

# STATE OF NEW YORK

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2023-2024 Regular Sessions

## IN ASSEMBLY

January 23, 2023

Introduced by M. of A. ZINERMAN, TAYLOR, SEAWRIGHT, DICKENS, AUBRY, HEVESI, SIMON, GONZALEZ-ROJAS, GLICK, OTIS, DAVILA, COOK, JACKSON, THIELE, RAGA, WALKER, GIBBS, ANDERSON, CHANDLER-WATERMAN, DARLING, CRUZ, HYNDMAN, VANEL, CUNNINGHAM, MEEKS, LUCAS -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- 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:

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2 REPEALED.

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

### ARTICLE 25

#### THE AMISTAD COMMISSION

7 Section 1301. Legislative findings.

8 1302. Definitions

9 1303. Commission established.

10 1304. Commission duties and responsibilities.

11 1305. Curriculum.

12 1306. Authorization.

13 § 1301. Legislative findings. The legislature finds and declares that:

14 1. During the period beginning late in the fifteenth century through  
15 the nineteenth century, millions of persons of African origin were  
16 enslaved and brought to the Western Hemisphere, including the United  
17 States of America; of the 12.5 million enslaved Africans brought, 10.7

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

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1 million survived the middle passage or approximately 20% perished during  
2 their journey to the Western hemisphere. The enslavement of Africans and  
3 their descendants was part of a concerted effort of physical and psycho-  
4 logical terror that deprived groups of people of African descent the  
5 opportunity to preserve many of their economic, social, religious, poli-  
6 tical and other customs; the vestiges of slavery in this country contin-  
7 ued with the legalization of second class citizenship status for Afri-  
8 can-Americans through from the end of Reconstruction in 1876 until the  
9 Civil Rights Era that spanned the 1950s through 1968, including Jim Crow  
10 laws, segregation and other similar practices; the legacy of slavery has  
11 pervaded the fabric of our society; and in spite of these events there  
12 are endless examples of the influence of the history of Africans on the  
13 cultural, economic, political and social foundation of the United  
14 States, the Americas and the economies, politics and societies of Europe  
15 and beyond. The enduring legacy of chattel slavery in the United States  
16 and the Americas, including the social construct created and cemented by  
17 the biological myth of race and the resulting inequities and injustices  
18 stemming from racism. That was challenged by the perseverance, activism  
19 and aforementioned contributions of the enslaved Africans, their  
20 descendants and stakeholders, throughout history.

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

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

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

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

44 § 1302. Definitions. For the purposes of this article:

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

46 2. "African-Americans" shall mean all Pan-African people in the Ameri-  
47 cas.

48 3. "Black history" or "Black studies" shall mean the history of Afri-  
49 ca, the trans-Atlantic slave trade, the African diaspora, chattel slav-  
50 ery, slavery in the Americas, the legacy of slavery in our society, the  
51 depth of their impact in our society, and the triumphs of Africans in  
52 the Americas and their descendants and their significant contributions.  
53 It shall elevate historically marginalized voices. It shall include  
54 opportunities to learn about power and privilege in the context of vari-  
55 ous communities and empowers learners to be agents of positive social  
56 change. It shall provide the opportunity to learn about perspectives

1 beyond one's own scope. It shall work toward dismantling systems of  
2 biases and inequities and decentering dominant ideologies in education.

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

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

7 § 1303. Commission established. 1. The Amistad commission, so named in  
8 honor of the group of enslaved Africans led by Joseph Cinque who, while  
9 being transported in eighteen hundred thirty-nine on a vessel named the  
10 Amistad, gained their freedom after overthrowing the crew and eventually  
11 having their case successfully argued before the United States Supreme  
12 Court, is hereby created and established. The commission shall consist  
13 of twenty-one members, including the commissioner of education or such  
14 commissioner's designee, the temporary president of the senate, the  
15 speaker of the assembly, the chancellor of the state university of New  
16 York or such chancellor's designee, serving ex officio, a designee  
17 appointed by the governor who has a background in education and sixteen  
18 public members. Public members shall be appointed as follows: The  
19 public members shall be residents of the state, chosen with due regard  
20 to broad geographic representation and racial and ethnic diversity, who  
21 have knowledge of Black studies.

