
Office of the Superintendent of Public Instruction



Washington State Board of Education



**REVISED PETITION FOR AGENCY ACTION
TO FULLY COMPLY WITH THE MANDATES OF THE
COMMON SCHOOL PROVISIONS LAW (TITLE 28A RCW)**

SUBMITTED TO:

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NATURE OF PETITION

1. This is a petition for agency action to address the failure of the Office of the Superintendent of Public Instruction (OSPI) and Washington State Board of Education (WSBE) to fully implement the mandates of the Common School Provisions Law (“CSPL”). Under the Law, the legislature has charged all common schools to “*give instruction in ... science with special reference to the environment,*” as well as “*such other studies as may be prescribed by rule of the superintendent of public instruction,*” and for all teachers to “*stress the importance of ... the minimum requisites for good health ... and the worth of kindness to all living creatures and the land.*” RCW 28A.230.020.

2. WAC 392-410-115, titled “Mandatory areas of study in the common school,” directs that high school students be given the opportunity to take at least one course from various areas of study, including “Health education” and “Home and family life.” It further provides that school districts shall instruct at all grade levels in an interdisciplinary manner on the subjects of “*conservation, natural resources, and the environment,*” with “*emphasis on solving the problems of human adaptation to the environment.*” While human habitation has adversely affected the environment and nonhuman animal populations, nowhere in WAC 392-410-115 does the OSPI prescribe the state requirement of kindness to animals as mandated by RCW 28A.230.020, even though the purpose of Ch. 392-410 WAC is to, in part, implement RCW 28A.230.020. WAC 392-410-100(2)(a).

Clarion Call to Dietary Change: Intensive Animal Management and Consumption Causing Global Decompensation¹

3. By the time 5-year-olds presently enrolled in kindergarten are graduated from high school in the Class of 2032, the Earth may have sustained irreversible harm resulting ineluctably from our unkindness to all living beings and reckless disregard of the effect our choices have upon it, where animal production and human population growth are the two most significant environmental impacts facing the planet.²

¹ Eliza Mackintosh, *The Amazon is burning because the world eats so much meat*, CNN (Aug. 23, 2019) (<https://www.cnn.com/2019/08/23/americas/brazil-beef-amazon-rainforest-fire-intl/index.html>); Christopher Ingraham, *How beef demand is accelerating the Amazon’s deforestation and climate peril*, The Washington Post (Aug. 27, 2019) (<https://www.washingtonpost.com/business/2019/08/27/how-beef-demand-is-accelerating-amazons-deforestation-climate-peril/?noredirect=on>).

² Damian Carrington, *Avoiding meat and dairy is ‘single biggest way’ to reduce your impact on Earth*, The Guardian (May 31, 2018) [<https://www.theguardian.com/environment/2018/may/31/avoiding-meat-and-dairy-is-single-biggest-way-to-reduce-your-impact-on-earth>]; Damian Carrington, *Huge reduction in meat-eating ‘essential’ to avoid climate breakdown*, The Guardian (October 10, 2018) [<https://www.theguardian.com/environment/2018/oct/10/huge-reduction-in-meat-eating-essential-to-avoid-climate-breakdown>] and see Intergovernmental Panel on Climate Change Special Report *Global Warming of 1.5 C* (www.ipcc.ch/sr15). 2019 signifies a paradigm shift in social mores reaching a critical mass of plant-based eating and an embrace of cruelty-free alternatives. John Parker, *The year of the vegan*, The Economist (December 2018)

4. August judicial and legislative bodies have promulgated regulations and issued precedential proclamations undeniably recognizing animals as more than mere chattels, in whom fundamental rights inhere. Consider the May 31, 2019 ruling of the Honorable Justice Rajiv Sharma of the High Court of Punjab & Haryana concluding his 104-page opinion with these words:

The entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person. All the citizens throughout the State of Haryana are hereby declared persons in loco parentis as the human face for the welfare/protection of animals.³

In 2009 the European Union recognized animals as “sentient beings” through an Article to the Treaty of Lisbon.⁴ The French National Assembly adopted the same recognition in 2015, as did New Zealand and Quebec, with New Zealand banning the use of animals in cosmetics testing. This year Canada passed the “Free Willy” bill, effectively banning the keeping of cetaceans in captivity.⁵

5. Plant-based diets and veganism are surging in 2019 as evidenced by an explosion of the Veganuary campaign (www.veganuary.com), where the vegan-curious turn over a new leaf and try herbivorism while resolving to make salubrious advances for their bodies, animals, and the environment. Veganuary launched in 2014 with 3300 people signing, seven-tupled by 2016, more than doubled that figure by 2017, and reached over 168,000 by 2018. In 2019 it climbed over 250,000. Approximately 27% were Generation Xers, 38% percent Millennials, and 25% Generation Zers.⁶ Data on the post-Generation Z cohort, recently called Generation Alpha (2013-present) is not yet available but trends suggest a continued and profound adoption of veganism. Articles describing the paradigmatic shift in consciousness have been published in *The Guardian* and *Newsweek*.⁷ But the

https://worldin2019.economist.com/theyearofthevegan?utm_source=412&utm_medium=COM]; Eustacia Huen, *Top Health Trends To Go Mainstream in 2019*, Forbes (December 2018) [<https://www.forbes.com/sites/eustaciahuen/2018/12/25/healthtrends/#7b29f2f71b82>].

³ The entire decision is available on request.

⁴ https://ec.europa.eu/food/animals/welfare_en (“In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the EU countries relating in particular to religious rites, cultural traditions and regional heritage.”)

