentionally cruel to animals or show disrespect for the environment. Since character education lesson plans can be subjective based on the materials and personal opinions of instructors, educators should create uniform materials and training.

III. REASONS FOR RENEWED INTEREST IN HUMANE EDUCATION

A. Acceptance of the Violence Link and Humane Education as a Deterrent

The link between violence against animals and violence against humans is supported by conclusive evidence, and this article will not belabor the point.[61] It is alarming that animal violence perpetrators are younger[62] and their crimes are increasingly violent.[63] While the first signs of violence tend to manifest themselves against animals, they often snowball into acts of violence against humans.[64]

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[60] *See* Lickona, *supra* n. 2.

[61] *See* Randall Lockwood, *Animal Cruelty and Violence Against Humans: Making the Connection* 5 Animal L. 82 (1999) (citing *Cruelty to Animals and Interpersonal Violence: Readings in Research and Application* (Randall J. Lockwood & Frank R. Ascione eds., Purdue U. Press 1998) (listing a compilation encompassing the last 200 years); Richard De Angelis, *The Vicious Circle*, 11 Animal Guardian 8 (1998); First Strike, *Youth Violence and Animal Cruelty* <http://www.hsus2.org/firststrike/factsheets/teens_examples.html> (accessed Mar. 2, 2003).

[62] Humane Soc. of the U.S. Press Release, *HSUS Puts the Spotlight on Teen Animal Cruelty Offenders* <http://www.hsus.org/ace/13852> (accessed Mar. 2, 2003) (citing a study showing that 20 percent of all intentionally malicious acts of cruelty against animals were committed by teens—95 percent of them male); Anderson, *supra* n. 19, at 331 (indicating that weapons carrying is more common among younger as opposed to older high school students). *See also* Natl. Ctr. for Educ. Statistics, *Indicators of School Crime and Safety, 2001* <http://nces.ed.gov/pubs2002/crime2001/> (accessed Mar. 2, 2003) (indicating that while in-school violence had declined, "[i]n 1999, students were more than two times as likely to be victims of serious violent crime away from school as at school").

[63] Anderson, *supra* n. 20, at 319–20 (stating that while the number of acts of violence remains steady, the level of severity of these acts has increased and that more students than ever are carrying handguns).

[64] Lockwood, *supra* n. 61, at 83 (citing killers David Berkowitz and Jeffrey Dahmer as examples of violent criminals with prior histories of animal abuse).

The FBI has recognized the link for some time.[65] The general public also accepts the violence link.[66] In addition many legislatures acknowledge the importance of preventing animal cruelty. In fact, thirty-eight states have upgraded their animal cruelty laws to felony status.[67]

While the passage of these stronger laws is an important step, efforts are needed to prevent violence before it begins, to foster the traits of respect, responsibility, and empathy in today's youth towards all forms of life and the environment.[68] Humane education offers an effective vehicle to accomplish this objective. In fact, a recent Zogby poll indicated that more than nine out of ten individuals surveyed felt that it was important for parents and children to discuss respect for all living creatures.[69] Education professionals are encouraging teachers and parents to teach kindness and respect towards all beings, because if children "live with love and compassion, they learn to be loving and compassionate. But if children live with a disregard for the welfare of other living things, they are likely to become callous and uncaring."[70] Educators consider companion animals instrumental in teaching empathy, compassion, and responsibility, as well as boosting children's self-esteem and social skills.[71]

Several studies support this proposition and validate use of humane education as a deterrent to violence.[72] The studies show that

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65 *See* Fed. Bureau of Investigation, *FBI Law Enforcement Bulletin* <http://www.fbi.gov/publications/leb/1999/sept99leb.pdf> (accessed Mar. 2, 2003) (citing animal abuse as one of four factors used to screen for possible future violent offenders. The other three are bedwetting beyond a normal age, fire starting and abusive behavior toward adults.).

66 Anita Manning, *Cruelty to Animals is Linked to Abuse in the Family 'Sign of Real Sickness' can Start Early*, USA Today 9D (Aug. 22, 2000) (citing to the growing recognition of the violence link).

67 *See* Animal Leg. Def. Fund <http://www.aldf.org/uploads/FelonyStatus.pdf> (accessed Mar. 2, 2003) (listing thirty-eight states and the District of Columbia as having felony animal abuse provisions).

68 *See* Gilbert, *supra* n. 4.

69 Zogby International, *2000: Year of the Humane Child Press Materials: Zogby Poll Results* <http://www.humanechild2000.org/poll.htm> (accessed Mar. 2, 2003).

70 Wilson, *supra* n. 27 (discussing a variety of studies and listing ways that parents and teachers can encourage caring and responsibility through simple acts such as recycling and handling living things with respect); *see also*, Lickona, *supra* n. 2, at 108–09 (describing an incident where a teacher was physically threatened by a fifth-grader with a knife. The boy told his friends that he was going to "kill the music teacher." Later it was learned that he was acting in response to something that happened at home. His stepfather came home angry and to "teach him a lesson" took the dog out back and made the boy watch as he shot his tail off).

71 Margeret Renkl, *Animal Attraction*, Parenting Magazine (Mar. 2001) (available at <http://www.parenting.com/parenting/article/article_general/0,8266,6592,00.html>) (accessed Mar. 10, 2003).

72 Justine Tweyman-Erez, *The Effects of a Humane Education Curriculum, Involving the Great Ape Project, On the Attitudes of Fourth Grade Students*, 37 Masters Abstracts International 729 (finding that humane education curriculum changed the attitude of fourth graders and that the change was consistent over time) (copy on file with author); Wendy Shoemake Neyer, *The Impact of Teaching Love and Compassion, A*

incorporating these courses into the school curriculum results in increased feelings of compassion, empathy, kindness, and respect for all forms of life.[73] Students who participated in an experimental group demonstrated use of greater non-violent conflict resolution techniques as a result of the program.[74]

In order to be effective, humane education must become a fixture in school curricula. Studies indicate that mere "one shot" visits to schools by humane educators proved ineffective,[75] while the integration of humane education lessons over time yielded more positive results.[76] At the grade school level, older children (fourth graders) were found to be more affected by the curriculum than younger children (kindergarten to second grade).[77]

B. Rising Demand for Character Education Laws

The desire to have character education as part of public school curricula is not new. In fact, educators routinely taught character education in the public schools until the 1950s,[78] when American and European universities began to embrace the theory of "logical positivism."[79] "Logical positivism" makes the distinction that "facts" can only be demonstrated by scientific proof, while "values" are determined by personal sentiments.[80] In response, schools retreated from teaching values, since the public perceived them as "relative to the individual."[81]

The 1960s brought extreme social change and the rise of "personalism," which celebrates individuality and freedom and frowns

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Humane Education Program, On Adolescent Attitudes and Knowledge Toward Animals and Others, 37 Masters Abstracts Intl. 492 (finding that introducing the "Teaching Love and Compassion" curriculum to a group of seventh graders resulted in significantly higher scores on questions pertaining to the humane treatment of animals; comments by the participants indicated increased feelings of "awareness, empathy and adoption of non-violent conflict resolution techniques") (copy on file with author); Thomas Acton Fitzgerald Jr., *Evaluating Humane Education: Do Humane Society Education Programs Result in Improved Attitudes Toward Animal Life?*, 42 Dissertation Abstracts Intl. 70 (1980) (finding that humane education curriculum resulted in a significant difference in humane attitudes among fifth and sixth graders) (copy on file with author).

