



**Legislative Affairs
(212) 382-6655**

COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS

**A.10344
S.7848**

**Assembly Member Kavanagh
Senator Padavan**

AN ACT to amend the education law, in relation to classroom instruction in the humane treatment of animals and the requirement of training in the humane treatment of animals for the certification or licensing of classroom teachers, teaching assistants, pupil personnel service professionals, school administrators or supervisors or superintendents of schools

THIS LEGISLATION IS APPROVED

A.10344/S.7848 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 notify every school district of the existing requirement that elementary schools provide instruction in the humane treatment of animals, their importance in the environment, and the importance of spaying and neutering programs. The amendment authorizes the Commissioner to appropriate grants to teachers for training, workshops, videos, and other resources used for humane education instruction. The bill also adds a new subdivision 3-a to section 3004 of the Education Law requiring that all applicants for a teaching certificate or license complete two hours of course work or training in humane education instruction.

Thirteen states, California, Florida, Illinois, Louisiana, Maine, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Tennessee, Washington, and Wisconsin have a humane education law.¹ In nine such states, the provision of humane education is mandatory.² The primary goals of humane education are to (1) promote an understanding

¹ 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).

² *Id.*

of the sociological and psychological dimensions of animal abuse and deter violence; (2) cultivate empathy and compassion for animals; and (3) promote environmental conservation.³

In 1917, New York enacted Ed 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.”⁴ Ed Law § 700 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.”⁵ In 1994, New York added additional requirements relating to the study and care of live animals, the dissection of animals, the treatment of veterbrates, and reporting.⁶

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*.⁷ 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.⁸ In recent years, however, most schools are evidently unaware of the humane education law.⁹ 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.

Ed Law § 809 requires instruction in the protection of animals and their role in the economy of nature. New York enacted the humane education law nearly a century ago in the midst of widespread concern about the threat of species extinction and a growing nationwide movement to protect wildlife.¹⁰ 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

³ Sydney Carroll Thomas, Piers Beirne, *Humane Education and Humanistic Philosophy: Toward a New Curriculum*, 41 *Journal of Humanistic Counseling, Education and Development* (2002); ASPCAeducation Web site, <http://www.aspcaeducation.org>.

⁴ Laws of New York 1917, Chapter 210.

⁵ Laws of New York 1976, Chapter 138.

⁶ Laws of New York 1994, Chapter 542.

⁷ Education Resources Information Center (ERIC) Web site, http://eric.ed.gov/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?_nfpb=true&_&ERICExtSearch_SearchValue_0=ED129612&ERICExtSearch_SearchType_0=no&accno=ED129612

⁸ Humane Teacher Web site, NY Humane Education Curriculum Main Page, <http://humaneteacher.com/ny%20humane%20curriculum.html>

⁹ Antoncic, *supra* note 1, *citing* Sheila Schwartz, President of the United Federation of Teachers’ Humane Education Committee.

¹⁰ Meredith Blades and Jeremy Firestone, *Wind Power, Wildlife and the Migratory Bird Treaty Act: A Way Forward*, 30 *ENVTL. L. ____* (2008), *accepted for publication and available at* <http://www.ocean.udel.edu/CMS/jfirestone/MBTA-LawPaper-MBandJF-accepted.pdf>

transported wildlife.¹¹ 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).¹² To further protect wildlife, in 1918, the United States enacted 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.¹³ Domestic animal breeds are becoming extinct at an average of one per month.¹⁴ 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."¹⁵ Humane education helps children understand the effect of their actions on the environment and wildlife and make thoughtful choices. In an 18-month evaluation of a humane education program on approximately 1,000 students in New York City schools, a moral development expert at Fordham University concluded that, compared with non-participants in a control group, participating students had a better understanding of the effect of garbage on animals and the environment.¹⁶

Ed Law § 809 requires that 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.¹⁷ Nine days later, the Legislature passed a revolutionary anticruelty act that, as amended in 1867, became the model for anticruelty laws throughout the nation.¹⁸ By 1888, 37 of the 38 states existing at the time had enacted

¹¹ Robert S. Anderson, *The Lacey Act: America's Premier Weapon in the Fight Against Unlawful Wildlife Trafficking*, 16 PUB. L. L.R. 27 (1995), available at <http://www.animallaw.info/articles/arus16publlr27.htm>.