⁵ Hannah Sparks, ‘Free Willy’ bill bans dolphin and whale captivity in Canada, New York Post (Jun. 11, 2019) (<https://nypost.com/2019/06/11/free-willy-bill-bans-dolphin-and-whale-captivity-in-canada/>).

⁶ <https://veganuary.com/blog/veganuary-2019-the-results-are-in/>. Pew Research Center defines Generation Xers as those born between 1965-1980; Millennials as born between 1981-1996; and Generation Zers born between 1997 and 2012. <https://www.pewresearch.org/fact-tank/2019/01/17/where-millennials-end-and-generation-z-begins/>; <https://www.pewresearch.org/topics/generations-and-age/>.

⁷ <https://www.theguardian.com/lifeandstyle/2018/apr/01/vegans-are-coming-millennials-health-climate-change-animal-welfare>. In 2018 *Newsweek* produced a documentary “Will We All Be Vegan in the Future?” highlighting the efforts of chefs to mainstream vegan cuisine to clean meat technology, while observing a

transformation has also seized the attention of Baby Boomer-era moguls, including such individuals as former United States President Bill Clinton, United States Senator Dennis Kucinich, Mike Tyson, rapper Russel Simmons, Ford Executive Chairman Bill Ford, Twitter co-founder Biz Stone, Whole Foods Market CEO John Mackey, and multi-billionaire hotelier Steve Wynn.⁸ While the moral arc heretofore bended gradually toward justice, to paraphrase Martin Luther King, Jr., the universe has exponentiated its grade in the last twenty years, no doubt due to the accelerated awareness of imminent nonhuman, and ultimately human, extinction.

Harassment, Intimidation, and Bullying (“HIB”) Curbed by Humane Education

6. In the petitioners’ school-age years, particularly among males, bullying was either romanticized as a rite of passage or dismissed as innocent establishment of a pecking order not warranting dramatic administrative interference. Today, with shooting rampages and the evolving desensitization to digitized, wired, and wireless violence, K-12 education has made a marked policy shift. See RCW 28A.300.285--288, WAC 392-190-0555—059, and <https://www.stopbullying.gov/laws/washington/index.html>. While harassment, intimidation, and bullying (“HIB”) include intentionally written messages or images or physical acts motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, mental or physical disability or other distinguishing characteristics, they are not limited strictly to those categories but ostensibly include acts motivated against those speaking or acting with empathy toward animals. Indeed, the sexual politics of meat-eating and animal use often conflate anti-vegetarian/vegan sentiment with sexism and heterosexism. See the classic text by Carol Adams, *THE SEXUAL POLITICS OF MEAT: A FEMINIST-VEGETARIAN CRITICAL THEORY* (Bloomsbury), now in its 25th edition.⁹

600% increase in American vegans in three years alone. <https://www.newsweek.com/vegan-food-meat-plant-based-farming-veggie-documentary-1263570>. Impossible Foods commissioned a survey inquiring about opinions of plant-based meat and found that millennials and their children (Generation Z and Generation Alpha) are becoming vegan at a breakneck pace. <https://www.livekindly.com/millennials-raising-an-army-vegan-kids/>

⁸ <https://www.bloomberg.com/news/articles/2010-11-04/the-rise-of-the-power-vegans>. See also vegan United States Sen. Cory Booker (D-NJ) <https://freebeacon.com/politics/cory-booker-this-planet-simply-cant-sustain-people-eating-meat/?fbclid=IwAR1WiO-.esqwBRd6wFXGL7AUIAN4Ja1IcmeGsuiKcZM0Oss5Z9AZZcbCyb2w>

⁹ In *Catalanello v. Kramer*, 18 F.Supp.3d 504 (S.D.N.Y. 2014), managing director of Credit Agricole CIB Robert Catalanello sued Arizona State University Associate Dean and Professor of Law Zachary Kramer for defamation and related dignitary torts for statements made in the article *Of Meat and Manhood*, 89 Wash. U. L. Rev. 298 (2011) and the lecture “Of Meat and Manhood/The New Sex Discrimination” in which Kramer examined the lawsuit by Ryan Pacifico, a former junior foreign exchange trader at Credit Agricole, who sued Catalanello, his former supervisor, for creating a hostile work environment by harassing him for not eating meat and referring to him as “gay” or “homo” in front of coworkers. When Catalanello told the traders they were dining at a Brazilian steakhouse, someone asked what Pacifico could eat there, to which Catalanello responded, “Who the f**k cares? It’s his fault for being a vegetarian homo.” Three years after filing suit, Pacifico nonsuited his case with prejudice. While the case pended, Kramer submitted an article on the law’s refusal to treat gender stereotyping as a form of sex discrimination protected under title VII. He regarded

7. Studies have linked bullying with mistreatment of animals, another reason to take heed of the statutory mandate.¹⁰ The humane education directive dovetails with, and is furthered by, Washington’s HIB policy and 2010 laws, amended as recently as 2019. Indeed, given the spate of school shootings motivated by HIB, it is incumbent on the OSPI and WSBE to take conscientious and feasible steps to implement meaningful curricular changes that inculcate kindness to animals and, in so doing, to classmates and adults.

8. Eleonora Gullone, *An Evaluative Review of Theories Related to Animal Cruelty*, 4(1) *J. Animal Eth.* 37 (2014), discusses the link between HIB and cruelty to animals: “Animal cruelty has been shown to co-occur with bullying behaviors. Reinforcing the link, both animal cruelty and bullying have been related to later antisocial behaviors and Antisocial Personality Disorder (Gelhorn, et al., 2007).” *Id.*, at *27. “[B]aldry (2005) ... examined the prevalence of animal cruelty, bullying behaviors, and being a victim of bullying in an Italian sample of children and adolescents aged 9 to 12 years. Her results showed that girls and boys who had engaged in direct bullying behaviors were twice as likely to have been cruel to animals compared with their non-bullying peers.” *Id.*, *28. “Further suggestive of overlapping processes between animal cruelty and bullying is their appearance within a close developmental time frame (Frick et al., 1993).” *Id.*, *28. Given that empathy serves as a protective factor against aggression, and that empathy toward animals is correlated with empathy toward people, humane education can play a significant role in violence prevention through its use of animal-related activities to foster empathy and pro-social behavior.

