

## ASSEMBLY THIRD READING

AB 264 (Ting, et al.)

As Introduced January 19, 2023

Majority vote

**SUMMARY**

Provides community college districts an avenue to recognize Lunar New Year as an academic holiday and to close the campus for students and staff.

**Major Provisions**

- 1) Defines Lunar New Year as the second new moon following a winter solstice or the third new moon following the winter solstice should an intercalary month intervene.
- 2) Permits a community college district to recognize Lunar New Year as an academic holiday and close the community colleges within its boundaries, only if the community college district elects to replace the closure date of Lunar New Year with either approved holiday, February 12, known as Lincoln Day, or the third Monday of February, known as Washington Day.
- 3) Permits a community college to observe Lunar New Year on a preceding or following weekday, should Lunar New Year fall on another holiday.

**COMMENTS**

*Lunar New Year.* According to the Smithsonian National Museum of Asian Art, Lunar New Year is a celebration of the arrival of spring and the beginning of a new year based on the lunisolar calendar. The holiday is a cultural holiday in China, Japan, South Korea, Vietnam, and other countries with a significant Chinese population. The Encyclopedia Britannica explains the lunar calendar, as a calendar based on the cycles of the moon, and therefore dates of the holiday vary slightly from year to year one tries to align the holidays to dates on Gregorian calendars. Traditionally, Lunar New Year is a time reserved for celebrating with family and honoring one's ancestors. The National Geographic Society highlighted that Lunar New Year is a 3,000 year old tradition which was reintroduced in the 20<sup>th</sup> century as the Spring Festival once the Gregorian calendar was adopted. In some countries, the celebration lasts for nine days with each day reserved for a different type of celebration including traditions recognized by Western cultures such as the gifting of red envelopes, parties, firecrackers, and the lion dance.

*Asian American population in California and at the CCC.* In January 2023, the Public Policy Institute published a study on the population of California and found that California is home to over 39 million people, of whom 15.2% identify as Asian or Pacific Islander. In 2013, the Pew Research Center concluded that 2/3 of Chinese, Korean, Japanese, and Vietnamese people living in the United States celebrate Lunar New Year. The California Commission on Asian and Pacific Islander American Affairs, in their support letter for AB 2596 (Low), Chapter 792, Statue of 2022, identified California as home to the largest Asian American, Native Hawaiian, and Pacific Islander population in the nation. The current population of the CCC is comprised of faculty, staff, and students. Of the 82,645 CCC employees for the fall 2022 semester, 9,552 identify as Asian, and of the 1.2 million CCC students enrolled for the fall 2022 semester, 128,769 identify as Asian.

*State Holidays versus CCC holidays.* State Holidays are enacted in one of two ways, either the Government Code Section dedicated to State Holidays is updated by an act of legislation, or the Governor of the State or the President of the United States appoints a day as a public fast, thanksgiving, or holiday. However, having a "State Holiday" in the law does not guarantee employees a day off from their employer. California law does not require private employers to provide employees with paid holidays and places limits on paid holiday for government workers. City and county workers are bound by the charters, ordinances, or the resolutions adopted by the particular city or county for paid holidays and some state workers must include paid holidays in their collective bargaining agreement with the Governor. All other state employees, who do not collectively bargain, receive the following holidays, January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, Thanksgiving Day, the day after Thanksgiving, and December 25, as listed in Government Code Section 19853. Additionally, these employees may elect to use one of their personal holidays on either Lunar New Year, April 24, known as Genocide Remembrance day, June 19, or Juneteenth or the fourth Friday of September, known as Native American day.

Despite AB 2595 (Low) establishing Lunar New Year as a state holiday, the measure did not update the Education Code which mandates the closing of community colleges in recognition of a holiday. Education Code 79020 provides a list of holidays resulting in mandatory closures of community colleges. The legally mandated academic holidays include: New Year's Day (January 1); Dr. Martin Luther King, Jr Day (the third Monday in January); Lincoln Day (February 12); Washington Day (third Monday in February); Memorial Day (the last Monday in May); Juneteenth (June 19); Independence Day (July 4); Labor Day (the first Monday in September); Veterans Day (November 11); Thanksgiving Day (date proclaimed by the U.S. President); and, Christmas Day (December 25).