73 *Id.*

74 Neyer, *supra* n. 72.

75 Edward Vockell, Ph.D. & E. Frank Hodal, *Developing Humane Attitudes: What does the Research Tell Us?*, Humane Education 4:19–21 (June 1980) (copy on file with author).

76 Fitzgerald, *supra* n. 72.

77 Frank Ascione, *Enhancing Children's Attitudes About the Humane Treatment of Animals: Generalization to Human-Directed Empathy*, Anthrozoos No. 5, 176–91 (1992); Frank R. Ascione & Claudia Weber, *Children's Attitudes about the Humane Treatment of Animals and Empathy: One-Year Follow up of a School-Based Intervention*, 9 Anthrozoos No. 4, 188–95 (1996) (available at <www.deltasociety.org/download/ascione2.rtf>).

78 Lickona, *supra* n. 2, at 8.

79 *Id.*

80 *Id.*

81 *Id.*

upon imposed values or morality.[82] The public viewed values and morality as closely aligned with religion, not with schools.[83] As time went on, communities more clearly defined the lines between church and state, and teachers viewed values and morality in the classroom in a non-secular manner.[84] Many character education advocates claim that the shift accompanied a "moral decline."[85] This "moral decline," coupled with what many perceive as an increase in youth violence, has revived the study of character education.[86]

In the past ten years, there has been a wave of legislation in support of character education. Twenty-eight states, in addition to the Virgin Islands and Guam, have adopted some form of a character education law.[87] States enacted seventeen of these laws within the last four years.[88] There is renewed interest in character education, partly because of the violence link and a recognized need to teach virtue and civility in school. Current research supports this trend, indicating that character education has a significant impact on reducing violent be-

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[82] *Id* at 9.

[83] DeRosa, *supra* n. 47.

[84] *Id.*

[85] Lickona, *supra* n. 2, at 12–19.

[86] *Id.* at 20–22; *See also* Kenyon C. Knapp, *School Violence: Assessment, Management, Prevention*, 30 J. L. & Educ. 571 (2001) reviewing *School Violence: Assessment, Management, Prevention* (M. Shaffi and S.L Shaffi, eds., Am. Psychiatric Publg., Inc. 2001).

[87] Laws mandating character education: Alabama: (Ala. Code § 16-6B-2(h) (2003); Arkansas: (Ark. Code Ann. § 6-16-125 (LEXIS L. Publg. 2001); California: (Cal. Educ. Code § 233.5) (West 2003); Florida: (Fla. Stat. Ann. § 1003.42(2q) (West 2003); Georgia: (Ga. Code Ann. § 20-2-145 (2002); Indiana: (Ind. Code Ann. § 20-10.1-4-4.5) (LEXIS L. Publg. 2002); Nebraska: (Neb. Rev. Stat. § 79-725) (1996); New York: (N.Y. Educ. Law § 801-a) (McKinney 2003); North Carolina: (N.C. Gen. Stat. § 115C-81(h)) (2001); South Carolina: (S.C. Code Ann. § 59-17-135) (2002); South Dakota: (S.D. Codified Laws § 13-33-6.1) (2002); Tennessee: (Tenn. Code Ann. § 49-6-1007) (2001); Utah: (Utah Code Ann. § 53A-13-101) (2001); Virginia: (Va. Code Ann. § 22.1-208.01) (2002); Washington: (Wash. Rev. Code Ann. § 28A.230.020) (West 2003); Virgin Islands: (17 V.I.C. § 41b) (2002) and Guam: (17 Guam Code Ann. § 5115) (2002). Laws encouraging character education: Arizona: (Ariz. Rev. Stat. § 15-719) (West 2002); Colorado: (Colo. Rev. Stat. § 22-29-101) (2002); Iowa: (Iowa Code Ann. § 256.18) (West 2002); Kentucky: (Ky. Rev. Stat. Ann. § 158.005) (LEXIS L. Publg. 2002); Louisiana: (La. Stat. Ann. § 17:282.2) (2003); Maine: (20 Me. Rev. Stat. Ann. § 1221) (2002); Mississippi: (Miss. Code Ann. § 37-13-181) (2002); Oklahoma: (Okla. Stat. Ann. tit. 70, § 1210.229-6) (West 2003); Oregon: (Or. Rev. Stat. Ann. §§ 336.181, 336.067) (2001); Texas: (Tex. Educ. Code Ann. § 29.903) (2003) and West Virginia: (W.Va. Code § 18-2-13) (2002). In addition, North Dakota has a constitutional provision which touches on this issue and the Maryland Senate has passed a resolution encouraging character education. N.D. Const. Art. 8 § 3; Md. Sen. Res. 13, Md. Gen. Assembly (2002) (available at <http://mlis.state.md.us/2002rs/fnotes/bil_0003/sj0013.doc>).

[88] The following states enacted character education laws in the past four years: California (2000); Florida (1999); Georgia (1999); New York (2000); North Carolina (2001); South Carolina (2000); Virginia (1999); Arizona (2000); Colorado (2001); Kentucky (2000); Maryland (2000); Mississippi (1999); Ohio (2000); Oklahoma (1999); Oregon (1999); Texas (2001) and West Virginia (2001).

havior among youth,[89] reducing drug and alcohol use,[90] and aids in efforts to obtain peaceful co-existence among diverse populations.[91] This wave of legislation ensued after President Clinton endorsed "character education, to teach good values and good citizenship" in his 1996 State of the Union Address.[92] As a result, communities formed partnerships and institutes for character education to offer venues to train teachers and promote character education.[93]

C. *Humane Education as a Field of Study*

Humane education needs to be its own field of study. Though still in its infancy, humane education is at a similar stage as women's studies and African-American studies in the 1960s.[94] The following examples illustrate this sentiment.

In 1985, the New York City Board of Education provided funding for a free "Humane Education Resources Guide" for teachers of kindergartners through sixth-graders.[95] Subsequently, in 1989, the United Federation of Teachers created a "Humane Education Committee," which offers educational training, seminars, and materials for area teachers.[96]

In 1997, Zoe Weil and Rae Sikora, another prominent Humane Educator, established the "Humane Education Certification Program,"[97] the first and only program in the United States to offer training and certification in humane education.[98] It contains five modules: presentation and communication training; animal issues; environmen-

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89 Lickona, *supra* n. 2, at 28–29 (citing a study conducted by the California's Child Development Project indicating overwhelmingly positive results upon implementation of values education in the curriculum); *see also* Weil, *supra* n. 12 and Kim L. Hopper, *New Breed of Class is Motivating Teens: Students, Dogs Find Rewards in Canine Training,* Indystar (Oct. 28, 2002) (reporting on a program where teens give obedience lessons to dogs. The article cites the teens as learning "patience, responsibility and self-confidence."). *See also* supra n. 4.

90 Lickona, *supra* n. 2, at 383–84 (citing the success of Drug Abuse Resistance Education in building self-esteem among pre-teens).

