REPORT ON LEGISLATION
BY THE ANIMAL LAW COMMITTEE,
THE CHILDREN AND THE LAW COMMITTEE AND
THE EDUCATION AND THE LAW COMMITTEE

A.4797 M. of A. Rosenthal

AN ACT to amend the education law, in relation to verification of compliance in instruction of the humane treatment of animals

A.2137 M. of A. Rosenthal

AN ACT to amend the education law, in relation to expanding the requirements for teaching humane education to secondary school students

THIS LEGISLATION IS APPROVED

I. SUMMARY OF THE PROPOSED LAWS

A.4797 amends section 809 of the New York Education Law (hereinafter “Ed Law §809” or the “humane education law”) to require the Commissioner of Education to maintain records verifying school compliance with the provisions of Ed Law §809 and make such information available to the public, including on its website.

A.2137 adds a new section (b) to subdivision 1 of Ed Law §809 to require that all secondary schools under state control or funded in whole or in part by the state properly instruct their students in the humane treatment and protection of animals. The onus to provide such instruction falls on “the officer, board, or commission authorized or required to prescribe courses of instruction” and the commissioner is required to determine how to incorporate the instruction into existing curricula and promulgate any regulations needed in executing the plan. The law presently requires such instruction to students in similarly situated elementary schools.

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1 Specifically, the bill requires instruction “in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals which are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall include educating students on the principles of kindness to and respect for animals and observance of law and rules pertaining to the humane treatment of animals.”
II. JUSTIFICATION

The primary goals of humane education are to (1) promote an understanding of the sociological and psychological dimensions of animal abuse and deter violence; (2) cultivate empathy and compassion for animals; and (3) promote environmental conservation. At least 10 states -- California, Florida, Illinois, Maine, New Jersey, New York, Oregon, Pennsylvania, Washington, and Wisconsin -- have a humane education law.

In 1917, New York enacted Education Law §700, requiring all elementary schools wholly or partly supported by public funds to give instruction “in the humane treatment and protection of animals and birds and the role they play in the economy of nature.” This was renumbered as Ed Law §809 in 1947 and it was substantively 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.” In 1994, New York added additional requirements to Ed Law §809 relating to the study and care of live animals, the dissection of animals, the treatment of vertebrates, and reporting.

There is evidence that schools complied with the humane education mandate in the past. In 1976, the New York State Education Department published The Humane Treatment of Animals: A Guide for Elementary Teachers. The guide included lessons, among others, about tethering a dog for too long, spaying and neutering pets, and thinking from an animal’s point of view. In recent years, however, most schools are evidently unaware of the humane education mandate.

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4 Fla. Stat. §§ 1003.42; 1006.31.
6 20 M.R.S. § 1221.
8 Ed Law §809.
9 ORS § 336.067
10 24 P.S. § 15-1514
12 Wis. Stat. § 14.16
Even though the penalty for non-compliance with Ed Law §809 is withdrawal of public school funding, the penalty has seemingly never been enforced. In order to appreciate the current need to inform schools about the mandates of Ed Law §809, it is important to understand the context in which the law was passed. As explained below, the century-old problems the law was intended to address are even more pressing today.

The enactment of the original humane education law nearly a century ago was amidst widespread concern about the threat of species extinction and a growing nationwide movement to protect wildlife. In 1900, the United States enacted its first environmental protection law, the Lacey Act (16 USC §§ 701, 702), 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. On the House floor, Congressman Lacey spoke about numerous wildlife issues at the time: the extinction of the carrier pigeon, the near extinction of the American bison, grouse, and prairie chicken, and threats to wildlife such as extensive hunting of game birds, the threats posed by exotic avian species, and the hat industry (which, at the time, used millions of feathers to embellish ladies’ hats). To further protect wildlife, in 1918, the United States enacted the Migratory Bird Treaty Act (16 USC §§ 703-712), providing additional safeguards to migratory birds.

The threat of species extinction is much greater today due to global warming and habitat destruction. The United Nations has stated that the world is losing plant and animal species at a rate between 100 and 1000 times the natural extinction rate. United Nations Deputy Secretary-General Asha-Rose Migiro emphasized the importance of taking action to preserve biodiversity, “All of us— particularly the poor—depend on the ability of the world’s ecosystems to provide the full spectrum of goods and services essential to our survival. This requires us to conserve and manage biodiversity in a sustainable manner.” Humane education helps children understand the effects of their actions on the environment and wildlife; by generating an awareness of the impact we can have on our surroundings, humane education can aid students in making more thoughtful choices.

17 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), citing Sheila Schwartz, President of the United Federation of Teachers’ Humane Education Committee.

18 N.Y. Educ. L. § 809(1).


21 Id.


Ed Law §809 further requires that elementary school children be given instruction in the humane treatment of animals. The humane treatment of animals was of growing public concern at the beginning of the 20th century. A half-century before the precursor to Ed Law §809 was enacted, the New York State Legislature granted a charter to the first American anti-cruelty organization, the ASPCA.24 Nine days later, the Legislature passed a revolutionary anticruelty act that, as amended in 1867, became the model for anticruelty laws throughout the nation.25 By 1888, 37 of the 38 states existing at the time had enacted anticruelty legislation. And by 1908, there were 354 active anticruelty organizations in the United States.

Today, reports of animal cruelty are ubiquitous and continue to be of great public concern. In 2012, two teenage boys from Buffalo set on fire a puppy named Phoenix, prompting the introduction of a bill known as “Phoenix’s Law” to heighten penalties for animal cruelty, which passed in the New York State Senate.26 In 1999, anger about the torture of a cat resulted in the passage of “Buster’s Law” (Agriculture and Markets Law, section 353-a), which made aggravated animal cruelty a felony in New York.

Since Ed Law §809 was passed a century ago, studies have found that there is a connection between abuse of animals and interpersonal violence.27 Children tend to identify strongly with animals, and teaching them empathy towards animals can help them express their need for power and control through care rather than violence.28 Since the 1970s, when Ed Law §809 was amended to mandate education on the “proliferation of animals,” animal welfare organizations have made significant strides in reducing the number of animals euthanized through spay and neutering programs. And yet, each year approximately 1.5 million shelter animals are euthanized (670,000 dogs and 860,000 cats).29 Continued educational efforts are necessary to further reduce the number of unnecessary deaths of millions of unwanted companion animals and their offspring.

Humane education promotes environmental conservation, the development of empathy towards all living beings, and helps reduce the overpopulation of animals. The justification for humane education is greater today than when the law was originally enacted in 1917. For these reasons, it is important to ensure compliance with this mandate (A.4797). Furthermore, expanding this requirement to include secondary schools (A.2137) will further the important

28 Quinn, supra note 17.
policy objectives of Ed Law §809.

III. CONCLUSION

For the reasons stated above, we support the proposed legislation, A. 4797, which will ensure compliance with the provisions of Ed Law §809 and A. 2137, which would expand the humane education requirement to include secondary school students.

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