Childhood Obesity Mitigated by Plant-Based Meals

9. Childhood obesity presents a serious problem. Not only do schools blithely promote the antiquated and harmful food pyramid, which was recently inverted by Health Canada, the organization that prepares Canada’s Food Guide (<https://globalnews.ca/news/4873598/new-canada-food-guide-2019/>), but they frequently fail to offer healthy (much less humane) products in cafeterias and vending machines. According to the 2016-2017 National Survey of Children’s Health (NSCH) [see www.childhealthdata.org and www.cahmi.org], 25.1% of all children ages 10-17 have body mass indices (“BMI”) in the overweight or obese weight statuses (i.e., 85%ile or above), with 1 in 10

Pacifico’s case as a “case study” to “highlight[] the messiness of modern sex discrimination.” He concludes by stating that Pacifico’s case demonstrates how sex discrimination occasionally manifests in other forms, such as a “hybrid of vegetarian and sexual orientation discrimination.” In 2012, Kramer presented a lecture at Western New England University School of Law, arguing that Catalanelo viewed Pacifico’s vegetarianism as a proxy for effeminacy and that male vegetarianism is, wrongly, an unprotected trait in federal employment discrimination law. The trial court dismissed the lawsuit, finding Kramer’s statements to be nonactionable opinions and fair accounts of an official proceeding.

¹⁰ See Bill C. Henry and Cheryl E. Sanders, *Bullying and Animal Abuse: Is There a Connection?*, *Society and Animals* 15 (2007) 107-126; and Denise Parkes & Tania Signal, *Revisiting a Link: Animal Abuse, Bullying, and Empathy in Australian Youth*, *Human-Animal Interaction Bulletin* (2017) Vol. 5(1), 26-40; <https://faunalytics.org/battering-bullying-and-beyond-the-role-of-gender-power-and-control-in-the-link-between-animal-abuse-and-human-violence/>.

children qualifying as obese (i.e., 95thile or above). Concerned about this trend over a decade ago, in 2004, Washington's legislature prudently found:

- (a) Childhood obesity has reached epidemic levels in Washington and throughout the nation. Nearly one in five Washington adolescents in grades nine through twelve were recently found to be either overweight or at risk of being overweight;
- (b) Overweight and obese children are at higher risk for developing severe long-term health problems, including but not limited to Type 2 diabetes, cardiovascular disease, high blood pressure, and certain cancers;
- (c) Overweight youth also are often affected by discrimination, psychological stress, and low self-esteem;
- (d) Obesity and subsequent diseases are largely preventable through diet and regular physical activity;
- (e) A child who has eaten a well-balanced meal and is healthy is more likely to be prepared to learn in the classroom;
- (f) Encouraging adolescents to adopt healthy lifelong eating habits can increase their productivity and reduce their risk of dying prematurely;
- (g) Frequent eating of carbohydrate-rich foods¹¹ or drinking sweet liquids throughout the day increases a child's risk for dental decay, the most common chronic childhood disease;
- (h) Schools are a logical place to address the issue of obesity in children and adolescents; and
- (i) Increased emphasis on physical activity at all grade levels is essential to enhancing the well-being of Washington's youth.

(2) While the United States department of agriculture regulates the nutritional content of meals sold in schools under its school breakfast and lunch program, limited standards are in place to regulate "competitive foods," which may be high in added sugars, sodium, and saturated fat content. However, the United States department of agriculture does call for states and local entities to add restrictions on competitive foods, as necessary.

¹¹ A high-carbohydrate, whole food, plant-based diet has been proven superlative in reversing certain diseases, achieving significant weight loss, and boosting vitality. See, e.g., John A. McDougall, MD, *THE STARCH SOLUTION* (Rodale: 2012).

Findings—2004 c 138; see also RCW 28A.210.360 (Model policy on access to nutritious foods and developmentally appropriate exercise – School district policies). Despite the foregoing, obesity continues to rise.¹²

10. According to Joan Sabaté and Michelle Wien, *Vegetarian diets and childhood obesity prevention*, 91(5) *Amer. J. Clin. Nutr.* 1525S-1529S (May 2010), <https://doi.org/10.3945/ajcn.2010.28701F>, “[C]ompared with nonvegetarians, vegetarian children are leaner, and their BMI difference becomes greater during adolescence.” “Once an obese child reaches age 6 y, there is a >50% probability that obesity will persist. Of greatest concern is that 70-80% of obese adolescents will remain obese as adults.” *Id.*, 1525S. Obesity is costly, resulting in skyrocketing and avoidable health care costs, insurance rates, absenteeism, and reduction in gross domestic product. It makes sense to conclude that because vegetarian children have lower BMIs than omnivorous children, and the difference increases in adolescence, it would persist or even increase into adulthood. “Data from the Harvard Growth Study has shown that being overweight during the adolescent years predicts adult morbidity from several chronic diseases and mortality from all causes regardless of adult body weight [Must, Jacques, Dallal, Bajema & Dietz, *Long-term morbidity and mortality of overweight adolescents. A Follow-up of the Harvard Growth Study of 1922 to 1935*, *N. Engl. J. Med.* 1992;327:1350-5].” *Id.*, 1525S. “Although the prevalence of T2D [Type 2 Diabetes] among adults is rising, the most dramatic increase in the incidence of this disease is in children and adolescents [Type 2 diabetes in children and adolescents, American Diabetes Association, *Diabetes Care* 2000;23:381-9]. The increase in the prevalence of obesity is one of the major determinants for the increase in the prevalence of T2D in children. It is estimated that the lifetime risk of developing T2D is 33% of boys and 39% of girls for children born in 2000 [Narayan, Boyle, Thompson, Sorensen & Williamson, *Lifetime risk for diabetes mellitus in the United States*, *JAMA* 2003;290:1884-90].” *Id.*, a1525S.