91 Martha Minow, *Education for Co-Existence*, 44 Ariz. L. Rev. 1 (2002) (discussing the strife among various ethnic and political groups and suggesting education as a vehicle to obtain peaceful co-existence. The author cites to five areas that would be beneficial: conflict resolution, intergroup contact, human rights, moral reasoning, which includes character education, and comparative history and self-reflection).

92 President William J. Clinton, Speech, *1996 State of the Union Address* (Washington, D.C., Jan. 23) <http://clinton4.nara.gov/WH/New/other/sotu.html> (accessed Mar. 4, 2003).

93 *See* The Character Education Partnership <http://www.Character.org> (accessed Mar. 4, 2003); Academy for Character Education at Hudson Valley Community College <http://www.hvcc.edu/k-12/charactered/index.html> (accessed Mar. 4, 2003).

94 Weil, *supra* n. 12.

95 Leavitt & Beary, *supra* n. 10; telephone interview with Sheila Schwartz, Pres., United Fedn. of Teachers Humane Educ. Comm. (Nov. 14, 2002).

96 *Id.*

97 Weil, *supra* n. 12; the Intl. Inst. for Humane Educ. <http://www.iihed.org> (accessed Mar. 1, 2003).

98 *Id.*

tal issues; cultural issues; and human rights issues.[99] This program uniformly trains humane educators to meet the current demand, as well as provides course materials.[100]

This year, the California Teacher's Association sponsored a conference entitled "Creating School & Community Partnerships for Reducing Violence."[101] The conference stressed using humane education as a tool to reduce school violence. It drew about 150 participants, who were mostly local area teachers.[102] Because this conference was so well-received, it is likely to become an annual event.

Perhaps the most exciting development in the field is an attempt currently underway to create the first Humane Education Charter Elementary School in San Juan, California.[103] The school will strive to provide students with "a safe and nurturing learning community that enables students to become responsible, cooperative and compassionate citizens through an educational process that fosters critical thinking, academic achievement, social success and the respect and self-worth of all sentient beings."[104] The school will have a strong character education component "stressing appropriate caring humane behavior towards other humans."[105] The establishment of this school will offer students the unique opportunity to learn in an environment immersed in the principles of humane education. Additionally, the school will allow society to observe the positive benefits of such a curriculum.

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99 *Id.*

100 There are currently twenty-one students total enrolled in both the International Institute for Humane Education's (IIHE) Humane Education M.Ed. program (affiliated with Cambridge College) and the Humane Education Certificate Program (HECP) courses. Email from Mary Pat Champeau, IIHE's IMED/HECP Coordinator to Lydia Antoncic (Feb. 10, 2003) (copy on file with author).

101 Further information on this conference can be found at <www.ctaregion2.org/HE_page_1.htm> (accessed Mar. 8, 2003). *See also*, Gonzales, *supra* n. 13 (reporting on the success of the conference).

102 *Id.*

103 A petition for the development of a charter school was accepted on April 25, 2002. Telephone interview with Yale Wishnick, Cal. Teachers Assn. (Nov. 14, 2002). A charter school is defined as "an alternative form of public schooling. The goal of charter schools is to lift restraints from public schools so they can pursue innovative teaching methods that will improve student performance." *Charter Schools Issue Brief*, Education Commission of the States (1996). They are designed to give significant autonomy to individual schools and, in turn, to hold those schools accountable for results. A charter is essentially a contract, negotiated between those people starting the school and the official body authorized to approve the charter. As long as the school meets the terms of its charter, it is free from many of the rules and regulations that apply to other public schools.

104 *See San Juan Humane Education Charter School Initiative*, *supra* n. 12, at 1.

105 *Id.*

IV. HUMANE AND CHARACTER EDUCATION LAWS IN THE UNITED STATES

A. *Humane Education Laws*

Currently, thirteen states have a humane education law.[106] As discussed below, these laws are wide-ranging, and they vary in subject matter.[107] Because few have compliance or penalty provisions, most act merely as a statement of legislative intent or as an endorsement of the importance of education regarding the humane treatment of animals and preservation of the environment.[108] Most importantly, none of these laws include a budgetary allocation. In fact, the California law specifically states that compliance is required, so long as it does not result in an "increase of costs."[109] This component calls into question whether these laws are mere lip service to the notion of humane education. Nonetheless, the laws are relevant and useful in adding weight and credibility to the importance of incorporating humane education into curricula. Since there are only a handful of laws, each will be briefly discussed below.

Nine states have mandatory humane education laws.[110] New York has the strongest law, which mandates that elementary school instruction include "humane treatment and protection of animals" and lessons on the importance of spaying or neutering.[111] It further establishes a "Conservation Day" to increase interest in fish, wildlife and plant life.[112] The law requires this instruction for a period of time

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106 California, Florida, Illinois, Louisiana, Maine, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Tennessee, Washington, and Wisconsin's laws are discussed *infra*.

107 Many animal protection groups include choice in dissection laws under the heading of humane education laws. They have not been included in this discussion since they are, in the author's opinion, a separate subject matter that merits a lengthy analysis of its own.

108 Though many of these laws act as a statement of legislative intent, it is interesting to note that while calling for the humane treatment of animals, some laws specifically exclude instruction in animal husbandry from this requirement, indicating yet another effort to exclude farm animals from the equation. *See e.g.* Cal. Educ. Code Ann. §§ 51540, 32255.6 (West 2003), N.Y. Educ. Law § 809(3) (McKinney 2003), N.H. Rev. Stat. Ann. § 644.8-c (VIII) (2002), Ga. Code Ann. § 50-16-80(d) (2002).

109 Cal. Educ. Code Ann. § 233(a) (West 2003).

110 Mandatory laws are found in California, Florida, Illinois, New York, North Dakota, Pennsylvania, Tennessee, Washington, and Wisconsin and are discussed *infra*.

111 The actual text of the law states that it applies to "every elementary school under state control or supported wholly or partly by public money of the state." N.Y. Educ. Law § 809 (McKinney 2003). Apparently, no one took efforts to determine how much public funding was enough to trigger this statute. However, case law under Title IX and conversations between the author and officials at the State Education Department suggest that the law does effectively apply to all elementary schools. This is further supported by a February, 1996 memorandum issued by the State Education Department that outlines the requirements of Section 809 and addresses it, in part, to "Principals of Public and Nonpublic Schools."

112 N.Y. Educ. Law § 810 (McKinney 2003).

set by the Board of Regents.[113] New York is the only state with a penalty provision for failure to comply, which theoretically results in a loss of funding, though no action has ever been brought to test this penalty provision.[114] Pennsylvania requires humane education "up to and including the fourth grade," and recommends that such instruction "not exceed half an hour each week."[115] Pennsylvania and New York are the only states to limit instruction to the fourth grade and elementary school level, respectively.[116]

California's law is bifurcated. It requires instruction in areas that fall under the umbrella of humane education, such as preventing hate violence,[117] improving human relations, and fostering appreciation for people of different ethnicities.[118] However, the law only suggests that teachers "endeavor to impress" upon students "the meaning of equality and human dignity, including the promotion of harmonious relations, kindness towards domestic pets and the humane treatment of living creatures."[119] Notably, both California provisions specifically state that they are inapplicable if they result in increased funding.[120]

Florida law requires teaching "kindness to animals," and "the conservation of natural resources," as well as other subjects that encourage appreciation for diversity.[121] Florida also calls for a recommendation of instructional materials that promote diversity, protection of the environment, and humane treatment of both people and animals.[122] Illinois was the first state to pass a compulsory humane education law with a penalty provision in 1909.[123] The law required "instruction in the humane treatment and protection of birds

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113 Several inquiries by the author to the Board of Regents on this issue went unanswered, and through a meeting with the New York Education Department, it appears that no period of time for weekly instruction was ever set, though the language of the statute suggests that instruction should be weekly and may be divided into two or more periods. N.Y. Educ. Law § 809 (McKinney 2003); meeting with Diana Harding, N.Y. State Educ. Dept. (Oct. 4, 2002).

