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Introduced by M. of A. ZINERMAN, TAYLOR, SEAWRIGHT, DICKENS, AUBRY,
HEVESI, SIMON, GONZALEZ-ROJAS, GLICK, OTIS, DAVILA, COOK, JACKSON --
read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to allocating the Amistad
commission in the department of education, and repealing certain
provisions of the arts and cultural affairs law relating to the Amis-
tad commission

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

Section 1. Article 57-B of the arts and cultural affairs law is
REPEALED.

§ 2. The education law is amended by adding a new article 25 to read
as follows:

ARTICLE 25

THE AMISTAD COMMISSION

Section 1301. Legislative findings.

1302. Definitions

1303. Commission established.

1304. Commission duties and responsibilities.

1305. Curriculum.

1306. Authorization.

§ 1301. Legislative findings. The legislature finds and declares that:

1. During the period beginning late in the fifteenth century through
the nineteenth century, millions of persons of African origin were
enslaved and brought to the Western Hemisphere, including the United
States of America; anywhere from between twenty to fifty percent of
enslaved Africans died during their journey to the Western Hemisphere;
the enslavement of Africans and their descendants was part of a
concerted effort of physical and psychological terrorism that deprived
groups of people of African descent the opportunity to preserve many of
their social, religious, political and other customs; the vestiges of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 slavery in this country continued with the legalization of second class
2 citizenship status for African-Americans through Jim Crow laws, segre-
3 gation and other similar practices; the legacy of slavery has pervaded
4 the fabric of our society; and in spite of these events there are
5 endless examples of the influence of the history of Africans on the
6 economic, cultural, political and social foundation of the United
7 States, the Americas and the economies, politics and societies of Europe
8 and beyond and the enduring legacy of chattel slavery in the United
9 States and the Americas, including the social construct of race, inequi-
10 ty and injustice stemming from racism, perseverance, activism and
11 significant contributions of the enslaved, their descendants and stake-
12 holders, throughout history.

13 2. All people should know of and remember the human carnage and dehu-
14 manizing atrocities committed during the period of the African slave
15 trade and slavery in America and of the vestiges of slavery in this
16 country; and it is in fact vital to educate our citizens on these
17 events, the legacy of slavery, the sad history of racism in this coun-
18 try, and on the principles of human rights and dignity in a civilized
19 society.

20 3. It is the policy of the state of New York that Black history,
21 including the history of Africa, the trans-Atlantic slave trade, the
22 African diaspora, chattel slavery, the African slave trade, slavery in
23 America, the legacy of slavery on our society, the depth of their impact
24 in our society, and the triumphs of Africans and their descendants and
25 their significant contributions to the development of this country is
26 the proper concern of all people, particularly students enrolled in the
27 schools of the state of New York.

28 4. There is a need for education reform from preschool through college
29 in order to mitigate the devastating effect of racism in education and
30 the complete miseducation of our population around Black history.

31 5. It is therefore desirable to create a state-level commission, which
32 shall oversee the budget and operation of the Amistad commission as it
33 seeks to provide the students of New York with a more adequate inclu-
34 sion of the history of Africa, chattel slavery, the African diaspora,
35 the legacy of slavery and the contributions of African-Americans in
36 building our country.

37 § 1302. Definitions. For the purposes of this article:

38 1. "Commission" shall mean the Amistad commission.

39 2. "African-American" shall mean all people of African descent in the
40 United States.

41 3. "Department" shall have the same meaning as such term is defined in
42 subdivision six of section two of this chapter.

43 4. "Commissioner" shall have the same meaning as such term is defined
44 in subdivision five of section two of this chapter.

45 § 1303. Commission established. 1. The Amistad commission, so named in
46 honor of the group of enslaved Africans led by Joseph Cinque who, while
47 being transported in eighteen hundred thirty-nine on a vessel named the
48 Amistad, gained their freedom after overthrowing the crew and eventually
49 having their case successfully argued before the United States Supreme
50 Court, is hereby created and established. The commission shall consist
51 of twenty members, including the commissioner of education or his or her
52 designee, the temporary president of the senate, the speaker of the
53 assembly, the chancellor of the state university of New York or his or
54 her designee, serving ex officio, and sixteen public members. Public
55 members shall be appointed as follows: The public members shall be resi-
56 dents of the state, chosen with due regard to broad geographic represen-

1 tation and racial and ethnic diversity, who have knowledge of the histo-
2 ry of ancient Africa, the trans-Atlantic slave trade, slavery in the
3 Americas, the African diaspora, the accomplishments, experiences, and
4 contributions of people of African descent to our society, and the
5 enduring legacy of slavery.