11. Vegan diets have been endorsed by the American Dietetic Association, which held over a decade ago that “appropriately planned vegetarian diets, including total vegetarian or vegan diets, are healthful, nutritionally adequate, and may provide health benefits in the prevention and treatment of certain diseases.” Craig WJ & Mangels AR, *Position of the American Dietetic Association: vegetarian diets*, 109(7) *J. Am. Diet. Assoc.* 1266-82 (2009). <https://www.ncbi.nlm.nih.gov/pubmed/19562864>. The Academy of Nutrition and Dietetics accords. Melina V, Craig W, and Levin S, *Position of the Academy of Nutrition and Dietetics: Vegetarian*

¹² According to the CDC and the NCHS Data Brief (No. 288, Oct. 2017), obesity prevalence among youth aged 2-19 has increased from 17.1% in 2003-2004 to 18.5% in 2015-2016. Nationally, 14.8% of all 9th to 12th graders were obese and 15.6% were overweight in 2017 (Youth Risk Behavior Surveillance System) Women, Infants, and Children (“WIC”) participant 2-4 year olds in Washington were obese at 13.6% and overweight at 17.3%, per the 2014 statistics. The Washington State Department of Health reports that about 12% of WIC 2-4 year-olds and 10th graders were obese, whose numbers rose significantly from 10% in 2014, and particularly among non-European-Americans or Asians. The Washington State Healthy Youth Survey states that high school seniors were obese at a rate of 17% in 2018, up from 14% in 2016, and 11% in 2014; high school sophomores were obese at a rate of 14% in 2018, up from 12% in 2016 and 11% in 2014; and eight graders were obese at a rate of 12% in 2018, up from 11% in 2016 and 9% in 2014.

Diets, 116(12) J. Acad. Nutr. Diet. 1970 (2016). <https://www.ncbi.nlm.nih.gov/pubmed/27886704>. And see pcrm.org/good-nutrition/nutrition-for-kids, <https://p.widencdn.net/9h7o6h/Nutrition-for-Kids>, nutritionfacts.org, physician Dr. Michael Greger’s *How Not to Die*, and various texts from physician Dr. John A. McDougall. Vegan meal offerings exclude none from healthy and tasty dining, as learned by the Santa Barbara Unified School District, which in 2018 removed processed meats (including hot dogs, pepperoni, and bacon) from its schools’ lunch menus. Of the two million meals served annually, about half are vegan and sell out more quickly than meat-based meals (such as chili rojo burritos, Thai green curry bowls, vegan “meatball” subs, and veggie pozole).¹³

Positive and Negative Examples of Statutorily-Compliant Education

12. Teachers have been recently subjected to stringent criticism for their misuse and abuse of animals, such as Preston Junior High School biology teacher Robert Crosland, who fed a puppy to a snapping turtle in his classroom¹⁴; and David Brewton III, a former agricultural teacher at Forest High School who, with the aid of students in his Ocala, Fla. Classroom, killed two raccoons and an opossum by drowning them in a tub of water.¹⁵ In 2011, co-petitioner Karen Davis filed a petition for rulemaking with the Florida State Department of Education concerning the criminal prosecution (later *nolle prosequied*) of Hawthorne High School students Patrick Ruebin Dougan and Robert Sylvester Gordon, Jr., who promoted intentional harm to a hen who had been raised from a hatchling in a Broiler Project run by FFA high school teacher Alan Shaw. You may access the video by directing an internet browser to www.upc-online.org/hawthorne/.

13. Bellingham’s Sehome High School (“SHS”) boasts a unique humane education program that should serve as a harbinger and model for other courses to exemplify the statutory mandate. Instructor Shannon Casey started the *Animal Studies and Outreach* class at SHS over a decade ago and has offered it over a dozen times. Attached please find the overview, course description, and a 2017 Animal Studies Final Project set of guidelines authored by Ms. Casey. Mr. Karp has been a guest to her class at least half a dozen times to speak on animal law and animal rights.

JURISDICTION

¹³ <https://www.pcrm.org/news/news-releases/santa-barbara-unified-school-district-drops-processed-meat-lunch-menu>. Endorsement of vegan options extends to hospitals and prisons, at least in California under SB 1138, signed into law by Governor Jerry Brown in 2018. Alyssa Rege, *California hospitals must offer vegan meals under new law*, Becker’s Hospital Review (Sept. 20, 2018) (<https://www.beckershospitalreview.com/population-health/vegan-meals-must-e-offered-at-california-hospitals-under-new-law.html>).

¹⁴ Sadly, he was acquitted of animal cruelty. Katy Moeller, *Idaho Humane Society blasts jury verdict, calls feeding of live puppy to turtle ‘wanton cruelty’*, Idaho Statesman (Jan. 5, 2019) (<https://www.idahostatesman.com/news/northwest/idaho/article223970300.html>).