114 N.Y. Educ. Law § 809(1) (McKinney 2003).

115 Pa. Stat. Ann. tit. 24, § 15-1514 (West 2002).

116 *Id.; see also* N.Y. Educ. Law § 809 (McKinney 2003).

117 Cal. Educ. Code Ann. § 233(a)(1), (4) (West 2003).

118 Cal. Educ. Code Ann. § 233(a)(2), (3) (West 2003).

119 Cal. Educ. Code Ann. § 233.5(a) (West 2003). Senator Jack O'Connell introduced a more stringent version of this law on February 23, 2001 as Senate Bill 811. The bill required that the science, history and social science curricula incorporate teaching compassion and respect for humans and animals in grades seven through twelve. The bill did not call for any appropriations. Sen. O'Connell, a candidate for State School Chief in California, was sharply criticized for supporting this bill. However, this proposed bill was dropped. *See also*, Saunders, *supra* n. 13; Cal. Educ. Code Ann. § 60042 (West 2003) (calling for the adoption of instructional materials that promote humane treatment of animals and people).

120 Cal. Educ. Code Ann. § 233.5(a) (West 2003).

121 Fla. Stat. Ann. § 1003.42(2)(j), (l) (West 2003).

122 Fla. Stat. Ann. § 233.09, 1006.31 (West 2003).

123 105 Ill. Comp. Stat. Ann. 5/27-13 (repealed 1967). Humane education laws have also been repealed in Alabama: Ala. Code § 16-60-4 (repealed 1991); Michigan: Mich. Comp. Laws §§ 380.1170, 380.1171a (repealed 1996); South Dakota: S.D. Codified Laws

and animals" but was repealed in 1967.[124] Currently, Illinois has a variety of applicable provisions requiring instruction in the "conservation of natural resources."[125] These include the incorporation of "moral and humane education" once a year as part of the teacher's institute,[126] and designation of "Arbor and Bird Day . . . to show the value of trees and birds and the necessity for their protection."[127]

Additional examples include Washington, which requires instruction on the "worth of kindness to all living creatures and the land."[128] North Dakota requires instruction about the humane treatment of animals in public schools.[129] Wisconsin designates "Arbor and Bird Day," which promotes protection of birds and trees.[130] Tennessee requires instruction in waste management and recycling.[131]

The rest of the states have non-mandatory laws that merely state legislative intent. Louisiana's law encourages the board of education to "take such steps as it may think necessary . . . for the teaching of kindness to dumb animals."[132] Maine's law requires instructors to use their "best endeavors" to encourage principles of virtue and morality, which includes "kindness to birds and animals."[133] New Jersey allows teaching "special courses" that promote "kindness and avoidance of cruelty to animals and birds,"[134] but does not suggest that schools include it in their curricula. Oregon calls for "special emphasis" on issues such as respect for humans and the humane treatment of animals.[135]

In addition to the state laws, there have been three federal initiatives on this point. A federal resolution in support of humane education was drafted by Representative Kucinich of Ohio, in May 2001.[136] The resolution refers to violence in our society, and to the link between animal abuse and violence against humans. It endeavors to "promote humane education across America, which serves a vital role in building the character of America's youth and promoting a more compassionate, less violent society."[137] Representative Kucinich also successfully added language to the Juvenile Justice and Delinquency Prevention Act of 2001, calling for funding for programs that provide

§ 13-33-8 (repealed 1995); Wisconsin: Wis. Stat. Ann. § 40.46 (repealed 1968); and Wyoming: Wyo. Stat. Ann. § 21-266 (repealed 1969).

124 20 Ill. Comp. Stat. Ann. 830/1-1 (West 2002).

125 105 Ill. Comp. Stat. Ann. 5/27-13.1 (West 2002).

126 105 Ill. Comp. Stat. Ann. 5/27-15 (West 2002).

127 105 Ill. Comp. Stat. Ann. 5/27-18 (West 2002) .

128 Wash. Rev. Code Ann. § 28A.230.020 (West 2003).

129 N.D. Cent. Code § 15-38-11 (1943).

130 Wis. Stat. Ann. § 14.16 (West 2002).

131 Tenn. Code Ann. § 68-211-845 (2001).

132 La. Stat. Ann. § 17:266 (2003).

133 20 Me. Rev. Stat. Ann. § 1221 (2002).

134 N.J. Stat. Ann. § 18A:35-4.1 (2002).

135 Or. Rev. Stat. Ann. § 336.067 (2001).

136 H.R. Res., 107th Cong. (May 2001) (available at <http://www.house.gov/kucinich/info/animal.htm>).

137 *Id.*

counseling to juveniles who perpetrate animal cruelty offenses.[138] That same year, Rep. Jackson-Lee of Texas introduced the Family Violence Prevention Act.[139] This Act would provide funding for "programs that create awareness of and address the connection between family violence and animal abuse."[140] Educational outreach is one program area that would receive funding under this Act.[141]

B. Character Education Laws

The most exciting development in this area is the recent surge of character education laws passed by states. While many of the humane education laws discussed above can qualify as character education laws,[142] many new laws specific to character education have passed in the last five to ten years.[143] Twenty-eight states, plus the Virgin Islands and Guam, currently have a character education law.[144] Another twenty-one states without specific legislation have indicated support for character education. Only Nevada and the District of Columbia have not addressed the issue.[145]

On the federal level, the Character Learning and Success Act 2001 (CLASS Act), was introduced in February 2001.[146] CLASS Act would establish a national resource center for character education, where employers disseminate information and investigate the presence of character education programs in the United States.[147]

1. Laws Mandating Character Education.

Fifteen states have laws that mandate character education.[148] Unlike humane education laws, which often apply to particular grade levels, character education laws apply to kindergarten through the twelfth grade.[149] Most do not specify the type of school they apply to, though some of the laws limit application to public schools, while

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138 H.R. 1900, 107th Cong. § 241(a)(20) (2001).

139 H.R. 4916, 107th Cong. (2002).

140 *Id.*

141 *Id.* The act was introduced in both chambers but no further action has been taken on it.

142 *See*, pt. II (D) for a thorough discussion on the relationship between character and humane education.

143 *See supra* n. 87.

144 *Id.*

145 Andrea Grenadier, *State Character Education Activity*, Character Educ. Partn. (June 2002) (available at <http://www.mindoh.com/docs/StateCEactivity.DOC>) (accessed Feb. 17, 2003).