6 2. The commissioner or his or her designee shall reside as a voting
7 member. The temporary president of the senate and the speaker of the
8 assembly shall serve as voting members for the two-year legislative
9 term. All public members shall serve as voting members.

10 3. The commission shall be allocated in but not of the department, but
11 notwithstanding this allocation, the commission shall be independent of
12 any supervision or control by the department or any board or officer
13 thereof.

14 4. Each public member of the commission shall serve for a term of
15 three years. Public members shall be eligible for reappointment. They
16 shall serve until their successors are appointed and qualified, and the
17 term of the successor of any incumbent shall be calculated from the
18 expiration of the term of that incumbent. A vacancy occurring other than
19 by expiration of term shall be filled in the same manner as the original
20 appointment but for the unexpired term only.

21 5. The members of the commission shall serve without compensation but
22 shall be entitled to reimbursement for all necessary expenses incurred
23 in the performance of their duties.

24 6. The commission shall annually elect a chairperson and a vice-chair-
25 person from among its members. The commission shall meet upon the call
26 of the chairperson or of a majority of the commission members. The pres-
27 ence of a majority of the authorized voting membership of the commission
28 shall be required for the conduct of official business.

29 7. The commission shall interview and appoint an executive director,
30 who shall serve at its pleasure and shall be a person qualified by
31 training and experience to perform the duties of the office. The commis-
32 sion shall approve all commission personnel job descriptions and all
33 persons recommended for employment by its executive director.

34 8. The department shall provide technical assistance and data to the
35 commission as may be necessary for the commission to carry out its
36 responsibilities pursuant to this article.

37 9. The executive director shall submit a request for the budget for an
38 amount not less than one million four hundred thousand dollars directly
39 to the governor annually. The legislature shall appropriate sufficient
40 funding to ensure that the commission carries out the provisions of this
41 article. One hundred thousand dollars of such funding shall be allo-
42 cated annually for travel expenses, including but not limited to
43 expenses for overnight accommodations and retreats.

44 § 1304. Commission duties and responsibilities. 1. The commission
45 shall:

46 (a) Market and distribute to educators, administrators and school
47 districts in the state educational information and other materials on
48 the history of ancient Africa, the trans-Atlantic slave trade, slavery
49 in the Americas, the African diaspora, the accomplishments, experiences,
50 and contributions of people of African descent to our society, and the
51 enduring legacy of slavery;

52 (b) Conduct teacher workshops annually on the history of ancient Afri-
53 ca, the trans-Atlantic slave trade, slavery in the Americas, the African
54 diaspora, the accomplishments, experiences, and contributions of people
55 of African descent to our society, and the enduring legacy of slavery;

1 (c) Monitor and assess the inclusion of such materials and curricula
2 in the state's educational system;

3 (d) Survey, catalog, and recommend to the department the expansion of
4 content about the history of ancient Africa, the trans-Atlantic slave
5 trade, slavery in the Americas, the African diaspora, the accomplish-
6 ments, experiences, and contributions of people of African descent to
7 our society, and the enduring legacy of slavery to be incorporated into
8 the learning standards established by the board of regents and taught in
9 the state's educational system;

10 (e) Survey and catalog the extent and breadth of education concerning
11 Africa, the trans-Atlantic slave trade, the African diaspora, chattel
12 slavery, the African slave trade, slavery in America, and the legacy of
13 slavery on our society presently being incorporated into the curricula
14 and textbooks and taught in the school systems of the state; and, to
15 inventory those African slave trade, American slavery, or relevant Afri-
16 can-American history memorials, exhibits and resources which should be
17 incorporated into courses of study at educational institutions and
18 schools throughout the state;

19 (f) Compile a roster of individual professionals, consultants, and
20 experts who are willing to contract to share their knowledge and experi-
21 ence in classrooms, seminars and workshops with students and teachers on
22 the subject of Africa, the trans-Atlantic slave trade, the African dias-
23 pora, chattel slavery, the African slave trade, slavery in America, and
24 the legacy of slavery on our society;