¹⁵ No charges were brought against this teacher despite the evident cruelty involved. Joe Callahan, *No charges against Ocala teacher who drowned raccoons*, Ocala StarBanner (May 25, 2018) (<https://www.ocala.com/news/20180525/no-charges-against-ocala-teacher-who-drowned-raccoons>).

This petition is filed pursuant to WAC 392-101-001, 392-101-005, RCW 34.05.330 and Ch. 82-05 WAC. The petition is submitted to Chris Reykdal, Superintendent of Public Instruction, and Randy Spaulding, the Board of Education Executive Director, who are responsible for complying with the mandates of the CSPL.

PETITIONERS

The author of this petition, and a co-petitioner, **Adam P. Karp, JD, MS, of Animal Law Offices (www.animal-lawyer.com)**, is a solo practitioner handling animal law cases exclusively throughout the States of Washington, Oregon, and Idaho. He have been licensed to practice law in the State of Washington since December 1998, and is Martindale-Hubbell AV Preeminent-rated and AVVO 10.0 Superb-rated. Having graduated from Gonzaga University with a B.A. Honors (Majors in Political Science and Sociology, Minors in Spanish and Philosophy, Concentration in Women's Studies) and University of Washington with a J.D. and M.S. in statistics, this is his twenty-first year actively practicing law. Mr. Karp authored *Understanding Animal Law*, published by Carolina Academic Press, in October 2016. He founded and served as first chair of the Washington State Bar Association's Animal Law Section in 2002 and has held executive committee positions since its formation. He founded the Idaho State Bar Association's Animal Law Practice Section in 2012 and continues to serve on its executive committee. In 2015, he became an executive committee member of the Oregon State Bar Association's Animal Law Section. He has also been a vice chair of the American Bar Association's ("ABA") Animal Law Committee since its creation in 2004.

Mr. Karp regularly writes on, and routinely speaks around the nation about, animal law, including at Yale, Harvard, Vanderbilt, and Vermont Law School. He has taught animal law at the University of Washington School of Law and Seattle University School of Law. In 2014, he taught as a lecturer on animal law at Edmonds Community College. He has been quoted in *TIME*, the *National Law Journal*, the *ABA Journal*, and other periodicals, including dedicated articles on his practice in the *Seattle Times*, *Seattle Weekly*, *Pacific NW Magazine*, and *Seattle Magazine*. The American Bar Association's Tort Trial and Insurance Practice Section's Animal Law Committee's annual Excellence in the Advancement of Animal Law Award recognizes exceptional work by an Animal Law Committee member who, through commitment and leadership, has advanced the humane treatment of animals through the law. Mr. Karp received this award in 2012.

Mr. Karp co-authored the ABA Tort and Insurance Practice Section's Survey on Animal Tort and Insurance Law for over a decade, published three articles in the *American Jurisprudence Causes of Action* series (pertaining to injuries to animals by animals, intentional injuries to animals by humans, and Section 1983 claims involving injury to an animal); two annotations in *American Legal Reports* (pertaining to preconviction and postconviction forfeiture of animals and private prosecution of crimes); six articles in the legal encyclopedia *American Jurisprudence Trials* (pertaining to veterinary malpractice litigation, use of force against and by animals, assistance animal access, litigating actions under the Migratory Bird Treaty Act and Bald and Gold Eagle protection Act, cadaver dog evidence, and animal fighting contests); co-authored one article in the legal encyclopedia *American Jurisprudence Proof of Facts* related to defending dangerous dog classifications; and completed an

annotation on custodial disputes pertaining to animals in *American Jurisprudence Proof of Facts*. Mr. Karp recently completed an annotation concerning the Lacey Act.

Mr. Karp has chaired several animal law continuing legal education (“CLE”) conferences hosted by the WSBA, spoken at over fifty CLEs around the nation, all on the subject of animal law, including in New Mexico, Washington, Idaho, Oregon, Georgia, Louisiana, Michigan, Connecticut, Massachusetts, and Florida. Mr. Karp also founded and chaired the first and second *Animal Law Summit*, an international, cross-jurisdictional, multi-day CLE, and continues to maintain a direct role in its future development. The Fifth Summit recently concluded on August 23, 2019 in San Diego, bringing over two dozen delegates from across the United States, British Columbia, and Russia.

With positive results, he argued before the Washington Court of Appeals, Ninth Circuit Bankruptcy Appellate Panel, federal District Courts in Washington and Idaho, and the Ninth Circuit Court of Appeals on the subject of animal law, resulting in some decisions that many regard as seminal. Mr. Karp serves as an advisory board member for the Center for Wildlife Ethics. He also volunteered his time to the Northwest Wildlife & Rehabilitation Center, now part of the Whatcom Humane Society.

Karen Davis, Ph.D., President of **United Poultry Concerns, Inc. (“UPC”)** (www.upc-online.org), a nonprofit organization incorporated under the laws of Maryland in 1990, and headquartered in Virginia, joins as a co-petitioner. UPC is a 501(c)(3) nonprofit organization that addresses the treatment of domestic fowl in food production, science, education, entertainment, and human companionship situations. UPC also maintains a sanctuary for abused and neglected chickens and ducks. UPC has members in all fifty states, including over 200 in Washington.

The mission of UPC is to promote the compassionate and respectful treatment of domestic fowl. UPC does this through its quarterly magazine *Poultry Press*, its website www.UPC-online.org, its sanctuary for chickens in Virginia, and its educational programs and publications, including exhibits, literature and lectures presented at state and national science teachers’ conferences. UPC seeks to make the public aware of how domestic fowl (poultry) are treated by society and to show how society’s treatment of these birds affects human health, ethics, education, occupational safety, and the environment. UPC promotes humane alternatives to procedures that cause or would be likely to cause unnecessary suffering and harm to chickens and other domestic fowl.