146 H.R. 613, 107th Cong. (2001).

147 *Id.*

148 *See supra* n. 87. California's law is included here because it has compulsory language, despite the fact that character education is required so long as it does not "result in a state mandate or an increase in costs." *Supra* n. 117.

149 South Dakota's statute is unclear on this point as it applies to "elementary and secondary schools" and it is unclear whether "secondary" includes high school. S.D. Codified Laws § 13-33-6.1 (2002).

others specifically extend to non-public schools.[150] Some laws prescribe specific traits to teach in schools and allow local officials to determine what materials to use,[151] while others leave both decisions to

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[150] The following state laws extend application to non-public schools as well:

Alabama: Ala. Code 1975 § 16-6B-2 (2002) (applies to "every" Alabama student); Nebraska: Neb. Rev. Stat. § 79-725 (1996) (applies to teachers "in any public, private, parochial or denominational school"); South Dakota: S.D. Codified Laws § 13-33-6.1 (2002) (applies to "all public and non-public elementary schools"). The following state laws specifically limit application to public schools: Arkansas: Ark. Code Ann. § 6-16-125 (LEXIS L. Publg. 2001) (specifies public schools only); Indiana: Ind. Code Ann. § 20-10.1-4-4.5 (LEXIS L. Publg. 2002) ("applies only to public schools"); Tennessee: Tenn. Code Ann. § 49-6-1007 (West 2001) (applies to "all public schools"); West Virginia: W. Va. Code § 18-2-13 (2002) (applies to "all public schools" pre-kindergarten to twelfth grade). While the others do not specify, uniform application can be implied.

[151] Alabama: Ala. Code § 16-6B-2(2)(h) (2002) (requiring ten minutes per day on the following traits: "courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, patience, creativity, sportsmanship, loyalty and perseverance"); California: Cal. Educ. Code Ann. § 233.5 (West 2003) (encouraging instruction in "the principles of morality, truth, justice, patriotisms . . . the meaning of equality and human dignity . . . teach them to avoid idleness, profanity and falsehood"); Florida: Fla. Stat. Ann. § 1003.42(2)(q) (West 2003) (effective school year 2004–2005, all schools "shall stress the qualities of patriotism, responsibility, citizenship, kindness, respect, honesty, self-control, tolerance and cooperation." In addition, all elementary schools are to incorporate a character development program that "is secular in nature and stresses such character qualities as attentiveness, patience and initiative."); Georgia: Ga. Code Ann. § 20-2-145 (2002) (stressing the traits of "courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue." Programs shall also address "methods of discouraging bullying and violent acts against fellow students," and shall encourage parental involvement); Indiana: Ind. Code Ann. § 20-10.1-4-4.5 (LEXIS L. Publg. 2002) (requires "good citizenship instruction" that stresses the importance of honesty, respect for authority, respect for the property of others, doing one's best, not stealing, non-violent conflict resolution, responsibility to family and livelihood, respect for the flag, parents, home, self and the rights of others and their religious beliefs); Nebraska: Neb. Rev. Stat. § 79-725 (1996) (emphasizing, among others, the traits of "common honesty, morality, courtesy, obedience to law, respect for the national flag, the United States Constitution, the Constitution of Nebraska, respect for parents and the home, the dignity and necessity of honest labor"); New York: N.Y. Educ. Law § 801-a (McKinney 2003) (stressing the traits of "honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity"); North Carolina: N.C. Gen. Stat. § 115C-81(h) (2002) (requiring instruction in courage, good judgment, integrity, kindness, perseverance, respect, responsibility, self-discipline and respect to school personnel, school safety, service to others and good citizenship, among others); South Carolina: S.C. Code Ann. § 59-17-135(B) (2002) (incorporating the traits of "respect for others, honesty, self-control, cleanliness, courtesy, good manners, cooperation, citizenship, patriotism, courage, fairness, kindness, self-respect, compassion, diligence, generosity, punctuality, cheerfulness, patience, sportsmanship, loyalty and virtue"); South Dakota: S.D. Codified Laws § 13-33-6.1 (2002) (stressing the traits of citizenship, patriotism, honesty, self discipline, self respect, sexual abstinence, respect for the contributions of minority and ethnic groups to the heritage of South Dakota, regard for the elderly and respect for authority); Utah: Utah Code Ann. § 53A-13-101(4) (2001) (stressing, among

the discretion of the local department of education.[152]

While most of these laws require inclusion of a basic character education curriculum in the classroom, some states have gone beyond the basic requirement to include a broader range of subjects and penalty provisions. For example, Nebraska has the harshest penalty provision, subjecting a teacher in violation of the law to a misdemeanor.[153] North Carolina has the most extensive law, which is a good example of the potential broad nature of character education.[154] In addition to basic character education, the law requires instruction regarding alcohol and drugs,[155] family life,[156] abstinence until marriage,[157] and is one of the few states, along with West Virginia that has appropriated funding for the curriculum.[158] Some states call for character education as part of special programs such as dropout prevention and academic assistance programs.[159] A few states encourage parental involvement in determining an acceptable character education curriculum.[160] Many states view adopting character education laws as a first step, and many educators hope that these efforts will continue to expand the field.[161]

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others, the traits of "honesty, temperance, morality, courtesy, obedience to law. . . the essentials and benefits of the free enterprise system, respect for parents and home, and the dignity of honest labor"); Virginia: Va. Code Ann. § 22.1-208.01 (2002) (encouraging character traits including: trustworthiness, honesty, integrity, reliability, loyalty, respect, tolerance, courtesy, responsibility, accountability, diligence, perseverance, self-control, fairness, caring, kindness, empathy, compassion, consideration, generosity, charity and patriotism); Washington: Wash. Rev. Code Ann. § 28A.230.020 (West 2003) (requires schools to provide instruction in "the cultivation of manners, the fundamental principles of honesty [and] honor"); and West Virginia: W. Va. Code § 18-2-13 (2002) (requiring character development programs that encompass, among others, the following traits: "honesty, caring, citizenship, justice, fairness, respect and responsibility").

152 *See*, for example, S.C. Code Ann. § 59-17-135(B), (C) and (E) (2002).

153 Neb. Rev. Stat. § 79-727 (1996).

154 N.C. Gen. Stat. § 115C-81 (2001).

155 N.C. Gen. Stat. § 115C-81(a3) (2001).

156 N.C. Gen. Stat. § 115C-81(e1)(2001).

157 *Id.*

158 N.C. Gen. Stat. § 115C-81(a) (2001) (stating the intent of the legislature to fully fund the "basic education program" and mandating that funds from the state education funding program be used prior to that). The proposed budget in 2002 allocates $200,000 for character education programs. West Virginia also provides funding "from the 0313 unclassified account within the state department of education budget." W. Va. Code § 18-2-13(f)-(q) (2002).

159 Fla. Stat. Ann. § 1003.53 (West 2003) (character development program targets students that are disruptive, truant, have committed violent acts or are more likely to drop out of school); Tenn. Code Ann. § 49-1-520 (2001) (creates programs that promote the combating of poor self-esteem, among other things, as a deterrent to dropping out).

160 *See supra* n. 29.

161 Grenadier, *supra* n. 145 (listing Alabama, Georgia and Indiana as states that are currently considering additional legislation and initiatives).