25 (g) Prepare reports for the governor and the legislature regarding its
26 findings and recommendations on facilitating the inclusion of Africa,
27 the trans-Atlantic slave trade, the African diaspora, chattel slavery,
28 the African slave trade, slavery in America, and the legacy of slavery
29 on our society and special programs in the educational system of the
30 state; and

31 (h) Increase awareness and encourage school districts to utilize
32 curricula on African-American history by:

33 (i) providing curriculum and professional development support for
34 public school districts and/or public schools for the acquisition of
35 such curricular materials, guides, texts, and coaching so as to increase
36 the efficacy of teaching and learning of such knowledge and to effect
37 its full integration into the curriculum of all such public schools; and

38 (ii) prioritize the hiring, contracting, and procurement of such
39 services and materials necessary to effectuate the provisions of para-
40 graph (a) of this subdivision from among the professionals, consultants,
41 and experts who represent a broad ethnic diversity that also have a
42 demonstrated life experience and educational background in the history
43 of Africa, the trans-Atlantic slave trade, the African diaspora, chattel
44 slavery, the African slave trade, slavery in America, and the legacy of
45 slavery on our society.

46 2. Monetary incentives shall be appropriated for schools to utilize
47 existing budgets to replace outdated materials and teaching methodol-
48 ogies.

49 § 1305. Curriculum. 1. The commission shall provide curriculum, educa-
50 tional experiences through primary sources and narratives, learning
51 materials, and performance based and project-based assessments for all
52 grades including preschool through college about:

53 (a) Africa, the African diaspora, the African slave trade, slavery
54 and segregation in America, the impact of slavery in our society, the
55 trans-Atlantic slave trade, the legacy of slavery on our society and the
56 influence of the history of Africans on the economic, cultural, poli-

1 tical and social foundation of the United States, the Americas and the
2 economies, politics and societies of Europe and beyond;

3 (b) The institution of chattel slavery in the Americas and Europe; and

4 (c) The enduring legacy of chattel slavery in the United States and
5 the Americas, including but not limited to:

6 (i) the social construct of race;

7 (ii) inequity and injustice stemming from racism; and

8 (iii) perseverance, activism and contributions of the enslaved, their
9 descendants and stakeholders, throughout history.

10 2. The instruction shall also emphasize the personal responsibility of
11 each citizen to fight racism and hatred whenever and wherever it happens
12 and to uphold the national ideals of freedom and justice for all.

13 3. The department shall work with the commission to ensure that all
14 department assessment tools for schools within the state are inclusive
15 of the curricular requirements established, including, but not limited
16 to:

17 (a) Inclusion in the district comprehensive education plan and school
18 comprehensive education plan; and

19 (b) Inclusion in district diversity, equity, and inclusion plans.

20 § 1306. Authorization. 1. The commission is authorized to call upon
21 any department, office, division or agency of the state, or any county,
22 municipality or school district of the state, to supply such data,
23 program reports and other information, as it deems necessary to
24 discharge its responsibilities under this article.

25 2. Such departments, offices, divisions and agencies shall, to the
26 extent possible and not inconsistent with any other law of this state,
27 cooperate with the commission and shall furnish it with such information
28 and assistance as may be necessary or helpful to accomplish the purposes
29 of this article.

30 § 3. Section 801 of the education law is amended by adding a new
31 subdivision 3-a to read as follows:

32 3-a. The regents shall prescribe courses of instruction in accordance
33 with the requirements of section thirteen hundred five of this chapter.

34 Similar courses of instruction shall be prescribed and maintained in
35 private schools and offered to home schools in the state, and all pupils
36 in such schools in grades or classes corresponding to the instruction in
37 the eighth and higher grades of the public schools shall attend upon
38 such courses. If such courses are not so established and maintained in a
39 private school, attendance upon instruction in such school shall not be
40 deemed substantially equivalent to instruction given to pupils in the
41 public schools of the city or district in which such pupils reside.

42 § 4. This act shall take effect immediately, provided, however, that
43 section 1305 of the education law, as added by section two of this act,
44 and subdivision 3-a of section 801 of the education law, as added by
45 section three of this act shall take effect on July 1, 2023.