Education is a primary focus of UPC. UPC promotes humane education at all grade levels, K-12 and above, including opportunities for students and teachers to visit UPC’s chicken sanctuary on the Eastern Shore of Virginia. UPC’s President and Founder, Karen Davis, has a Ph.D. in English from the University of Maryland, College Park, where she taught for twelve years in the English Department, and before that, she worked as a Juvenile Probation Officer-Aftercare Counselor in the Department of Juvenile Services in Baltimore, Maryland for five years. She has also authored *Prisoned Chickens, Poisoned Eggs: An Inside Look at the Modern Poultry Industry* (1997) and *The Holocaust and the Henmaid’s Tale: A Case for Comparing Atrocities* (2005). [En.wikipedia.org/wiki/Karen_Davis_\(activist\)](https://en.wikipedia.org/wiki/Karen_Davis_(activist)). Dr. Davis has an extensive background with children and teenagers as a classroom teacher, family counselor, and law enforcement officer, in addition to

her work on behalf of abused animals and domestic fowl. Consequently, she has expert knowledge of and a substantial interest in humane education as it affects both students and animals.

PROPOSED RULE CHANGES

Authority to Rulemake

The OSPI possesses authority to implement RCW 28A.230.020's and WAC 392-410-115's mandates to stress the importance of "the worth of kindness to all living creatures and the land" with emphasis on "solving problems of human adaptation to the environment," and, it necessarily follows, all its nonhuman inhabitants. As it stands now, on information and belief, the OSPI has promulgated no rules to address same. This petition implores the State of Washington to achieve humane literacy in K-12 education in various respects, and to create new rules holistically addressing humane education in Washington's classrooms, including but not limited to:

(1) Incorporating tenets and resources consistent with notions of animal welfare and veganism throughout lesson plans and course materials, including stand-alone courses such as the Animal Studies class at Sehome High School; supplanting or supplementing libraries with books and periodicals that promote humane literacy; requiring vegan options in school lunches and plant-based milks; and mandating instruction as to the health benefits, affordability, and culinary diversity of plant-based cooking in Life Skills and Home Economics courses.

(2) Eliminating from lesson plans and course materials those tenets and resources that further animal exploitation for experimentation, entertainment, fur, fiber, flesh, and companionship, as well as abuse, neglect, and cruelty, and which endorse or further animal product consumption, as well as educating students about desertification, overpopulation, deforestation, global warming, and other environmental hazards.

(3) Curbing use of anti-animal idiomatic expressions that connote violence toward animals and countenance desensitization toward them,¹⁶ and offering children literature that promotes kindness while simultaneously deconstructing traditional texts, like *Curious George*, that condone the antiquated and cruel practice of capturing wild animals and incarcerating or institutionalizing them.

(4) Eliminating classroom vivisection, as well as dissection (unless humanely sourced and not sacrificed for the sole purpose of dissection), offering all students nonanimal alternatives without any penalty or stigma, and discontinuing any use of animal life in science kits, particularly given that some animals are killed after the unit.

(5) Removing from the classroom all art supplies sourced from animals, such as glue (gelatin), non-synthetic brushes (animal hair, such as ferret, squirrel, goat, or horse), paints and inks

¹⁶ Changes in speech and mind are simple: From "Kill two birds with one stone" to "Feed two birds with one stone"; "Be the guinea pig" to "Be the test tube"; "Beat a dead horse" to "Feed a fed horse"; "Bring home the bacon" to "Bring home the bagels"; "Take the bull by the horns" to "Take the flower by the thorns."

<https://www.peta.org/teachkind/humane-classroom/teaching-kindness-popular-childrens-books/>.

derived from animals (carmine or cochineal extract [crushed beetles], sepia [forcibly obtained from squid], india ink [crushed bugs], oil pastels [fat and beeswax], charcoal [Bone Black]), leathers, watercolors using ox galls as wetting agents, gessoed canvases (which add gelatin, or boiled skin, bone, tendon, and hooves of cows or pigs), and rabbit skin glue to size canvases.¹⁷

(6) Excluding all captive animals from the classroom.

(7) Prohibiting teachers from killing or injuring animals in the classroom or on campus, instead instructing them to save, preserve, heal, rehabilitate, and respectfully handle (or give space not to be handled) animals who are intentionally or inadvertently found. Thus, children should be led by the example of humanely catching undesired insects and removing them to a safe location.

(8) Provisioning students with cruelty-free musical instruments, such as synthetic drumheads and bagpipes, and using vegetable tallow, Japan tallow, paraffin, or ceresin to clean them; synthetic bows from carbon fiber or fiberglass instead of horsehair; white plastic piano keys instead of ivory; and nylon or steel strings instead of sheep, bovine, kangaroo, or water buffalo intestines as “catgut.”¹⁸

(9) Outfitting athletics programs with cruelty-free alternatives like synthetic baseball gloves, footballs, volleyballs, dance shoes, ballet slippers, boxing gloves, roller and figure ice skates, soccer balls, weightlifting gloves, running shoes, and rock-climbing shoes.¹⁹

(10) Banning fundraisers that involve the use of animals for entertainment, such as donkey basketball (which has thankfully, though recently, ended at Ferndale High School).

(11) Ending Future Farmers of America (“FFA”) and 4-H programs that involve raising animals to be slaughtered, on- or off-site, because they teach children unkindness to animals, callous desensitization, and cause deep emotional upheaval in developing minds,²⁰ and terminating classroom bird-hatching projects (to learn more, see www.upc-online.org/hatching/alternatives.html).²¹

¹⁷ <https://news.artnet.com/art-world/vegan-art-supplies-1039508>

¹⁸ To learn more, see <https://www.peta.org/living/entertainment/animal-friendly-instruments/>.