2. *Laws Encouraging Character Education*

Fourteen states encourage character education.[162] Some do so by enacting statutes that encourage development of a character education program stressing certain traits,[163] while others merely express legislative intent through a declaration, resolution, or budgetary allocation.[164] Mississippi is one of the few states that does not define

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[162] *See supra* n. 87.

[163] Arizona: Ariz. Rev. Stat. Ann. § 15-719 (West 2002) (encouraging a program that promotes the following traits: truthfulness, responsibility, compassion, diligence, sincerity, trustworthiness, respect, attentiveness, obedience, orderliness, forgiveness and virtue. A more stringent bill based on the Character First and Character Counts! program was passed by the legislature and then was vetoed by the Governor); Iowa: Iowa Code Ann. § 256.18 (West 2002) (encouraging a pilot program to create a character education program that promotes the qualities of honesty, responsibility, respect for the law, citizenship, courage, initiative, commitment, perseverance, kindness, compassion, service, loyalty, fairness, moderation, patience and the dignity and necessity of hard work). Iowa also has a family support program which encourages parent's and childrens' self-esteem for expectant parents and parents of children through age five. Iowa Code Ann. § 256A.4 (West 2002); Kentucky: Ky. Rev. Stat. Ann. § 158.005 (LEXIS L. Pblg. 2002) (setting out basic notions of character education) and Ky. Rev. Stat. Ann. § 158.6451(1)(b)(3) (LEXIS L. Publg. 2002) (encouraging instruction that promotes development of the following traits: "altruism, citizenship, courtesy, honesty, human worth, justice, knowledge, respect, responsibility and self-discipline"). *See also*, Ky. Rev. Stat. Ann. § 158.440 (LEXIS L. Publg. 2002) (encouraging conflict resolution skills instruction to students with a history of violent behavior or to students at risk of school failure); Louisiana: La. Stat. Ann. § 17:282.2 (2003) (finding that even though character development is a parental responsibility, schools should encourage the traits of honesty, fairness and respect for self and others and requiring the State Education Department to be a clearinghouse for these program materials); Maine: 20-A Me. Rev. Stat. Ann. § 254 (11) (2002) (requiring the development of state-wide standards for responsible and ethical behavior) and 20-A Me. Rev. Stat. Ann. § 1221 (2002) (overlapping with humane education law and encouraging instruction in "morality and justice and a sacred regard for truth . . . industry and frugality, chastity, moderation and temperance"); Maryland 2002 Senate Resolution available at <http://mlis.state.md.us/2002rs/fnotes/bil_0003/sj0013.doc> (accessed Mar. 9, 2003); North Dakota: N.D. Const. Art. 8 § 3 (encouraging instruction "as far as practicable" of truthfulness, temperance, purity, public spirit and respect for honest labor of every kind); Texas: Tex. Educ. Code Ann. § 29.902 (2003) (allowing character program that stresses the "positive" traits of courage, trustworthiness, honesty, reliability, punctuality, loyalty, integrity, respect, courtesy, diligence, perseverance, self-control, fairness, caring, good citizenship and school pride); Guam: 17 Guam Code § 5115 (2001) (encouraging teachers to impress upon students the principles of morality, truth, justice, patriotism, the avoidance of idleness, profanity, falsehood and to encourage respect for authority and the rights, duties and responsibilities of citizenship); Virgin Islands: 17 Virgin Islands Code § 41b (2002) (establishes an elective program of not less than ten minutes per day that teach the traits of commitment, cooperation, courtesy, creativity, generosity, honesty, moderation, patience, patriotism, punctuality, respect, compassion for others, respect for the environment, school pride, self-discipline, tolerance, dignity and the necessity of hard work).

[164] *E.g.* Colo. Rev. Stat. § 22-29-101 (2002) (encouraging qualities of family support, community involvement, positive peer influence, motivation to achieve, respect for person and property, common courtesy, conflict resolution, integrity, honesty, fairness, a sense of civic and personal responsibility, purpose and self-respect); Md. Sen. Res. 13, Md. Gen. Assembly (2002) (available at <http://mlis.state.md.us/2002rs/fnotes/bil_0003/sj0013.doc>).

character traits at all, but merely states that any character education program should be consistent with existing law and be determined by school districts.[165] Louisiana does not endorse any one trait or program, leaving the program to local discretion,[166] and Texas specifically prohibits the "proselytizing or indoctrinat[ion] concerning any specific religious or political belief."[167]

While many state laws are silent, a few specifically apply only to public schools.[168] These laws either state or imply application to kindergarten through twelfth grade. Oklahoma and Oregon are the only states that limit character education to grades kindergarten through six.[169] However, both states offer other venues to extend character education beyond grade six. Oklahoma encourages "training in life skills, such as problem-solving, responsibility, communication and decision-making skills" in the context of drug and alcohol abuse education.[170] Oregon calls for "special emphasis" on instruction about character traits[171] as well as respect for others, animals, and the environment.[172] Kentucky also goes beyond basic character education requirements to include peaceful conflict resolution training for disruptive students.[173] Ohio is one of the few states that appropriates funds for character education, but it does not have a law encouraging or mandating it.[174]

Although not mandatory, Louisiana has gone beyond basic character education to implement legislation which encourages "courtesy."[175] Such legislation specifically encourages students to address school personnel as "sir or ma'am." Louisiana's "courtesy" legislation is viewed as

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165 Miss. Code. Ann. § 37-13-181 (2001), Miss. Code. Ann. § 37-13-185 (2001) (stating that "no student shall be assessed or evaluated as to whether or not the student evidences a specific character trait in his or her own life").

166 Grenadier, *supra* n. 145.

167 Tex. Educ. Code Ann. § 29.903 (2003).

168 *See* Ariz. Rev. Stat. Ann. § 15-7-19 (West 2002); 20-A Me. Rev. Stat. § 254 (2002); Or. Rev. Stat. Ann. § 336.067 (2001).

169 Okla. Stat. Ann. tit. 70, § 1210.229-6 (West 2003) (the statute does not list traits but states that a program may include the voluntary recitation of the Pledge of Allegiance); Or. Rev. Stat. Ann. § 336.181 (2001) (encourages programs based on the Character First education series or a similar program so long as it is a secular program).

170 Okla. Stat. Ann. tit. 70, § 1210.229-2 (West 2003).

171 Or. Rev. Stat. Ann. § 336.067 (2001) (stressing the traits of honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States and of Oregon, respect for parents, home and the dignity of honest labor).

172 *Id.*

173 Ky. Rev. Stat. Ann. § 158.440 (LEXIS L. Publg. 2002) (language may be read to encourage conflict resolution training for disruptive students).

174 Grenadier, *supra* n. 145, Ohio Bills: Ohio H. 640, 123rd Gen. Assembly (June 15, 2000), Ohio Sen. 245, 123rd Gen. Assembly (April 4, 2000) (appropriating over $1 million for character education). Additionally, the following states address funding: Iowa Code Ann. § 256.18 (West 2002) (asks Department of Education to assist in providing funds and for schools to use existing financial resources); Ariz. Rev. Stat. Ann. § 15-7-19 (West 2002), Tex. Educ. Code Ann. § 29.003 (2003) and 17 Virgin Islands Code § 41b (2002) all allow states to apply for federal funding for programs.

