

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:

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2 REPEALED.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

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

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

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

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

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

41 § 1302. Definitions. For the purposes of this article:

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

43 2. "African-Americans" shall mean all Pan-African people in the Ameri-
44 cas.

45 3. "Black history" or "Black studies" shall mean the history of Afri-
46 ca, the trans-Atlantic slave trade, the African diaspora, chattel slav-
47 ery, slavery in the Americas, the legacy of slavery in our society, the
48 depth of their impact in our society, and the triumphs of Africans in
49 the Americas and their descendants and their significant contributions.
50 It shall elevate historically marginalized voices. It shall include
51 opportunities to learn about power and privilege in the context of vari-
52 ous communities and empowers learners to be agents of positive social
53 change. It shall provide the opportunity to learn about perspectives
54 beyond one's own scope. It shall work toward dismantling systems of
55 biases and inequities and decentering dominant ideologies in education.

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

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

5 § 1303. Commission established. 1. The Amistad commission, so named in
6 honor of the group of enslaved Africans led by Joseph Cinque who, while
7 being transported in eighteen hundred thirty-nine on a vessel named the
8 Amistad, gained their freedom after overthrowing the crew and eventually
9 having their case successfully argued before the United States Supreme
10 Court, is hereby created and established. The commission shall consist
11 of twenty-one members, including the commissioner of education or such
12 commissioner's designee, the temporary president of the senate, the
13 speaker of the assembly, the chancellor of the state university of New
14 York or such chancellor's designee, serving ex officio, a designee
15 appointed by the governor who has a background in education and sixteen
16 public members. Public members shall be appointed as follows: The
17 public members shall be residents of the state, chosen with due regard
18 to broad geographic representation and racial and ethnic diversity, who
19 have knowledge of Black studies.

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

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

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

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

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

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

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

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

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

3 § 1304. Commission duties and responsibilities. 1. The commission
4 shall, including but not limited to, blue ribbon commission recommenda-
5 tions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 § 1305. Curriculum. 1. The commission shall provide curriculum, educa-
13 tional experiences through primary sources and narratives, learning
14 materials, and performance based and project-based assessments for all
15 grades including preschool through college about:

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

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

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

23 (i) the social construct of race;

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

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

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

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

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

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

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

39 § 1306. Authorization. 1. The commission is authorized to call upon
40 any department, office, division or agency of the state, or any county,
41 municipality or school district of the state, to supply such data,
42 program reports and other information, as it deems necessary to
43 discharge its responsibilities under this article.

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

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

51 3-a. The regents shall prescribe courses of instruction in accordance
52 with the requirements of section thirteen hundred five of this chapter.

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

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

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