¹⁹ <https://www.peta2.com/vegan-life/cruelty-free-vegan-sports-equipment/>

²⁰ See Colter Ellis & Leslie Irvine, *Reproducing Dominion: Emotional Apprenticeship in the 4-H Youth Livestock Program*, *Society and Animals* 18 (2010) 21-39. The authors conclude, “In this paper, we have analyzed one of the ways that children come to see one form of domination – the use of animals for food – as natural, normal, and even inevitable. But the emotional management and language used in 4-H have implications that extend far beyond the domain of human-animal studies. By analyzing how traditions and institutions such as 4-H sustain the human oppression of other animals and make it invisible, one can view the world of 4-H livestock projects as the social universe.” And see <https://www.peta.org/teachkind/humane-classroom/ffa-4h-school-agriculture-programs/>.

²¹ In New York State, Assemblywoman Linda B. Rosenthal (67th A.D.) is pushing Assembly bill A58, which presently seeks to ban such projects (http://www.upc-online.org/pp/spring2019/ny_lawmaker_seeks_to_ban_chick-hatching_projects.html), and an elementary

Conformance with the statutory mandate is furthered by requiring training of new teachers. Resources are abundant and include the National Humane Education Society (www.nhes.org) and Association of Professional Humane Educators (www.aphe.org).²¹

CONCLUSION

We ask that the Superintendent and Executive Director, as well as the Rules Managers for each entity, give due consideration to this petition and proceed with the necessary steps to promulgate new or clarified rules in the areas of humane education.

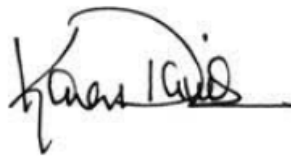
Dated this August 28, 2019

ANIMAL LAW OFFICES



Adam P. Karp, WSB No. 28622

UNITED POULTRY CONCERNS



Karen Davis, Ph.D.

school in California announced in September 2018 an end to its chick-hatching program (http://www.upc-online.org/pp/spring2019/elementary_school_ends_chick-hatching_projects.html).

²¹ See also www.peta.org/teachkind, Lydia S. Antoncic, *A New Era in Humane Education: How Troubling Youth Trends and a Call for Character Education Are Breathing New Life into Efforts to Educate Our Youth about the Value of All Life*, 9 Animal L. 183 (2003), and RASKC Humane Education (www.kingcounty.gov/depts/regional-animal-services/special-programs/humane-education.aspx)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the August 29, 2019, I caused a true and correct copy of the foregoing document to be served upon the following person(s) in the following manner:

U.S. Mail, First Class, Postage Prepaid

Email

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Animal Studies and Outreach

(Occupational Ed. Elective—one semester, .5 credits)

Prerequisites—none

Animal Studies is a service-oriented elective that involves the study animal behavior, communication, the animal-human bond, and humane education. Community Outreach is a major component of the course; students will participate in community-based projects that promote awareness for the welfare of domestic animals and wildlife. Students will have the opportunity to work in partnership with The Whatcom Humane Society, NW Wildlife Center, and other local animal organizations. The class will also include field trips to learn about service/therapy animals, wildlife, and conservation. In class, students will study the following units: *The Animal/Human Connection, Animal Intelligence/Cognition, Animal Behavior, Animal Rights, Wildlife and Conservation*. Students will gain exposure to careers through guest speakers from a variety of animal-related fields. Students in this course will be required to complete an in-depth semester long community outreach project as well as a volunteer requirement.

Other information: Occupational Ed. elective—one semester = 5 credits

Prerequisites—None

Open to grades 9-12

Students who want to take Animal Studies and Outreach for two semesters need to obtain special instructor permission.

Animal Studies and Outreach



"A human being is a part of the whole, called by us 'the universe.' Our tasks must be to widen our circle of compassion. To embrace all living creatures and the whole of nature in its beauty " – Albert Einstein

Course Philosophy:

The purpose of this course is to help students connect with a community learning opportunity that will cultivate pathways for college, citizenship, and careers. The primary goal is to facilitate an authentic connection for students beyond the classroom that will resonate into meaningful academic and personal achievement. By developing a better understanding of our connection with animals and the environment, students will develop a sense of empathy and responsibility toward animals, the environment, and the community in which they live.

Guiding Question for the Semester:

What is our connection and responsibility to animals, the environment, and all living things?

Course Overview:

This is an animal-oriented course at Sehome. Students will be involved in dynamic projects related to animals. Students will have the opportunity to work with various shelter animals at the (Whatcom Humane Society) during weekly internships. Students will study and be involved in projects relating shelter animals as well as wildlife. This class elective will also provide extensive career exploration.

Grading

50 % Class Assignments/Projects

- Daily class participation in assignments and projects
- Completion of assignments and projects
- Attendance
- Journal/Composition book

50 % WHS Internship and Community Outreach

- WHS Internship attendance and participation
- Community Outreach attendance and participation
- Following WHS procedures
- Proper volunteer attire (WHS T-shirt, pants, closed toe shoes)
- Guest Speaker attendance and participation

Themes—Students will understand and explore the following themes in class through reading, writing, discussions, and projects:

- The Animal/Human Connection
- Positive reward-based dog training
- Animal Communication
- Animal Intelligence
- Spay/Neuter Awareness
- Wildlife and Conservation
- Animal Rights
- Our Responsibility to Our Environment and All Living Things

❖ **Career Exploration**—Students will explore different careers pathways through the guest speakers.