175 La. Stat. Ann. § 17:282.2 (2003).

model, and many states have either adopted similar policies or are currently considering adoption.[176] South Carolina has adopted this policy, but limits its application by stating that "[n]o school board may provide suspension or expulsion from school as an appropriate punishment for violation."[177]

In addition to statutes, many states encourage character education through non-legislative measures. In Arizona, the governor recently appointed a character education committee consisting of members of the business and educational community, to explore funding sources and potential lesson plans.[178] Louisiana's governor has created the "Outstanding Character Education Awards" program,[179] which is supported by private funds. Finally, Maryland is the first state to appoint a character education coordinator for the entire state.[180]

3. *States that Support Character Education Absent Legislation*

Absent specific legislation, there are twenty states that demonstrate varying degrees of support for character education programs.[181] Some states have done so through the adoption of character education policies by state education departments,[182] the creation of programs by parent or community groups,[183] or the endorsement of programs

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176 South Carolina: S.C. Code Ann. § 59-17-135 (2002) (encouraging students to address public school employees as "sir" or "ma'am" and to show courtesy and respect by using terms such as "please" and "thank you"); North Carolina: N.C. Gen. Stat. § 115C-81(h1)(1) (2001) (encouraging students to "hold teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deed that all school personnel deserve to be treated with courtesy and proper deference"). *See also* Grenadier, *supra* n. 145, at 4 (stating that the following states are considering similar legislation: Alabama, Georgia, Indiana, Kentucky and Mississippi).

177 S.C. Code Ann. § 59-17-135(F) (2002).

178 Grenadier, *supra* n. 145.

179 *Id.*

180 *Id.*

181 *Id.*

182 *Id.*; The Connecticut State Education Department encourages districts to include character education in their curriculum; the Hawaii Board of Education adopted character education as a policy; the Michigan State Board of Education adopted a resolution encouraging character education in 1996 <http://www.michigan.gov/images/2458_bdpolicy961024_772_7.pdf> (accessed Mar. 9, 2003); Vermont's state education standards include instruction on personal responsibility and social development.

183 Alaska's 1998 Character Education Project has plans for school reform underway to teach citizenship and healthy life skills. Parents, educators and business leaders in Missouri established a CHARACTER *plus* program in 1988. It is the largest community program in the country. New Mexico's "Standards of Excellence" program identifies schools and programs that promote character education as a tool for student success. Pennsylvania's Alliance for Character Education (PACE) is working to establish programs to be taught in schools. Wyoming's local school boards have established several community programs to deal with school violence to comply with the Safe and Drug Free Schools and Communities Act. Grenadier, *supra* n. 145, at 6–7.

outside the regular school curriculum.[184]

Certain states also actively solicit funds for the creation of character education programs. For example, Connecticut, Idaho, Kansas, and Rhode Island received federal funds for character education programs,[185] New Hampshire and Pennsylvania received state funds to address violence prevention in schools,[186] and New Jersey approved a $4.75 million appropriation for the New Jersey Character Education Partnership Initiative.[187]

Character education bills are pending in Hawaii, New Jersey, and Montana.[188] The Illinois State Education Department is currently developing and testing character education programs.[189] Delaware enacted legislation that calls for school-based intervention programs dealing with safety, though the legislature did not use the specific term "character education" due to past objections.[190] Minnesota can only encourage character education programs at the local level,[191] so no statewide effort is underway. Wisconsin is trying to create and implement character education programs in schools after polls indicated that ninety-one percent of the public supports the idea.[192]

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184 *Id.* at 6. In 1998, Massachusetts Governor Paul Celluci announced support for a summer institute on character education in the state. In May of 2001, Delaware held its first Character Rally, a two-day conference attracting 5,000 eighth graders.

185 The Connecticut State Department of Education received a grant of $250,000 in 1996 from the Partnerships in Character Education Pilot Project issued by the U.S. Department of Education to establish programs in the state. Idaho received a similar one million dollar four year grant in 2000. Kansas received the same grant and sponsored twenty-four districts in incorporating character education programs that stressed the traits of caring, civic virtue, justice and fairness, respect, responsibility and trustworthiness. Rhode Island also received the same grant and is starting the Healthy Schools! Healthy Kids! Program and piloting a character development program. In addition, Massachusetts introduced 2001 Fund Code 750 to support planning for development of character education programs. *Id.* at 5–6.

186 New Hampshire received state funds in 1995 from the Safe and Drug Free Communities grant program; Pa. H. 456, Session of 1999 (June 16) (appropriates funding for programs that deal with school violence and peaceful conflict resolution under 24 Pa. Consol. Stat. § 13-1302-A (2002)) (available at <http://www.legis.state.pa.us/WU01/LI/BI/BT/1999/0/HB0456P2115.HTM>) (accessed Mar. 10, 2003). *See also id.* at 7.

187 *Id.* at 5.

188 *See* 2001 Hi. H. 437, 22d Leg. (Jan. 21, 2003) (requiring character education); New Jersey Assembly No. 1548 (encourages the development of character education programs). In addition, New Mexico introduced legislation in 1998 to support the Character Counts! Program. The legislation was tabled. Grenadier, *supra* n. 145, at 5–7.

189 Grenadier, *supra* n. 145, at 5–7. Arguably, Illinois' humane education law qualifies as a character education requirement since it calls for "moral and humane education." 105 Ill. Comp. Stat. 5/27-15 (2002).

190 Grenadier, *supra* n. 145, at 6; Del. Code Ann. tit. 14 § 1716 (2001).

191 Grenadier, *supra* n. 145, at 6.

192 *Id.* at 7 (citing to a 1996 statewide poll of adults conducted by WEAC).

V. EFFECTIVE WAYS TO USE HUMANE AND CHARACTER EDUCATION LAWS USING NEW YORK STATE AS A MODEL

New York's humane education law is the strongest in the nation, because it results in a loss of funding for schools that fail to comply with its provisions.[193] However, despite the penalty provision, many teachers are unaware of the law, because it is rarely enforced. Unfortunately, educators feel that there are not enough tangible Boards of Education supports in place to adequately provide for humane education through curriculum.[194] Humane education advocates are trying to raise awareness and force compliance with the laws.[195] Lack of awareness, coupled with the recent passage of the SAVE ("Safe Schools Against Violence In Education Act") legislation[196] that includes a character education requirement for kindergarten through twelfth grade,[197] makes New York an interesting test state to study effective implementation methods.

Section 809 of the New York Education Code was initially passed in 1947.[198] It was amended in 1975 to require teaching concepts such as humane treatment of animals and the importance of spaying or neutering in publicly funded elementary schools.[199] This legislation passed after significant lobbying by animal protection organizations[200] and the endearing story of a stray dog named Broadway Joe.[201] The law was later amended in 1994 to include a provision on the "study and care" of live animals and to include a choice in dissection provision.[202]

While the New York law appears stringent on its face, and is the product of significant lobby and support, its message is failing to reach the classroom.[203] This is true despite the fact that the language of the

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193 *Supra* n. 111. This provision has never been tested through litigation.

194 Schwartz interview, *supra* n. 95, as well as personal conversations with New York City teachers at various teacher fairs.