¹² *Id.*

¹³ United Nations News Centre Press Release, Parties to UN pact on plant, animal diversity agree to steps to prevent species loss (May 30, 2008), <http://www.un.org/apps/news/story.asp?NewsID=26866&Cr=biodiversity&Cr1=>.

¹⁴ UN Radio, *World must unite to reduce loss of planet's biodiversity*, <http://www.un.org/radio/reallife/9705.asp>.

¹⁵ United Nations News Centre Press Release, Conserving plant and animal species is not a luxury, Migiro warns (May 30, 2008), <http://www.un.org/apps/news/story.asp?NewsID=26855&Cr=biodiversity&Cr1=>.

¹⁶ HEART (Humane Education Advocates Reaching Teachers), Report on Legislation (on file with the author); see also Antoncic, *supra* note 1, at footnote 72 for additional studies on the effects of a humane education curriculum.

¹⁷ ASPCA Web site, ASPCA History: "Regarding Henry", http://www.aspc.org/site/PageServer?pagename=about_history&printer_friendly=1

¹⁸ Margit Livingston, *Desecrating the Ark: Animal Abuse and the Law's Role in Prevention*, 87 IOWA L. REV. 1, 24-25 (Oct. 2001).

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. For example, Oprah Winfrey's program on puppy mills and the Michael Vick dog-fighting case invoked widespread outrage. 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.¹⁹ Anecdotal evidence also supports the theory that there is a connection between animal abuse and crimes against people. Ten years after the animal abuser tortured and burned the cat for whom Buster's Law was named, he was arrested for sexually assaulting a 12-year old girl.²⁰ Numerous other violent criminals reportedly had a history of abusing animals: the Columbine school shooters, the Boston Strangler, and one of the Jonesboro school shooters. Children usually strongly identify with animals and teaching them empathy towards animals can help them express their need for power and control through care rather than violence.²¹

In the 1970s, when Ed Law § 809 was amended to mandate education on the "proliferation of animals," numerous news articles were published relating to animal overpopulation.²² In the early 1970s, the number of homeless animals euthanized in the United States was approximately 13.5 million per year.²³

Since the 1970s, animal welfare organizations have made significant strides in reducing the number of animals euthanized through spay and neutering programs. In 2003, 4.4-4.6 million animals were euthanized.²⁴ 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 control the population 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 make schools aware of Ed Law § 809

¹⁹ Kathleen M. Quinn, *Violent Behavior Animal abuse at early age linked to interpersonal violence*, 16 BROWN UNIV. CHILD AND ADOLESCENT BEHAVIORAL LETTER, 1-2 (March 2000) available at <http://www.childresearch.net/RESOURCE/NEWS/2000/200003.HTM>.

²⁰ Jordan Carleo-Evangelist, *From Buster's Law to sex case; Figure in event that led to animal cruelty act now accused of attacking girl*, THE TIMES UNION A1 (Oct. 2, 2007).

²¹ Quinn, *supra* note 19.

²² American Animal Welfare Society Web site, Pet Overpopulation, <http://www.americananimalwelfare.com/overpopulation.html>

²³ Humane Society of the United States press release, *HSUS President & CEO Wayne Pacelle Joins Mayor for Signing of Landmark Spay-Neuter Ordinance* (Feb. 26, 2008), available at http://www.hsus.org/press_and_publications/press_releases/spay_day_usa_celebrated_with_la_mayor_022608.html

²⁴ Joshua M. Frank & Pamela L. Carlisle Frank, *Analysis of programs to reduce overpopulation of companion animals: do adoption and low-cost spay/neuter programs merely case substitution of sources?*, available at <http://www.firepaw.org/analysisprogramswebversion.pdf>

and provide them with the support necessary to carry out its mandate. By requiring the Commissioner to notify schools of the law, authorizing grants, and requiring instruction in humane education for license applicants, the proposed amendment will help the state meet these important policy objectives. Therefore, the Association of the Bar of the City of New York strongly supports this bill.