- Veterinary Medicine
- Spay Neuter Clinic
- Therapy Dogs
- Wildlife Biologist
- Bear Expert
- Animal Rights Attorney
- Coast Watch Society
- Marine Biologists
- Animal Control
- Park/Forest Ranger
- Search and Rescue
- Humane Society/Non-Profit Animal Organizations
- Law Enforcement

❖ **Community Service**

- **Internships—Thursdays off-campus.** Students will have the opportunity to participate in a weekly internship at the Whatcom Humane Society where they engage in humane education sessions, outreach projects, and perform various duties to assist shelter animals. Students will have some opportunities to interact with the animals but will not walk shelter dogs.
- **Community Outreach—Thursdays on-campus.** Students learn about animal issues and will become advocates promoting humane awareness and education to the community. Students will engage in outreach projects for various animal organizations.
- **Fundraising/Community Project**—Students will participate in one fundraiser each semester to help WHS and other animal nonprofits.

Classroom Expectations

- ❖ **Respect**—Demonstrate respect for your peers, instructor, volunteers, the classroom, the animals, the environment, and the community.
- ❖ **Responsibility**—Take responsibility for your own learning and for the animals during the internship.
- ❖ **Attitude**—Show up, be prepared, have a presence of mind, and maintain a positive attitude

Electronics:

Electronic devices are not allowed in my classroom—except if they are directly related to a project or assignment. **No electronics are permitted during off-campus internships or during guest speaker presentations.**

Food and Drink:

You can have something to drink in the classroom but it must have a lid on it. Food is allowed only for special class occasions and presentations. **No food is permitted during internships, volunteering, guest speakers, and field trips.**

Attendance Policy:

Your participation is essential. Attend class each day, on time, and ready to work. **Be on time for internships and field trips—show up to meet the bus or vans at the designated time. If you are more than 5 minutes late when we go off-campus, you will miss your opportunity to go.** If you arrive to any class **ten minutes or later, you are considered absent for the day in that class.**

Participation Points:

Your participation in this class is essential. You can earn up to **100 points** per 9 weeks. day. **Participation points cannot be made up for absences of any kind.****On Thursdays, you can earn up to **20 points for the WHS internship or Community Outreach.** If you do not show up for the off-campus internship each week, you will receive zero points.

Late Work:

All assigned work is due at the beginning of class on the day it is due. Late assignments will receive a 10 point deduction for each day late. Students with extended excuse absences have one week to turn in late work from the actual date it was due.

Absent on day an assignment is due or assigned:

If you are absent the day an assignment is due, that assignment is to be turned in the day you return to class. If you are absent when an assignment was given please do the following: 1) Ask a friend for class notes or 2) Check with your teacher for a due date. For an excused absence, you have one week to make up any work that you missed.

Grading Scale:		
A = 93-100	C+ = 77-79	F = 59 and below
A- = 90-92	C = 73-76	
B+ = 87-89	C- = 70-72	
B = 83-86	D+ = 67-69	
B- = 80-82	D = 60-66	

My contact info:

Shannon Casey
(360) 676-6470 ext. 5251
Shannon.Casey@bellingshamschools.org

Student Signature _____

Parent or Guardian Signature _____

Animal Studies Final Project

The Task: Reflect about what you have learned in this class. What is one animal issue that we studied and explored that you think is important? What concerned you? What opened your eyes and increased your awareness? What did you learn that you feel strongly about?

- ✓ Animal-human bond and connection
- ✓ Animal Communication
- ✓ Animal Intelligence/Cognition
- ✓ Animal Rights (issues such as Puppy Mills, Wolves, Dolphins, Factory Farming)
- ✓ Blackfish, Sea World, Tilikum, and Captive Orcas
- ✓ Animal Rights Law
- ✓ Service/Therapy Animals (Animals Helping Humans)
- ✓ Animals Saving Lives
- ✓ Endangered Wildlife
- ✓ Humane Positive Reward Based Dog Training
- ✓ Local Animal Organization (NOAH, WHS, ANT, NW Wildlife Center, Brigadoon Service Dogs).

Due on: June 12

Guidelines: Select a topic and create an awareness project. Your project needs to promote humane awareness or helping animals. Your audience is the Bellingham community and beyond. Possible presentation formats can be the following:

Written Proposal: Complete a paragraph proposal describing your final project and what you hope to change.

Project:

- ✓ **Written Proposal:** Complete a paragraph proposal describing your final project, what you hope to change, and your audience and community outreach.
- ✓ **Products:**
- ✓ (2-3) Social Media pages: Unique Facebook and Instagram Page/Website with at least 20 (combination of articles, interviews, graphics, a petition, videos).
- ✓ Plan and do a fundraiser for a local animal organization.
- ✓ Children's book/story—with illustrations
- ✓ A YouTube Video (with script), documentary, or PSA
- ✓ Design a written marketing plan and 4 marketing ideas with your message for change with specific graphics—(i.e. T-shirt, sticker, coffee mug). Make at least 5 prototypes. You need to plan to do something with these prototypes.
- ✓ **No Posters, Power Points, Brochures, Flyers**

Outreach: Your project needs to include outreach that promotes positive change beyond the class. Any time you spend on outreach can count toward your 4-hour requirement.

[Type here]
Animal Studies Final Project

Name(s)

Message/Effectiveness ___/30

Creativity/Graphics ___/10

Community Outreach (Plan/Action) ___/20

Presentation ___/10

Total Score: ___/70 pts

Name(s)

Message/Effectiveness ___/30

Creativity/Graphics ___/10

Community Outreach (Plan/Action) ___/20

Presentation ___/10

Total Score: ___/70 pts

[Type here]

Animal Studies Final Project