STATE OF NEW YORK

5334--A

2023-2024 Regular Sessions

IN SENATE

March 2, 2023

Introduced by Sens. COMRIE, FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to allocating the Amistad commission to work alongside the department of education and on behalf of students in New York state; and to repeal certain provisions of the arts and cultural affairs law relating to the Amistad commission

The People of the State of New York, represented in Senate and Assembly, 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 Article 57-B of the arts and cultural affairs law is REPEALED.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; of the 12.5 million enslaved Africans brought, 10.7 million survived the middle passage or approximately 20% perished during their journey to the Western hemisphere. The enslavement of Africans and their descendants was part of a concerted effort of physical and psycho-

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

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logical terror that deprived groups of people of African descent the opportunity to preserve many of their economic, social, religious, political and other customs; the vestiges of slavery in this country continued with the legalization of second class citizenship status for African-Americans through from the end of Reconstruction in 1876 until the Civil Rights Era that spanned the 1950s through 1968, including Jim Crow laws, segregation and other similar practices; the legacy of slavery has pervaded the fabric of our society; and in spite of these events there are endless examples of the influence of the history of Africans on the cultural, economic, political and social foundation of the United States, the Americas and the economies, politics and societies of Europe and beyond. The enduring legacy of chattel slavery in the United States and the Americas, including the social construct created and cemented by the biological myth of race and the resulting inequities and injustices stemming from racism. That was challenged by the perseverance, activism and aforementioned contributions of the enslaved Africans, their descendants and stakeholders, throughout history.

2. We should know of and remember the human carnage and dehumanizing atrocities committed during the period of the African slave trade and slavery in America and of the vestiges of slavery in this country; and it is in fact vital to educate our citizens on these events, the legacy of slavery, the sad history of racism in this country, and on the principles of human rights and dignity in a civilized society.

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

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

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

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

1. "Commission" shall mean the Amistad commission.

2. "African-Americans" shall mean all Pan-African people in the Americas.

3. "Black history" or "Black studies" shall mean the history of Africa, the trans-Atlantic slave trade, the African diaspora, chattel slavery, slavery in the Americas, the legacy of slavery in our society, the depth of their impact in our society, and the triumphs of Africans in the Americas and their descendants and their significant contributions. It shall elevate historically marginalized voices. It shall include opportunities to learn about power and privilege in the context of various communities and empowers learners to be agents of positive social change. It shall provide the opportunity to learn about perspectives beyond one's own scope. It shall work toward dismantling systems of biases and inequities and decentering dominant ideologies in education.

4. "Department" shall mean the department of education as such term is defined in subdivision six of section two of this chapter.

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

§ 1303. Commission established. 1. The Amistad commission, so named in honor of the group of enslaved Africans led by Joseph Cinque who, while being transported in eighteen hundred thirty-nine on a vessel named the Amistad, gained their freedom after overthrowing the crew and eventually having their case successfully argued before the United States Supreme Court, is hereby created and established. The commission shall consist of twenty-one members, including the commissioner of education or such commissioner's designee, the temporary president of the senate, the speaker of the assembly, the chancellor of the state university of New York or such chancellor's designee, serving ex officio, a designee appointed by the governor who has a background in education and sixteen public members. Public members shall be appointed as follows: The public members shall be residents of the state, chosen with due regard to broad geographic representation and racial and ethnic diversity, who have knowledge of Black studies.

2. The commissioner or such commissioner's designee shall reside as a voting member. The temporary president of the senate and the speaker of the assembly shall serve as voting members for the two-year legislative term. All public members shall serve as voting members.

3. The commission shall have a separate budget from the department and shall be allocated in but not of the department, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or any board or officer thereof.

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

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

6. The commission shall annually elect a chairperson and a vice-chairperson from among its members. The commission shall meet upon the call of the chairperson or of a majority of the commission members. The presence of a majority of the authorized voting membership of the commission shall be required for the conduct of official business.

7. The commission shall interview and appoint an executive director, who shall serve at its pleasure and shall be a person qualified by training and experience to perform the duties of the office. The commission shall approve all commission personnel. The executive director shall identify their staff and the personnel committee of such commission shall approve such hires through equitable hiring practices.

