

SENATE, No. 3817

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 30, 2019

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SYNOPSIS

Allocates Amistad Commission in but not of DOE; requires commission to elect chairperson and appoint executive director; requires public schools to include instruction on accomplishments and contributions of African Americans to American society.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the Amistad Commission, amending
2 P.L.2002, c.75, and supplementing chapter 35 of Title 18A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 2 of P.L.2002, c.75 (C.52:16A-87) is amended to
9 read as follows:

10 2. a. The Amistad Commission, so named in honor of the
11 group of enslaved Africans led by Joseph Cinque who, while being
12 transported in 1839 on a vessel named the Amistad, gained their
13 freedom after overthrowing the crew and eventually having their
14 case successfully argued before the United States Supreme Court, is
15 created and established in the Executive Branch of the State
16 Government. For the purposes of complying with the provisions of
17 Article V, Section IV, paragraph 1 of the New Jersey Constitution,
18 the commission is allocated **【within the Department of State】** in but
19 not of the Department of Education, but notwithstanding this
20 allocation, the commission shall be independent of any supervision
21 or control by the department or any board or officer thereof. State
22 support for the operations of the Amistad Commission shall be
23 appropriated by the Legislature to the commission through a
24 separate line item in the annual appropriations act.

25 The commission shall consist of **【23】** 22 members, including
26 **【the Secretary of State or a designee,】** the Commissioner of
27 Education or a designee, who shall serve as a voting member, and
28 the chair of the executive board of the Presidents' Council or a
29 designee, serving ex officio, two members of the Senate or their
30 designees, no more than one of whom shall be of the same political
31 party, appointed by the President of the Senate to serve as **【non-**
32 **voting】** voting members for the two-year legislative term during
33 which they are appointed, two members of the General Assembly or
34 their designees, no more than one of whom shall be of the same
35 political party, appointed by the Speaker of the General Assembly
36 to serve as **【non-voting】** voting members for the two-year
37 legislative term during which they are appointed, and 16 public
38 members.

39 Public members, all of whom shall serve as voting members,
40 shall be appointed as follows: four public members, no more than
41 two of whom shall be of the same political party, shall be appointed
42 by the President of the Senate; four public members, no more than
43 two of whom shall be of the same political party, shall be appointed
44 by the Speaker of the General Assembly; and eight public members,
45 no more than four of whom shall be of the same political party,

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall be appointed by the Governor. The public members shall be
2 residents of this State, chosen with due regard to broad geographic
3 representation and racial and ethnic diversity, who have an interest
4 in the history of the African slave trade and slavery in America and
5 the accomplishments, experiences, and contributions of African-
6 Americans to our society.

7 b. Each public member of the commission shall serve for a
8 term of three years, except that of the initial members so appointed:
9 one member appointed by the President of the Senate, one member
10 appointed by the Speaker of the General Assembly, and two
11 members appointed by the Governor shall serve for terms of one
12 year; one member appointed by the President of the Senate, one
13 member appointed by the Speaker of the General Assembly, and
14 three members appointed by the Governor shall serve for terms of
15 two years; and two members appointed by the President of the
16 Senate, two members appointed by the Speaker of the General
17 Assembly, and three members appointed by the Governor shall
18 serve for terms of three years. Public members shall be eligible for
19 reappointment. They shall serve until their successors are appointed
20 and qualified, and the term of the successor of any incumbent shall
21 be calculated from the expiration of the term of that incumbent. A
22 vacancy occurring other than by expiration of term shall be filled in
23 the same manner as the original appointment but for the unexpired
24 term only.

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

28 d. The **【**Secretary of State, or a designee, shall serve as the
29 chair and the Commissioner of Education, or a designee, shall serve
30 as the vice-chair of the**】** commission shall annually elect a
31 chairperson and a vice-chairperson from among its members. The
32 commission shall meet upon the call of the chairperson or of a
33 majority of the commission members. The presence of a majority
34 of the authorized voting membership of the commission shall be
35 required for the conduct of official business.

