



NEW YORK
CITY BAR

REPORT ON LEGISLATION BY THE ANIMAL LAW COMMITTEE

Int. 424-2022

A Local Law to amend the Administrative Code of the City of New York, in relation to requiring the Department of Education to report on humane animal treatment instruction.

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THIS LEGISLATION IS APPROVED

I. BILL SUMMARY

The proposed legislation would require the New York City Department of Education to publish an annual report on its website about the teaching of humane education in New York City elementary schools.¹ “Humane education” involves teaching students about the humane treatment and protection of animals, the importance that animals play in nature, and the need to prevent animal abandonment and cruelty. The report would include (i) the number of elementary schools that have a finalized plan for implementing humane animal treatment instruction (as required by state law); (ii) the number of elementary schools that have implemented instruction on humane animal treatment; (iii) the average frequency and average total minutes per week of humane treatment of animals instruction provided to students in each grade level in each elementary school; (iv) the number of designated instructors providing such instruction at each elementary school; and (v) the topics of instruction on humane animal treatment provided in each elementary school.

¹ The full text of the legislation is available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5656537&GUID=AE52F7EB-877A-44CD-A393-27453F6DF41C> (All websites last accessed on Aug. 23, 2023).

The New York City Bar Association’s Animal Law Committee also issued a comment supporting a pending state bill that would expand the humane education requirements to secondary schools and impose certain record-keeping requirements. Report Supporting Legislation to Promote Humane Education in New York Schools (Jul. 22, 2022), <https://s3.amazonaws.com/documents.nycbar.org/files/2017137-HumaneEducation.pdf>.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has approximately 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

II. BACKGROUND

For over a century New York State has statutorily required that public elementary schools teach humane education in their curricula.² New York enacted this statute amid widespread concern about species extinction and a growing nationwide movement to protect wildlife.³ At least nine other states — California,⁴ Florida,⁵ Illinois,⁶ Maine,⁷ New Jersey,⁸ Oregon,⁹ Pennsylvania,¹⁰ Washington,¹¹ and Wisconsin¹² — have similar laws promoting humane education.

While the New York State Education Department has previously published teaching guides in humane education,¹³ many schools today remain unaware of the humane education law.¹⁴ 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. 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.

⁴ Cal. Educ. Code § 233.5(a) (“kindness toward domestic pets and the humane treatment of living creatures”); *see also* HEART, State Laws Related to Humane Education, <https://teachheart.org/advocacy/humane-ed-laws/> (listing state humane education laws).

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

⁶ 105 Ill. Comp. Stat. § 5/27-13.1 (“protection of wildlife and humane care of domestic animals”); 105 Ill. Comp. Stat. § 5/27-15; 105 Ill. Comp. Stat. § 5/27-18).

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”).

⁹ Or. Rev. Stat. § 336.067 (“[h]umane treatment of animals”).

¹⁰ 24 Pa. Cons. Stat. § 15-1514.

¹¹ Wash. Rev. Code § 28A.230.020 (“the worth of kindness to all living creatures and the land”).

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.

¹³ *See* University of the State of New York, State Education Department, Bureau of Elementary Curriculum Development, *The Humane Treatment of Animals: A Guide for Elementary Teachers* (1976), available at <https://files.eric.ed.gov/fulltext/ED129612.pdf>.

¹⁴ 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, 210 (2003).

III. JUSTIFICATION

Requiring the Department of Education to publish an annual report about humane education is essential for determining to what extent schools are complying with the humane education law — a statutory requirement that has *already* been imposed on these schools.¹⁵ Since humane education is a mandatory school subject, the reporting requirement would add an accountability mechanism that would ultimately be beneficial to school administrators, the DOE, students and ultimately on families and communities. Humane education is critical for students because it advances positive attitudes, compassion, and a sense of responsibility towards animals, humans, and the environment. Humane education further teaches students the importance of reducing companion animal euthanasia; and helps children understand how their individual actions may affect the environment, including, wildlife and plant species.

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 hypothesis.¹⁶ 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 continues to occur across the country —with an indeterminable number going unreported.¹⁷ New York SPCA websites,

¹⁵ While the bill would add a reporting requirement on the DOE, notably, the DOE currently publishes various detailed data about its schools. *See*, New York City Department of Education InfoHub, Information and Data Overview, at <https://infohub.nyced.org/reports/school-quality/information-and-data-overview>. In particular, the DOE publishes detailed numerical data on health education in NYC public schools. *See* <https://www.schools.nyc.gov/learning/subjects/health-education>. The reporting requirement for humane education could potentially be combined with and/or reported alongside the health education data to lessen any added administrative burden.

¹⁶ William Ellery Samuels, Lieve Lucia Meers & Simona Normando, *Improving Upper Elementary Students’ Humane Attitudes and Prosocial Behaviors Through an In-class Humane Education Program*, 29 *Anthrozoös* 597, 608-09 (2016); Christine Yvette Tardif-Williams & Sandra Leanne Bosacki, *Evaluating the Impact of a Humane Education Summer-Camp Program on School-Aged Children’s Relationships with Companion Animals*, 28 *Anthrozoös* 587, 595-98 (2015); Catherine A. Faver, 32 *School-based Humane Education as a Strategy to Prevent Violence: Review and Recommendations*, *Children and Youth Services Rev.* 365, 367-68 (2010); Kate Nicoll, Cindy Trifoneb, and William Ellery Samuels, *An In-class, Humane Education Program Can Improve Young Students’ Attitudes Toward Animals*, 16 *Society and Animals* 45, 55-57 (2008); Antoncic, *A New Era in Humane Education*, 9 *Animal L.* at 195-96.

