



OFFICE OF STANDARDS AND INSTRUCTION
Room 860 EBA
Phone: (518) 474-5922
E-mail: emscurric@nysed.gov; Web: www.nysed.gov/curriculum-instruction

Application Form for Commissioner of Education Waiver Education Law §809(5) Treatment of Live Vertebrate Animals

Education Law §809 (5) provides that no school district, school principal, administrator, or teacher shall permit the performance of certain specified types of lessons or experimental studies on live vertebrate animals in the school or during an activity conducted under the school's auspices. These activities are prohibited whether or not they take place on school premises. For example, a teacher may not allow a student to conduct the prohibited experiments on live vertebrate animals for a school sponsored science fair even if the experiment is conducted at a research institution. See Appendix A for the text of this law.

Under certain circumstances, the Commissioner may grant a waiver from this restriction upon a school's submission of a written program plan. The school district must obtain a waiver *before the lesson or experimentation begins*. Instructions for applying for such a waiver and the appropriate forms are provided below.

Note: Only projects involving the use of live vertebrate animals as indicated in New York State Education Law §809(5) should apply for a waiver.

The Application Process and Waiver Process

Step 1:

Complete the *Application Form for Waiver - 809(5) Treatment of Live Vertebrate Animals and Written Program Plan for Lesson(s) or Experimental Study*. The application form including the Written Program Plan must be completed for the application to be considered for a Commissioner's waiver under New York State Education Law §809(5). The application and written program plan must outline and describe in detail the lesson(s) or experimental study of live vertebrate animals.

Step 2:

Mail all completed forms to:

**New York State Education Department
Office of Standards and Instruction Room
860 EBA
89 Washington Avenue
Albany, NY 12234
Attention: §809(5) Waiver Application**

Be sure to retain a copy of all materials submitted.



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Application Form for §809(5) Treatment of Live Vertebrate Animals & Written Program Plan for Lesson(s) or Experimental Study

School District _____ BEDS CODE _____

Address _____

Superintendent of Schools _____

School Building _____ BEDS CODE _____

Address _____

Principal _____

Certified Science Teacher _____

Title of Proposed Lesson or Experimental Study _____

Student Participants in this project:

§809 (5) (b)(i) Requires that the student(s) must be in grade 10, 11, or 12.

Grade level of student(s):	Number of students participating



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Supervising Science Teacher(s)

§809(5)(b)(ii) provides that the student(s) must be under the supervision of one or more teachers certified in science:

Name(s) of supervising certified science teacher(s)	Science Certification Area(s)
1.	
2.	

Accelerated Course of Study

§809(5)(b)(iii) provides that the student(s) must 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.

Title of accelerated or advanced course of study	Title of State or National Advanced Placement Examination

Written Program Plan

§809(5)b

Summarize the Written Program Plan in the spaces provided below.
Each of the following three areas must be addressed in the summary.

1. Educational basis for requesting a waiver:



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2. The objective(s) of the lesson or experiment:

3. The methods and techniques to be used:

**Description/Explanation of Procedures Used in the Written Program Plan
New York State Education Law Section 809(5) — Treatment of Live Vertebrate Animals**

Please check all that apply and comment where checked.

Treatment of Live Vertebrate Animals		Applicant comments Include a description and explanation of necessity to use this/these procedure(s) in the program plan submitted.
(i) Micro-organisms which cause disease in humans and in animals	<input type="checkbox"/>	
(ii) Ionizing radiation	<input type="checkbox"/>	
(iii) Known cancer producing agents	<input type="checkbox"/>	
(iv) Chemicals at toxic levels	<input type="checkbox"/>	



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(v) Drugs producing pain or deformity	<input type="checkbox"/>	
(vi) Severe extremes of temperature	<input type="checkbox"/>	
(vii) Electric or other shock	<input type="checkbox"/>	
(viii) Excessive noise	<input type="checkbox"/>	
(ix) Noxious fumes	<input type="checkbox"/>	
(x) Exercise to exhaustion	<input type="checkbox"/>	
(xi) Overcrowding	<input type="checkbox"/>	
(xii) Paralysis by muscle relaxants or other means	<input type="checkbox"/>	
(xiii) Deprivation or excess of food, water, or other essential nutrients	<input type="checkbox"/>	
(xiv) Surgery or other invasive procedures	<input type="checkbox"/>	
(xv) Other extreme stimuli	<input type="checkbox"/>	
(xvi) Termination of life	<input type="checkbox"/>	



§809(5)(iv) Additional Information Required by the Commissioner

Title of Project _____

1. Attach a typed copy of the Written Program Plan that must include the following detailed information listed below:

- Explain and provide more information why live vertebrate animals must be used, including the reasons for the choice of species and the number of animals to be used.
- Describe in detail, how the animals will be used. Include methods and procedures, such as experimental design and data analysis.
- Provide detailed information on the animal's housing, husbandry, and environment.
- Provide a description of any analgesic, anesthetic, or tranquilizing drugs (show dosage in **mg/kg of body weight**) and comfortable restraining devices used to minimize discomfort, distress, pain, and injury. Also indicate dosage of any drugs or substances used in the animals in mg/kg of body weight.
- Explain what will happen to the animal(s) after the project is finished.

2. Is this course and lesson(s) or experimental study intended to be offered on an annual basis?

___ no ___ yes

Explain _____

- If a waiver is granted for a course that is offered on an annual basis, a school district must submit a new waiver application if the program plan represents substantial changes.

3. Indicate the work site(s) location(s) where the lesson(s) or experimentation on live vertebrate animals will be conducted. (Check all that apply)

___ Research Institution ___ School Other _____



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Name, address, and phone of each work site:

Work site 1: _____

Work site 2: _____

4. Fill in the following regarding the animals used. If more than one species is used, make copies of this section, fill it out for each species, and attach it to the back of this page.

A. Genus, species, and common name of the animal(s) used:

B. From where will the animals be obtained?

C. Number of animals to be used? _____ Average weight _____

D. Cage size _____ Number of animals per cage _____

E. Type of food _____

F. How often are they to be fed and given water? _____

G. Type of bedding used (*Do not* use cedar chips, newspaper, or paper towels.) _____

H. Where will the animals be housed? _____

Note: The [Society for Science website](#) provides guidance on research procedures and practices using live vertebrate animals that are generally accepted within the scientific community.



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CERTIFICATION

The undersigned hereby certify that they have reviewed and approved this application and the attached written program plan for submission to the Commissioner for a waiver of the restrictions set forth in Education Law §809(5) – Treatment of Live Vertebrate Animals.

Certified Science Teacher:

_____	_____	_____
Name and Title	Signature	Date

School Principal:

_____	_____	_____
Name and Title	Signature	Date

Superintendent of Schools or their Designee:

_____	_____	_____
Name and Title	Signature	Date

Be sure to submit all specified forms or the application will not be reviewed.

Application Form for Waiver - §809(5) Treatment of Live Vertebrate Animals: All information pertaining to a waiver request must be included in the application form for Department review.

Written Program Plan: A typed written program plan must accompany and be attached to the application form.



Appendix A

§ 809 (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 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.