§ 809. Instruction in the humane treatment of animals. 1. The officer, board or commission authorized or required to prescribe courses of instruction shall cause instruction to be given in every elementary school under state control or supported wholly or partly by public money of the state, 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 be for such period of time during each school year as the board of regents may prescribe and may be joined with work in literature, reading, language, nature study or ethnology. Such weekly instruction may be divided into two or more periods. A school district shall not be entitled to participate in the public school money on account of any school or the attendance at any school subject to the provisions of this section, if the instruction required hereby is not given therein.

2. Study and care of live animals. Any school which cares for or uses animals for study shall ensure that each animal in such school be afforded the following: appropriate quarters; sufficient space for the normal behavior and postural requirements of the species; proper ventilation, lighting, and temperature control; adequate food and clean drinking water; and quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

3. Application. The provisions of this section shall not be construed to prohibit or constrain vocational instruction in the normal practice of animal husbandry, or prohibit or constrain instruction in environmental education activities as established by the department of environmental conservation.

4. Dissection of animals. Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project that shall be approved by such student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian.

Students who perform alternative projects who do not perform or witness the dissection of animals shall not be penalized. The board of education or trustees of a school district shall develop a policy to give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parents or legal guardians about their rights under this subdivision. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

5. Treatment of live vertebrate animals. a. Except as provided for in this subdivision, no school district, school principal, administrator, or teacher shall require or permit the performance of a lesson or experimental study on a live vertebrate animal in any such school or during any activity conducted under the auspices of such school whether or not the activity takes place on the premises of such school where such lesson or experimental study employs: (i) micro-organisms which cause disease in humans or animals, (ii) ionizing radiation, (iii) known cancer producing agents, (iv) chemicals at toxic levels, (v) drugs producing pain or deformity, (vi) severe extremes of temperature, (vii) electric or other shock, (viii) excessive noise, (ix) noxious fumes, (x) exercise to exhaustion, (xi) overcrowding, (xii) paralysis by muscle relaxants or other means, (xiii) deprivation or excess of food, water or other essential nutrients, (xiv) surgery or other invasive procedures, (xv) other extreme stimuli, or (xvi) termination of life.

b. Notwithstanding any inconsistent provision of this section, the commissioner may, upon the submission of a written program plan, issue to such school a written waiver of such restrictions for students subject to the following provisions: (i) the student shall be in grade ten, eleven, or twelve; and (ii) the student shall be under the supervision of one or more teachers certified in science; and (iii) the student shall be pursuing an accelerated course of study in the sciences as defined by the commissioner in preparation for taking a state or national advanced placement examination. The commissioner shall issue a waiver of such restrictions for any teacher certified in science instructing such student. The written program plan shall include, but

not be limited to: (i) the educational basis for requesting a waiver; (ii) the objective of the lesson or experiment; (iii) the methods and techniques to be used; and (iv) any other information required by the commissioner.

6. Report. On or before the first day of January next succeeding the effective date of this amended section, the commissioner shall annually submit a report to the governor and the legislature which shall include, but not be limited to, the number of written program plan proposals submitted by schools and the number of such proposals subsequently approved by the commissioner. In those cases where a program plan proposal has been approved by the commissioner, such plan shall be appended to and become a part of the commissioner's annual report.