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

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

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

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

40 6. The commission shall annually elect a chairperson and a vice-chair-  
41 person from among its members. The commission shall meet upon the call  
42 of the chairperson or of a majority of the commission members. The pres-  
43 ence of a majority of the authorized voting membership of the commission  
44 shall be required for the conduct of official business.

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

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

54 9. The executive director shall submit a request for the budget for an  
55 amount not less than one million four hundred thousand dollars directly  
56 to the governor annually. The legislature shall appropriate sufficient

1 funding to ensure that the commission carries out the provisions of this  
2 article. One hundred thousand dollars of such funding shall be allo-  
3 cated annually for travel expenses, including but not limited to  
4 expenses for overnight accommodations and retreats.

5 § 1304. Commission duties and responsibilities. 1. The commission  
6 shall, including but not limited to, blue ribbon commission recommenda-  
7 tions:

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

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

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

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

19 (a) Adopt and/or adapt a Black history curriculum with scope and  
20 sequence and grade level outcomes and market and distribute such infor-  
21 mation and materials to educators, administrators and school districts  
22 in the state;

23 (b) Conduct teacher workshops annually on Black history;

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

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

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

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

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

37 (iv) diverse viewpoints within the African American community, high-  
38 lighting gender, regional, socioeconomic, and ideological diversity.

39 (e) Survey and catalog the extent and breadth of education concerning  
40 Black history presently being incorporated into the curricula and text-  
41 books and taught in the school systems of the state; and, to inventory  
42 those African slave trade, American slavery, or relevant African-Ameri-  
43 can history memorials, exhibits and resources which should be incorpo-  
44 rated into courses of study at educational institutions and schools  
45 throughout the state;

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

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

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

55 (i) providing curriculum and professional development support for  
56 public school districts and/or public schools for the acquisition of

1 such curricular materials, guides, texts, and coaching so as to increase  
2 the efficacy of teaching and learning of such knowledge and to effect  
3 its full integration into the curriculum of all such public schools; and  
4 (ii) prioritize the hiring, contracting, and procurement of such  
5 services and materials necessary to effectuate the provisions of para-  
6 graph (a) of this subdivision from among the professionals, consultants,  
7 and experts who represent a broad ethnic diversity that also have a  
8 demonstrated life experience and educational background in Black histo-  
9 ry.

10 3. Monetary incentives shall be appropriated for schools to utilize  
11 existing budgets to replace outdated materials and teaching methodol-  
12 ogies.

13 § 1305. Curriculum. 1. The commission shall provide curriculum, educa-  
14 tional experiences through primary sources and narratives, learning  
15 materials, and performance based and project-based assessments for all  
16 grades including preschool through college about:

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

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

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

24 (i) the social construct of race;

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

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

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

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

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

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

38 4. Curriculum shall be disseminated by the commission and shall incor-  
39 porate the learning standards established by the board of regents.

40 § 1306. Authorization. 1. The commission is authorized to call upon  
41 any department, office, division or agency of the state, or any county,  
42 municipality or school district of the state, to supply such data,  
43 program reports and other information, as it deems necessary to  
44 discharge its responsibilities under this article.

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

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

52 3-a. The regents shall prescribe courses of instruction in accordance  
53 with the requirements of section thirteen hundred five of this chapter.

54 Similar courses of instruction shall be prescribed and maintained in  
55 private schools and offered to home schools in the state, and all pupils  
56 in such schools in grades or classes corresponding to the instruction in

1 the eighth and higher grades of the public schools shall attend upon  
2 such courses. If such courses are not so established and maintained in a  
3 private school, attendance upon instruction in such school shall not be  
4 deemed substantially equivalent to instruction given to pupils in the  
5 public schools of the city or district in which such pupils reside.

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