36 e. **【**The New Jersey Historical Commission shall serve as staff
37 for the Amistad Commission. The New Jersey Historical
38 Commission may, subject to the availability of appropriations, hire
39 additional staff and consultants to carry out the duties and
40 responsibilities of the Amistad Commission.**】** The commission
41 shall interview and appoint an executive director, who shall serve at
42 its pleasure and shall be a person qualified by training and
43 experience to perform the duties of the office. The commission
44 shall approve all Amistad personnel job descriptions and all persons
45 recommended for employment by its executive director. The
46 Department of Education shall provide any additional staff that the
47 Amistad Commission might deem necessary.

1 f. The **【Department of Education】** Amistad Commission shall:

2 (1) **【assist the Amistad Commission in marketing and**
3 **distributing】** market and distribute to educators, administrators and
4 school districts in the State educational information and other
5 materials on the African slave trade, slavery in America, the
6 vestiges of slavery in this country and the contributions of African-
7 Americans to our society;

8 (2) conduct **【at least one】** teacher **【workshop】** workshops
9 annually on the African slave trade, slavery in America, the vestiges
10 of slavery in this country and the accomplishments, experiences,
11 and contributions of African-Americans to our society, covering
12 information which often has been omitted from traditional
13 curricula;

14 (3) **【assist the Amistad Commission in monitoring】** monitor and
15 assess the inclusion of such materials and curricula in the State's
16 educational system; and

17 (4) **【consult with the Amistad Commission to determine ways it**
18 **may】** survey, catalog, and **【extend】** recommend to the State Board
19 of Education the expansion of, content about slave trade **【and】** ,
20 American slavery education , and African-American history
21 presently being incorporated into the 【Core Curriculum Content
22 Standards】 New Jersey Student Learning Standards and taught in
23 the State's educational system , the purpose of which is to ensure
24 that all New Jersey students acquire a broad and deep knowledge of
25 all people who contributed to the founding and development of New
26 Jersey and the United States and to promote the self-esteem,
27 confidence, and identity of students who previously may not have
28 learned about past and living examples of people of their own
29 cultural identity who have had positive impacts upon the American
30 story.

31 (cf: P.L.2004, c.94, s.1)

32

33 2. (New section) As used in P.L.2002, c.75 (C.52:16A-
34 86 et seq.) and P.L. , c. (C.) (pending before the Legislature as
35 this bill), "African American" means all people of African descent
36 in the United States.

37

38 3. (New section) The Legislature finds and declares that:

39 a. Since the days of slavery, public school curricula have
40 consistently omitted or misrepresented the history of African
41 Americans.

42 b. To correct these omissions, all public schools in the State of
43 New Jersey should include instruction that infuses into all courses
44 on the United States, the centuries of contributions and
45 accomplishments by African Americans in the building and
46 development of America.

1 c. The Amistad Commission, created pursuant to P.L.2002,
2 c.75 (C.52:16A-86 et seq.), is responsible for designing and
3 promoting the implementation of education and awareness
4 programs in New Jersey concerned with slavery in America and the
5 contributions of African Americans, and for developing curriculum
6 guidelines for the teaching of this information. The Amistad
7 Commission is an ideal agency to recommend curricular materials
8 to school districts.

9
10 4. (New section) a. Every board of education shall include,
11 in the curriculum of all elementary and secondary school students,
12 instruction that infuses into all courses on the United States, the
13 centuries of accomplishments by African Americans in the building
14 and development of America including, but not limited to, the areas
15 of industry, military, government, and the professions; local
16 communities; math, science, medicine, and space; architecture and
17 the arts; social institutions and culture; and other aspects of life in
18 America.

