

of a teacher to judge the educational value of supervising student use of animals in an experiment in school. His concluding remarks are instructive: "SPCA further argues that the result, if defendant Board were successful, would be that the science teacher would determine when the experiment was justified, balancing his evaluation of the pain and cruelty against the educational value to be derived. This indeed would place an awesome responsibility in the hands of the teacher, but then again the minds of our children are also placed in his hands."

Discussion Paper

A Brief History of the 1979 Massachusetts Act Regulating the Use of Live Animals in Public School Activities

Nancy Ann Payton

In March 1894 the Massachusetts legislature, at the urging of the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), enacted the first United States law prohibiting vivisection in public schools and restricting dissection in the classroom. The law remained unamended until the 1970s, when renewed interest in the use of live animals in pre-university educational activities brought the law once again to public attention.

The MSPCA was becoming increasingly concerned about science fair projects that used live animals. In response to inhumane experiments competing at the Massachusetts State Science Fair, the foremost science fair in the Commonwealth, the MSPCA and several other animal welfare societies approached representatives of the fair. As a result, in 1978 the Massachusetts State Science Fair adopted more stringent guidelines on the supervision of participants using live animals, e.g., proper care and handling were outlined in more detail. There was hope in the humane community that these guidelines would filter down to the regional, local and school science fairs striving to send finalists to the state competition.

To the dismay and disappointment of the MSPCA, the 1979 State Science Fair's enforcement of the new humane guidelines was nonexistent. Not only were projects more blatantly cruel than the previous year, but the judges failed to disqualify projects that clearly violated the guidelines. The formal request by the MSPCA to include a veterinarian and/or a humane representative on the 39-member State Science Fair Committee was completely ignored.

Reacting to cruelty which he had seen at science fairs, a Boston science teacher began introducing remedial legislation. The thrust of his bill was to limit science fair projects involving live animals to observational, noninterventive studies. The bill received little attention and repeatedly was killed early in the legislative process.

During the 1979 legislative session the bill was once again introduced by the teacher and was assigned to the Committee on Natural Resources and Agriculture. Although the April public hearing date was announced in early February, the MSPCA delayed active support of the bill until late April. This decision was due to continuing problems with the State Science Fair's obvious unwillingness to enforce even voluntary guidelines. It should be noted that the MSPCA has a definite policy of actively supporting legislation only as a last resort, when all other potentially expedient avenues have

been exhausted.

At the April hearing, the intent of the 1979 bill was endorsed by the Committee on Natural Resources and Agriculture. At the Committee's request, the MSPCA was asked to redraft the bill into appropriate legislative form. During the redrafting process, several bill options were considered. First, the 1894 law could be amended; second, a section could be added to the chapter containing the 1894 law; or third, the 1894 law and the concerns of the science fair bill could both be rewritten and incorporated, addressing both the shortcomings of the 1894 law and the concerns of the science fair bill. The third course was approved by the Committee and a bill resembling the California statute was reported out of the Committee favorably. Representative Richard Dwinell (House Chairman of the Committee on Natural Resources and Agriculture), at the suggestion of the House Counsel, offered on the House floor a stronger substitute bill. Unlike most bills, the entire text of this bill appeared in the House Journal. The bill proceeded easily through the House and Senate. On July 23, 1979, Governor Edward J. King signed the bill into law. It became effective on October 23, 1979. Specifically, the new law incorporates the following points:

1. It repeals the 1894 law, which appeared in the educational statutes, and places the new law in the anti-cruelty statutes.
2. It prohibits in public schools any treatment, experiment and/or procedure which evokes distress and/or interferes with the normal health and well-being of any live vertebrate animals. For example, pithing of frogs and diets deficient in essential foods are not permitted.
3. School principals, administrators, and teachers are liable for ensuring the law is upheld, not only in the classroom, but also in school-related activities such as science fair projects and independent studies.
4. Animals to be dissected must be acquired dead.
5. Classroom pets and other live animals must be humanely treated and safely housed. Adequate care must be provided at all times, including weekends, holidays, and vacations.
6. The fine for violating the law is up to \$100.

The new law proved controversial. Some individuals claimed the bill had been pushed through the legislature "behind everyone's back." The facts are that the bill was given a public hearing, a common practice—not a legal requirement—utilized by legislative committees. The date of the hearing was known and filed with the appropriate authorities months in advance. The legislative agents for the educational community failed to make themselves aware of the bill's progress despite the fact that the intent was clearly stated in the title, "An Act Regulating The Use Of Live Vertebrates For Experimental Or Exhibitional Purposes In Certain Schools." Furthermore, the title was published for numerous weeks in both the House and Senate calendars.

To aid teachers in interpreting the law and designing activities within its parameters, the MSPCA is providing free, upon request, informational packets design-

ed for both elementary and secondary teachers. The Massachusetts Association of Science Supervisors has suggested to its members that "the guidelines set forth by the National Science Teachers Association be used in schools in the state." These guidelines are included in the MSPCA informational packets.

In the coming months and years, the MSPCA looks forward to working closely with professional organizations such as the Massachusetts Association of Science Supervisors and the Massachusetts Teachers Association. Such activities might include interpreting the law on questionable experiments involving live animals and coordinating seminars for teachers on the proper care and handling of live animals.

Massachusetts should be proud that it has taken steps to ensure the dignity of animals and to instill in young people the idea that animals should be treated humanely and respectfully at all times, even in the pursuit of scientific knowledge.