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

9. The executive director shall submit a request for the budget for an amount not less than one million four hundred thousand dollars directly to the governor annually. The legislature shall appropriate sufficient funding to ensure that the commission carries out the provisions of this article. One hundred thousand dollars of such funding shall be allo-

cated annually for travel expenses, including but not limited to expenses for overnight accommodations and retreats.

§ 1304. Commission duties and responsibilities. 1. The commission shall, including but not limited to, blue ribbon commission recommendations:

(a) create a state-developed rubric or rubrics for any performance-based assessments allowed as an option to satisfy the diploma assessment requirements of the state;

(b) require all state teacher preparation programs to provide instruction in culturally responsive-sustaining education, diversity, equity, and inclusion and accessibility lens in all subject areas, including history; and

(c) include such information in district comprehensive improvement plans or other accountability measures provided by the department.

2. In crafting a framework for the implementation of Black studies, the commission shall:

(a) Adopt and/or adapt a Black history curriculum with scope and sequence and grade level outcomes and market and distribute such information and materials to educators, administrators and school districts in the state;

(b) Conduct teacher workshops annually on Black history;

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

(d) In order to facilitate the commission's adoption and/or adaptation of a Black history curriculum with scope and sequence and grade level outcomes, survey, catalog, and recommend to the department:

(i) the alignment or craft educational standards that are culturally relevant and inclusive;

(ii) the scope of Black history, which shall include but not be limited to, history, culture, contributions, social movements, literature, and the arts from ancient to contemporary times;

(iii) the incorporation of Black history across multiple subjects, including but not limited to, history, social studies, literature, and the arts to provide a holistic view; and

(iv) diverse viewpoints within the African American community, highlighting gender, regional, socioeconomic, and ideological diversity.

(e) Survey and catalog the extent and breadth of education concerning Black history presently being incorporated into the curricula and textbooks and taught in the school systems of the state; and, to inventory those African slave trade, American slavery, or relevant African-American history memorials, exhibits and resources which should be incorporated into courses of study at educational institutions and schools throughout the state;

(f) Compile a roster of individual professionals, consultants, and experts who are willing to contract to share their knowledge and experience in classrooms, seminars and workshops with students and teachers on the subject of Black history;

(g) Prepare reports for the governor and the legislature regarding its findings and recommendations on facilitating the inclusion of Black history and special programs in the educational system of the state; and

(h) Increase awareness and encourage school districts to utilize curricula on Black history by:

(i) providing curriculum and professional development support for public school districts and/or public schools for the acquisition of such curricular materials, guides, texts, and coaching so as to increase

the efficacy of teaching and learning of such knowledge and to effect its full integration into the curriculum of all such public schools; and

(ii) prioritize the hiring, contracting, and procurement of such services and materials necessary to effectuate the provisions of paragraph (a) of this subdivision from among the professionals, consultants, and experts who represent a broad ethnic diversity that also have a demonstrated life experience and educational background in Black history.

3. Monetary incentives shall be appropriated for schools to utilize existing budgets to replace outdated materials and teaching methodologies.

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

(a) Black history and the influence of the history of Africans on the economic, cultural, political and social foundation of the United States, the Americas and the economies, politics and societies of Europe and beyond;

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

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

(i) the social construct of race;

(ii) inequity and injustice stemming from racism; and

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

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

3. The department shall work with the commission to ensure that all department assessment tools for schools within the state are inclusive of the Black history curriculum and available for school districts to adopt including, but not limited to:

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

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

4. Curriculum shall be disseminated by the commission and shall incorporate the learning standards established by the board of regents.

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

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

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

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

Similar courses of instruction shall be prescribed and maintained in private schools and offered to home schools in the state, and all pupils in such schools in grades or classes corresponding to the instruction in the eighth and higher grades of the public schools shall attend upon

such courses. If such courses are not so established and maintained in a private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to pupils in the public schools of the city or district in which such pupils reside.

§ 4. This act shall take effect immediately, provided, however, that section 1305 of the education law, as added by section two of this act, and subdivision 3-a of section 801 of the education law, as added by section three of this act shall take effect on the first of July next succeeding the date upon which it shall have become a law.