195 *See e.g.* Humane Education Advocates Reaching Teachers <http://www.nyheart.org> (accessed Mar. 9, 2003).

196 N.Y. Educ. Law §§ 801 et seq. (McKinney 2003) [hereinafter Project SAVE] (The Project SAVE legislation was enacted to ensure safe schools in New York and mainly deals with school safety and disciplinary issues. The character education requirement is only one component of the law).

197 N.Y. Educ. Law § 801(a) (McKinney 2003).

198 *Supra* n. 111.

199 *See* N.Y Sen., § 1368 Governor's Bill Jacket, Ch. 138 (Jan. 22, 1975).

200 *Id.* Includes letters from local humane organizations, the New York State Veterinary Medical Society and state and local bar associations in support of the bill.

201 *Id.* Broadway Joe was a stray dog that roamed the streets of Troy, New York. He captured the hearts of local residents and quickly became the poster dog for a campaign to stress the importance of educating youth on kindness to animals and of spay/neuter campaigns. Broadway Joe was subsequently adopted by a local family.

202 N.Y. Educ. Law § 809(2), (4) (McKinney 2003).

203 Schwartz interview, *supra* n. 95 (adding that N.Y. Educ. Law § 809(6) mandates a yearly report to the governor from the education commissioner that "shall include, but not be limited to, the number of written program plan proposals submitted by schools and the number of such proposals subsequently approved by the commissioner." Upon a

New York law supports incorporation of humane education into standard school subjects. The New York law should make it easier to incorporate humane education lessons into existing curriculum, instead of adding humane education as an entirely new subject.[204] A Curriculum and Assessment employee sent a state-wide memo directing all public and non-public schools to act in accordance with the humane education requirement, but it has not yet solved the problem of non-compliance.[205] This is due to schools' failure to fund such programs[206] and failure to train teachers on how to satisfy the humane education requirement.[207] Regardless of the laws' current failings, its language is still exemplary, and other states should use it as a model.[208]

Such deficiencies lead many to question whether a humane education law is valuable. Advocates who struggled with this question determined that the greatest benefit of such a law is that it lends credibility to the value of humane education during discussions with school officials. Even so, without funding or adequate compliance provisions, effective implementation relies upon the activism and dedication of concerned parents, teachers, and community leaders.[209] Humane education advocates should continue to push for the publication of city-wide manuals on humane education,[210] meet with local school board officials to offer curriculum assistance,[211] award funds to science

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Freedom of Information Law (FOIL) request, the author was advised that no such reports exist and that no school has submitted program proposals, (copy on file with author).

204 N.Y. Educ. Law § 809(1) (McKinney 2003) (stating that instruction "may be joined with work in literature, reading, language, nature study or ethnology").

205 Memo from Edward Lalor, N.Y. State Asst. Commr. for Curriculum and Assessment, to Dist. Superintendents of Schools et. al, *The Care and Dissection of Animals* 1–4 (Feb. 1996) (on file with author).

206 *Supra* n. 199 (emphasizing the fact that the bill would have no budgetary implications).

207 Under the Project SAVE legislation, new teachers in New York State are required to attend a training seminar and certify completion of "Training in School Violence Prevention and Intervention" prior to being licensed. Such a requirement does not exist for training on Section 809 requirements.

208 *Supra* n. 111.

209 *See* Schwartz interview, *supra* n. 95. Another possibility is to sue the State Education Department under a mandamus to compel via Article 78 of New York's Code of Public Laws and Rules for failure to enforce the law. N.Y. Civ. Prac. L. & R. Law §§ 7801-7806 (McKinney 2003). This is not a desirable option due to cost, time and other factors including the creation of an adversarial relationship with the educational community.

210 Schwartz interview, *supra* n. 95. The manual was initially published in 1984 after an extensive letter-writing campaign by animal advocates and the Humane Education Committee, Inc. Thousands of copies were distributed free-of-charge to teachers between 1985 and 1990. Current efforts are underway to rewrite the city manual and use it as a state-wide guide. A committee has currently been formed and is in the process of revising the manual. The city consists of members from the UFT Humane Educ. Comm., HEART, the ASPCA and the N.Y. State Bar Association's Animal Law Committee.

211 Such a meeting between the author, Carol Moon of Farm Sanctuary, and Dr. Jeffrey Korostoff, the Assistant Superintendent, Elementary Education, New Rochelle,

projects with a humane theme,[212] offer training for teachers at low or no-cost to the schools,[213] offer course materials,[214] and attend local school fairs to raise awareness.[215] Other opportunities for raising awareness of humane education issues include creating a reading group at your local library using books with humane themes, lobbying for more exacting humane education laws, fundraising for programs and materials, and working with local parent-teacher associations.

VI. CONCLUSION

Character education has taken hold in American schools, and it appears that the wave has only just begun. As troubling statistics continue to cause growing concern for our youth, community members will continue to offer values-based education as part of the solution. Its overlap with humane education will likely result in a reassessment of the benefits of humane education. The fields of humane education and character education are by nature complementary, and they join advocates on both ends of the political spectrum. As such, educators must ensure that the success of this movement is tempered by the endorsement of universal traits and not the advocacy of pre-determined conclusions. Input from parents and the community is vital. A uniform certification program and centralized clearinghouse for materials will help make certain that teachers promote universal values and that teachers obtain appropriate training. Failure to provide adequate teacher training will inevitably result in subjective lesson plans that are contrary to the goals of humane and character education. Subjective lesson plans may result in the downfall of efforts to incorporate

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N.Y. in Fall of 2000 provided the springboard for the founding of HEART. The idea was that such meeting could be replicated through each district in the state. With the assistance of the Association for the Prevention of Cruelty to Animals (ASPCA), the group obtained a large number of volunteers and attempted to coordinate meetings with school district officials. As the group expanded, it determined that it was logistically more effective to focus on teacher training, rather than "one shot" school presentations, because it would result in more consistent implementation.

212 Schwartz interview, *supra* n. 95 (stating that the United Federation of Teachers Humane Education Committee has consistently provided such awards at the New York Academy of Sciences. Last year's recipient of the top prize of 500 dollars was for a project entitled "Variables Affecting Migrant Bird Collisions with Urban Skyscrapers." The project examined which species of birds were more likely to have fatal collisions with skyscrapers and whether use of different building materials in construction could lessen the death toll. The student, Noah Van Gilder, went on to compete in the International Science and Engineering Fair.).

213 Groups that offer such training in New York include: The United Fedn. of Teachers Humane Educ. Comm. <http://www.uft.org/?fid=74> (accessed Mar. 9, 2003); American Society for the Prevention of Cruelty to Animals <http://www.aspca.org> (accessed Mar. 9, 2003); Farm Sanctuary <http://www.farmsanctuary.org> (accessed Mar. 9, 2003); and HEART <http://www.nyheart.org> (accessed Mar. 9, 2003). *See also* Sheryl Dickstein Pipe, *Teachers Head Back to School*, 22 ASPCA Animal Watch 46 (Fall 2002).

214 *Id.*

215 *Id.*

values-based education into our schools. Instead, teachers should focus their sights on creating a future citizenry that respects the value and interconnectedness of all forms of life and the environment.