19 b. The instruction shall enable students to identify and analyze
20 applicable theories concerning human nature and behavior; to know
21 and understand the nation's heritage of slavery and freedom; to
22 know and understand the impact of African diasporic cultures and
23 institutions on the Americas; to know and understand the
24 contributions of African Americans to all areas of American society
25 throughout its history, beginning with the colonial period; to know
26 and understand that inequality is a consequence of prejudice and
27 discrimination in the pursuit of maintaining power and dominance
28 over certain portions of society; to know and understand citizenship
29 and disenfranchisement; and to understand that issues of moral
30 dilemma and conscience have a profound impact on the nation and
31 the self-image and self-realization of its entire population,
32 especially the personal and civic development of students in grades
33 kindergarten through 12. The instruction shall also emphasize the
34 personal responsibility of each citizen to fight racism and hatred
35 whenever and wherever it happens and to uphold the national ideals
36 of freedom and justice for all.

37 c. The Department of Education shall work with the Amistad
38 Commission to ensure that all department assessment tools for New
39 Jersey schools are inclusive of the curricular requirements
40 established pursuant to this section.

41
42 5. This act shall take effect immediately.
43
44

45 STATEMENT

46
47 The Amistad Commission was created by P.L.2002, c.75
48 (C.52:16A-86 et seq.) in order to coordinate educational and other

1 programs on slavery in America and African-American history.
2 Under the original statute, the Amistad Commission was established
3 in the Executive Branch and allocated within the Department of
4 State. The Amistad law, among other things, directs the Department
5 of Education to assist the commission in developing curriculum
6 guidelines regarding slavery and African-American history,
7 distributing educational information and materials to school
8 districts, and monitoring the inclusion of the materials and curricula
9 in the State's educational system. In June 2011, Governor Chris
10 Christie issued Reorganization Plan No. 004-2011 to transfer the
11 Amistad Commission from the Department of State to the
12 Department of Education in order to improve efficiency and quality
13 in the performance of the commission's responsibilities.

14 This bill amends the statute that created the Amistad
15 Commission to provide that the commission is allocated in but not
16 of the Department of Education, rather than within the Department
17 of State. Notwithstanding this allocation, the commission will be
18 independent of any supervision or control by the department. The
19 bill also provides that State support for the operations of the
20 Amistad Commission will be appropriated by the Legislature to the
21 commission through a separate line item in the annual
22 appropriations act.

23 Under the bill, the Commissioner of Education will serve as a
24 voting member of the commission, and the Secretary of State will
25 no longer be a member of the commission. The bill directs the
26 commission to annually elect a chairperson and a vice-chairperson
27 from among its members, and provides that the commission will
28 meet upon the call of the chairperson or a majority of its members.
29 The bill requires the commission to appoint an executive director
30 who is qualified by training and experience to perform the duties of
31 the office. The bill requires the commission to approve all Amistad
32 personnel job descriptions and all individuals recommended for
33 employment by the commission's executive director. The bill
34 directs the Department of Education to provide any additional staff
35 deemed necessary by the commission.

36 It is the legislation's intent that these changes to the Amistad law
37 will permit the Amistad Commission to maintain its independence
38 and ensure that the resources of the Department of Education are
39 made available for the implementation of the law and the Amistad
40 Commission's mission.

41 In addition, the bill would supplement existing law to require all
42 boards of education to include instruction that infuses into all
43 courses on the United States, the centuries of accomplishments by
44 African Americans in the building and development of America
45 including, but not limited to, the areas of industry, the professions,
46 local communities, culture, arts, and the sciences. The instruction
47 must enable students to know and understand the nation's heritage
48 of slavery and freedom and the contributions of African Americans

1 to all areas of American society throughout history. The instruction
2 must also emphasize the personal responsibility of each citizen to
3 fight racism and hatred and to uphold the national ideals of freedom
4 and justice. The bill directs the Department of Education to work
5 with the Amistad Commission to ensure that the assessment tools
6 for New Jersey schools are inclusive of the curricular requirements
7 established under the bill.