ASSEMBLY, No. 3601

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:
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District 20 (Union)
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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; appropriates $400,000.

CURRENT VERSION OF TEXT

As introduced.
A3601 QUIJANO, MCKNIGHT

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

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

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

2. a. The Amistad Commission, so named in honor of the
group of enslaved Africans led by Joseph Cinque who, while being
transported in 1839 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
created and established in the Executive Branch of the State
Government. For the purposes of complying with the provisions of
Article V, Section IV, paragraph 1 of the New Jersey Constitution,
the commission is allocated within the Department of State in but
not of the Department of Education, but notwithstanding this
allocation, the commission shall be independent of any supervision
or control by the department or any board or officer thereof. State
support for the operations of the Amistad Commission shall be
appropriated by the Legislature to the commission through a
separate line item in the annual appropriations act.
The commission shall consist of two members, including
the Secretary of State or a designee, the Commissioner of
Education or a designee, who shall serve as a voting member, and
the chair of the executive board of the Presidents' Council or a
designee, serving ex officio, two members of the Senate or their
designees, no more than one of whom shall be of the same political
party, appointed by the President of the Senate to serve as non-
voting members for the two-year legislative term during
which they are appointed, two members of the General Assembly or
their designees, no more than one of whom shall be of the same
political party, appointed by the Speaker of the General Assembly
to serve as non-voting members for the two-year
legislative term during which they are appointed, and 16 public
members.

Public members, all of whom shall serve as voting members,
shall be appointed as follows: four public members, no more than
two of whom shall be of the same political party, shall be appointed
by the President of the Senate; four public members, no more than
two of whom shall be of the same political party, shall be appointed
by the Speaker of the General Assembly; and eight public members,
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.
shall be appointed by the Governor. The public members shall be residents of this State, chosen with due regard to broad geographic representation and racial and ethnic diversity, who have an interest in the history of the African slave trade and slavery in America and the accomplishments, experiences, and contributions of African-Americans to our society.

b. Each public member of the commission shall serve for a term of three years, except that of the initial members so appointed: one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and two members appointed by the Governor shall serve for terms of one year; one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and three members appointed by the Governor shall serve for terms of two years; and two members appointed by the President of the Senate, two members appointed by the Speaker of the General Assembly, and three members appointed by the Governor shall serve for terms of three 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.

c. 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.

d. The [Secretary of State, or a designee, shall serve as the chair and the Commissioner of Education, or a designee, shall serve as the vice-chair of 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.

e. [The New Jersey Historical Commission shall serve as staff for the Amistad Commission. The New Jersey Historical Commission may, subject to the availability of appropriations, hire additional staff and consultants to carry out the duties and responsibilities of the Amistad Commission.] 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 Amistad personnel job descriptions and all persons recommended for employment by its executive director. The Department of Education shall provide any additional staff that the Amistad Commission may deem necessary.
The Department of Education shall:

1. Assist the Amistad Commission in marketing and distributing market and distribute to educators, administrators and school districts in the State educational information and other materials on the African slave trade, slavery in America, the vestiges of slavery in this country and the contributions of African-Americans to our society;

2. Conduct at least one teacher workshop annually on the African slave trade, slavery in America, the vestiges of slavery in this country and the accomplishments, experiences, and contributions of African-Americans to our society, covering information which often has been omitted from traditional curricula;

3. Assist the Amistad Commission in monitoring and assess the inclusion of such materials and curricula in the State's educational system; and

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

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


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

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

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

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

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

b. The instruction shall enable students to identify and analyze
applicable theories concerning human nature and behavior; to know
and understand the nation’s heritage of slavery and freedom; to
know and understand the impact of African diasporic cultures and
institutions on the Americas; to know and understand the
contributions of African Americans to all areas of American society
throughout its history, beginning with the colonial period; to know
and understand that inequality is a consequence of prejudice and
discrimination in the pursuit of maintaining power and dominance
over certain portions of society; to know and understand citizenship
and disenfranchisement; and to understand that issues of moral
dilemma and conscience have a profound impact on the nation and
the self-image and self-realization of its entire population,
especially the personal and civic development of students in grades
kindergarten through 12. 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.

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

d. As used in this act, “African American” means all people of
African descent in the United States.

5. There is appropriated from the General Fund to the
Department of Education for the Amistad Commission the sum of
$400,000 to effectuate the provisions of this act.

6. This act shall take effect immediately.
The Amistad Commission was created by P.L.2002, c.75 (C.52:16A-86 et seq.) in order to coordinate educational and other programs on slavery in America and African-American history. Under the original statute, the Amistad Commission was established in the Executive Branch and allocated within the Department of State. The Amistad law, among other things, directs the Department of Education to assist the commission in developing curriculum guidelines regarding slavery and African-American history, distributing educational information and materials to school districts, and monitoring the inclusion of the materials and curricula in the State’s educational system. In June 2011, Governor Chris Christie issued Reorganization Plan No. 004-2011 to transfer the Amistad Commission from the Department of State to the Department of Education in order to improve efficiency and quality in the performance of the commission’s responsibilities.

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

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

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

In addition, the bill would supplement existing law to require all boards of education to include instruction that infuses into all courses on the United States, the centuries of accomplishments by African Americans in the building and development of America.
including, but not limited to, the areas of industry, the professions, local communities, culture, arts, and the sciences. The instruction must enable students to know and understand the nation’s heritage of slavery and freedom and the contributions of African Americans to all areas of American society throughout history. The instruction must also emphasize the personal responsibility of each citizen to fight racism and hatred and to uphold the national ideals of freedom and justice. The bill directs the Department of Education to work with the Amistad Commission to ensure that the assessment tools for New Jersey schools are inclusive of the curricular requirements established under the bill.

This bill also appropriates to the Department of Education for the Amistad Commission the sum of $400,000.