AN ACT to amend the education law, in relation to expanding the requirements for teaching humane education to secondary school students and provides for the verification of compliance of such instruction

THIS LEGISLATION IS APPROVED

I. BILL SUMMARY

The proposed legislation would expand an existing state elementary school requirement — that New York schools teach students “humane education” — to include secondary schools under state control or receiving state funding. “Humane education” involves instructing students on the humane treatment and protection of animals, the importance that animals play in nature, and the need to prevent animal abandonment and cruelty. Students would also learn about “the principles of kindness to and respect for animals” along with “the observance of laws and rules pertaining to the humane treatment of animals.”1 The New York State Commissioner of Education would determine how to incorporate this instruction into existing curricula and would promulgate any necessary regulations.

To monitor compliance with the law, the legislation would also require the Commissioner of Education to maintain records verifying elementary and secondary schools’ compliance with the humane education law and to make those records available to the public, including on the New York State Education Department’s website.

---

1 The full text of the Assembly bill is available at https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A02082&term=2021&Summary=Y&Text=Y. The full text of the Senate bill is available at https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S07670&term=2021&Summary=Y&Text=Y. (All websites cited in this report were last visited on May 13, 2022.)
II. BACKGROUND

For over a century New York has statutorily required that public elementary schools teach humane education in their curricula. New York enacted this statute amid widespread concern about species extinction and a growing nationwide movement to protect wildlife. At least nine other states — California, Florida, Illinois, Maine, New Jersey, Oregon, Pennsylvania, Washington, and Wisconsin — have similar laws promoting humane education.

While the New York State Education Department has previously published teaching guides in humane education, many schools today remain unaware of the humane education law. Yet, as discussed below, the need for humane education is greater than ever.

2 Laws of New York, 1917, Chapter 210 (then-codified at Education Law § 700). The law was renumbered as N.Y. Educ. Law § 809 in 1947 and amended in 1976 to require elementary schools to teach students “the necessity of controlling the proliferation of animals which are subsequently abandoned and caused to suffer extreme cruelty.” Laws of New York, 1976, Chapter 138. And in 1994, New York added additional requirements to its humane education law relating to the study and care of live animals, the dissection of animals, the treatment of vertebrates, and reporting. Laws of New York, 1994, Chapter 542.

3 Meredith Blades and Jeremy Firestone, Wind Power, Wildlife and the Migratory Bird Treaty Act: A Way Forward, 38 Envtl. L. 1167, 1176-77 (2008) (discussing the enactment of the federal Migratory Bird Treaty Act in 1918). Twenty years earlier, in 1900, the United States enacted its first environmental protection law, the Lacey Act, to address issues including the increasing scarcity of certain bird species, problems such as the introduction of exotic species of birds, and interstate commerce in illegally killed and transported wildlife. 16 U.S.C. §§ 701, 702.


5 Fla. Stat. §§ 1003.42(2) ("[k]indness to animals"), 1006.31 (“humane treatment of people and animals”).


7 Me. Stat. tit. 20 § 1221 ("kindness to birds and animals").

8 N.J. Rev. Stat. § 18A:35-4.1 (“kindness and avoidance of cruelty to animals and birds, both wild and domesticated”).


12 Wis. Stat. § 14.16(1) (allowing the Governor to designate an annual “Arbor and Bird Day” to, among other things, promote “a spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.” Two other states — Massachusetts and New Hampshire — have laws prohibiting in-class vivisection and requiring that classroom animals be housed and cared for in a humane and safe manner. Mass. Gen. Laws ch. 272, § 80G; N.H. Rev. Stat. Ann. § 644-8-c.


III. JUSTIFICATION

The New York City Bar Association supports expanding the humane education requirement to secondary schools and establishing the proposed legislation’s record-keeping requirement because (i) humane education fosters positive attitudes toward humans and animals; (ii) humane education teaches the importance of reducing companion animal euthanasia; and (iii) helps children understand how their actions affect the environment and wildlife.

A. Humane education fosters positive attitudes toward humans and animals.

Humane education fosters empathy toward animals and, more broadly, prosocial attitudes. While research into humane education’s effectiveness has been limited, existing studies support this intuitive result.  

Promoting such attitudes is as important today as when New York’s humane education law was first enacted over a hundred years ago. Animal abuse incidents continue to occur across the country, and a Google News search for animal cruelty incidents in New York will inevitably turn up several examples. Since the State’s humane education law was passed a century ago, studies have further found that animal abuse is closely tied to interpersonal violence.

Critically humane education promotes positive attitudes toward animals and humans through education at a young age rather than through punishment after animal cruelty happens. Punitive criminal laws have historically been a primary tool to address animal mistreatment. While


16 Genevieve Rajewski, CSI: Animal Abuse, Tufts Now (Mar. 18, 2015), https://now.tufts.edu/2015/03/18/csi-animal-abuse (citing Humane Society of the United States estimate that nearly one million animals a year are abused or killed in episodes of domestic violence). Recent Federal Bureau of Investigation (FBI) data from state law enforcement agencies participating in the National Incident-Based Reporting System (NIBRS) shows around 10,000 animal cruelty incidents. However, this includes only reported incidents and excludes information from many states, including New York. Julie M. Palais, Using the National Incident-Based Reporting System (NIBRS) to Study Animal Cruelty: Preliminary Results (2016–2019), 10 Social Sciences 378, Table 1, “Number of Animal Cruelty Incidents by State for 2016–2019 from the FBI NIBRS website for each year” (2021).

such tools may be necessary in some cases, they raise several concerns, including the disproportionate impact of incarceration on minorities.

B. **Humane education teaches the importance of reducing companion animal euthanasia.**

Since New York’s humane education law was amended to require education on the “proliferation of animals,” animal welfare organizations have made significant strides in using spay-and-neuter programs to reduce the number of animals euthanized. Yet each year over 700,000 shelter dogs and cats are euthanized. Continued educational efforts are needed to reduce these unnecessary deaths.

C. **Humane education helps children understand how their actions affect the environment and wildlife.**

Humane education also helps children understand how their actions affect the environment and wildlife. Doing so can, in turn, help students make more thoughtful choices. Such lessons are critical now more than ever, when around one million animal and plant species are threatened with extinction.

IV. **CONCLUSION**

For the reasons above, the New York City Bar Association’s Animal Law Committee, Children and the Law Committee, and Education and the Law Committee support the proposed legislation.

Animal Law Committee
Robyn Hederman, Co-Chair
Rebecca Seltzer, Co-Chair

Children and the Law Committee
Rachel Stanton, Co-Chair
Melissa J. Friedman, Co-Chair

Education and the Law Committee
Jarienn A. James, Chair

Updated and Reissued July 2022

Contact
Elizabeth Kocienda, Director of Advocacy | 212.382.4788 | ekocienda@nycbar.org
Mary Margulis-Ohnuma, Policy Counsel | 212.382.6767 | mmargulis-ohnuma@nycbar.org

---
