

# STATE OF NEW YORK

5334

2023-2024 Regular Sessions

## IN SENATE

March 2, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed 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 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2 REPEALED.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; anywhere from between twenty to fifty percent of  
18 enslaved Africans died during their journey to the Western Hemisphere;  
19 the enslavement of Africans and their descendants was part of a  
20 concerted effort of physical and psychological terrorism that deprived  
21 groups of people of African descent the opportunity to preserve many of  
22 their social, religious, political and other customs; the vestiges of  
23 slavery in this country continued with the legalization of second class

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

LBD01424-01-3

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

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

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

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

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

36 § 1302. Definitions. For the purposes of this article:

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

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

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

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

44 § 1303. Commission established. 1. The Amistad commission, so named in  
45 honor of the group of enslaved Africans led by Joseph Cinque who, while  
46 being transported in eighteen hundred thirty-nine on a vessel named the  
47 Amistad, gained their freedom after overthrowing the crew and eventually  
48 having their case successfully argued before the United States Supreme  
49 Court, is hereby created and established. The commission shall consist  
50 of twenty members, including the commissioner of education or his or her  
51 designee, the temporary president of the senate, the speaker of the  
52 assembly, the chancellor of the state university of New York or his or  
53 her designee, serving ex officio, and sixteen public members. Public  
54 members shall be appointed as follows: The public members shall be resi-  
55 dents of the state, chosen with due regard to broad geographic represen-  
56 tation and racial and ethnic diversity, who have knowledge of the histo-

1 ry of ancient Africa, the trans-Atlantic slave trade, slavery in the  
2 Americas, the African diaspora, the accomplishments, experiences, and  
3 contributions of people of African descent to our society, and the  
4 enduring legacy of slavery.

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

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

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

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

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

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

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

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

43 § 1304. Commission duties and responsibilities. 1. The commission  
44 shall:

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

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

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

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

(e) Survey and catalog the extent and breadth of education concerning Africa, the trans-Atlantic slave trade, the African diaspora, chattel slavery, the African slave trade, slavery in America, and the legacy of slavery on our society 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 Africa, the trans-Atlantic slave trade, the African diaspora, chattel slavery, the African slave trade, slavery in America, and the legacy of slavery on our society;

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

(h) Increase awareness and encourage school districts to utilize curricula on African-American 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 the history of Africa, the trans-Atlantic slave trade, the African diaspora, chattel slavery, the African slave trade, slavery in America, and the legacy of slavery on our society.

2. 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) Africa, the African diaspora, the African slave trade, slavery and segregation in America, the impact of slavery in our society, the trans-Atlantic slave trade, the legacy of slavery on our society 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;

1 (b) The institution of chattel slavery in the Americas and Europe; and  
2 (c) The enduring legacy of chattel slavery in the United States and  
3 the Americas, including but not limited to:

4 (i) the social construct of race;  
5 (ii) inequity and injustice stemming from racism; and  
6 (iii) perseverance, activism and contributions of the enslaved, their  
7 descendants and stakeholders, throughout history.

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

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

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

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

18 § 1306. Authorization. 1. The commission is authorized to call upon  
19 any department, office, division or agency of the state, or any county,  
20 municipality or school district of the state, to supply such data,  
21 program reports and other information, as it deems necessary to  
22 discharge its responsibilities under this article.

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

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

30 3-a. The regents shall prescribe courses of instruction in accordance  
31 with the requirements of section thirteen hundred five of this chapter.

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

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