¹⁷ Genevieve Rajewski, *CSI: Animal Abuse*, TuftsNow (Mar. 18, 2015), <https://now.tufts.edu/2015/03/18/csi-animal-abuse> (citing Humane Society of the United States estimate that nearly 1 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, but 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).

including the ASPCA¹⁸ and SPCA Westchester,¹⁹ post animal cruelty investigations occurring in New York, and a Google News search for animal cruelty incidents in the state reveals reports of many such incidents.²⁰ 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.²¹

Critically, humane education teaches young people to develop positive attitudes towards both animals and humans. Instilling these attitudes in elementary school students may prevent them from committing future acts of animal cruelty, thereby diminishing the need to rely as much on the criminal justice system to deter animal abuse. Punitive criminal laws have historically been a primary tool to address animal mistreatment. While such tools may be necessary in some cases, incarceration raises several concerns, including the disproportionate impact of incarceration on minorities.²²

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 euthanized animals.²³ Still, each year over

¹⁸ ASPCA Assists in Rescue of 24 Huskies from Suspected Cruelty (August 18, 2022), <https://www.aspc.org/news/aspc-assists-rescue-24-huskies-suspected-cruelty>; Suffolk County District Attorney Sini & Partners Announce Arrest of 10 Individuals, Rescue of 89 Dogs In Connection With An Alleged Interstate Dog Fighting Ring (August 11, 2021) <https://www.aspc.org/about-us/press-releases/suffolk-county-district-attorney-sini-partners-announce-arrest-10>

¹⁹ Yonkers Woman Arrested for Animal Cruelty After Starving Dog: SPCA (May 26, 2022) <https://patch.com/new-york/mountvernonny/yonkers-woman-arrested-animal-cruelty-after-starving-dog-sPCA>.

²⁰ See, e.g., WKTV, 7 Neglected Dogs Found at Otsego County Man’s Home During Child Pornography Investigation (Sept. 14, 2022), https://www.wktv.com/news/crime/7-neglected-dogs-found-at-otsego-county-mans-home-during-child-pornography-investigation/article_be10c89c-343f-11ed-b04a-07236ea4684b.html; Rick Moriarty, Central NY Couple Arrested After Emaciated Dogs Full of Porcupine Quills Found at Home (Aug. 8, 2022), <https://www.syracuse.com/crime/2022/08/central-ny-couple-arrested-after-emaciated-dogs-full-of-porcupine-quills-found-at-home.html>; WABC, 14 Dogs Seized in Brooklyn Animal Cruelty Investigation (Aug. 6, 2022), <https://abc7ny.com/nyc-animal-cruelty-brooklyn-dogs-seized-pets/12105842/>;

²¹ See generally Allie Phillips, Understanding the Link Between Violence to Animals and People: A Guidebook for Criminal Justice Professionals (Jun. 2014), <https://ndaa.org/wp-content/uploads/The-Link-Monograph-2014-3.pdf>; see also Clifton P. Flynn, Understanding Animal Abuse: A Sociological Analysis (2012); The Link Between Animal Abuse and Human Violence (Andrew Linzey ed., 2009); Sara DeGue & David K. DiLillo, *Is Animal Cruelty a “Red Flag” for Family Violence?: Investigating Co-Occurring Violence Toward Children, Partners, and Pets*, 24 J. Interpersonal Violence 1036, 1041 (2009); Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention (Frank Ascione & Phillip Arkow eds., 1999); National Link Coalition, Resource Materials, <http://nationallinkcoalition.org/resources/articles-research#toolsforveterinarians> (collecting various resources).

²² See New York City Bar Association, Mass Incarceration: Seizing the Moment for Reform (2015), https://www2.nycbar.org/pdf/report/uploads/Mass_Incarceration_Seizing_the_Moment_for_Reform-20150928.pdf.

²³ Alicia Parlapiano, “Why Euthanasia Rates at Animal Shelters have Plummeted,” *N.Y Times* (Sept. 3, 2019), <https://www.nytimes.com/2019/09/03/upshot/why-euthanasia-rates-at-animal-shelters-have-plummeted.html>.

700,000 shelter dogs and cats are euthanized in the U.S.²⁴ 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 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.²⁵

D. Several organizations and agencies, including the New York City Department of Education, have recognized the importance of humane education.

For over a decade the New York City Department of Education has partnered with a local humane education organization to offer a Professional Development Program on humane education for New York City educators. The American Bar Association and other organizations have likewise been involved in programs to promote humane education across the country.²⁶

IV. CONCLUSION

For the reasons above, the New York City Bar Association’s Animal Law Committee supports the proposed legislation.

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²⁴ Barry KuKes, The Streets of Heaven Are Too Crowded with Animals Tonight (Sept. 29, 2020), <https://www.news-journalonline.com/story/lifestyle/pets/2020/09/29/animal-shelters-u-s-still-euthanize-pets-fight-overcrowding/3523111001/>.

²⁵ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, Global Assessment Report on Biodiversity and Ecosystem Services (Eduardo Brondizio et al., eds., 2019), https://zenodo.org/record/6417333/files/202206_IPBES%20GLOBAL%20REPORT_FULL_DIGITAL_MARCH%202022.pdf.

²⁶ HEART, About Us, <https://teachheart.org/about-us/>.