In addition to the above list of legally mandated holidays, community college districts are endowed with the authority to provide additional paid holidays for staff and school closures for students on Cesar Chavez Day (March 31), Genocide Remembrance Day (April 24), and Native American Day (the fourth Friday in September). However, these holidays must be negotiated through a memorandum of understanding by local governing boards and the employees of the district/colleges within the district. This bill, AB 264 (Ting) would seek to add Lunar New Year as an optional paid holiday for community colleges.

*Academic Calendars.* Education Code Section 70902 lists the obligations of the local governing board of a community college district. Specifically, the code authorizes governing board of the community college district to adopt the academic calendar including the holidays it will observe. The adoption of the academic calendar is based on an array of factors including the collective bargaining agreements between faculty and staff, the California Code of Regulations around the number of hours students must be in a classroom to maintain accreditation, and the federal requirements for units of credit. The traditional academic calendar is comprised of 35 weeks of instruction and evaluation according to the California Code of Regulation Title 5 Section 55700. Therefore, for each holiday that is adopted, an additional academic day must be added to the calendar. This bill seeks to circumvent this process by empowering community college districts to swap the currently mandated holidays of either, Lincoln Day (February 12) or Washington Day (the third Monday in February), with the day each year that corresponds with Lunar New Year. Therefore, should this bill be adopted a community college district would not need to rearrange its academic calendar in order to add the new holiday. Furthermore, this bill respects the collective bargaining process between academic and classified staff and the governing board

of the community college district. The board and the unions would still have to enter into an agreement to recognize Lunar New Year as the new holiday instead of Lincoln Day or Washington Day.

One could argue, since Lunar New Year is already a state holiday and with Governor Newsom providing an executive proclamation regarding Lunar New Year on January 22, 2023, that an avenue by which community college districts could recognize Lunar New Year as a holiday already exists. The Governor would simply need to tell community colleges through an executive proclamation that they are required close on Lunar New Year each year a proclamation is issued. However, this method would be chaotic, as each year, the community colleges would have to wait for the proclamation to determine whether they would close or not. This bill appears to be a thoughtful and pragmatic approach to identifying Lunar New Year as a holiday for community colleges.

*The importance of recognizing Lunar New Year.* In May 2022, the Public Policy Institute of California identified the population of Californians who identify as Asian American and Pacific Islanders as having the largest percentile increase in the population of any major racial or ethnic groups since 2010, with a growth of 25%. With such a rising population, it is imperative for California to recognize this emergence of culture as part of the statewide narrative to prevent instances of othering. In June 2022, California Attorney General, Rob Bonta, released the 2021 Hate Crime Report; noting the staggering statistic that anti-Asian hate crime events had increased 177.5% from 2020 to 2021. The rise was directly correlated to the national rhetoric surrounding the COVID – 19 pandemic. "The Post-Pandemic Agenda for Community Well-being among Asian Americans, Native Americans, Native Hawaiians, and Pacific Islanders in California" a report published by the UCLA Center for Health Policy Research found that one in four Asian Americans indicated they had experienced a hate crime, and one in five worried about becoming a hate-crime victim. One of the simplest ways to highlight and honor a culture is to recognize the holidays that are important to a culture and to celebrate the holiday's history. By honoring and celebrating Lunar New Year, the community colleges would be identifying and honoring the culture of Asian American students. This bill would increase diversity and promote inclusion by establishing a pathway for community colleges to close campuses in recognition of Lunar New Year.

### **According to the Author**

As delineated by the Author, "there are over 6 million Asian Americans in California and nearly two-thirds of Asian Americans celebrate Lunar New Year. In order to promote cultural understanding and acceptance, AB 264 would provide community colleges the flexibility to observe Lunar New Year as a holiday. Lunar New Year is officially recognized as a state holiday in California, and the Legislature should give community colleges the ability to recognize Lunar New Year as a school holiday."

### **Arguments in Support**

As expressed by the City College of San Francisco, "Lunar New Year has historically been celebrated as the most socially, culturally, and economically important occasion by billions of Asian Pacific Islanders around the world. California recently recognized the importance of Lunar New Year by adopting AB 2596 (Low) to designate the occasion as a state holiday. However, the law does not apply to community colleges and 170,000 Asian Pacific Islander students attending California community colleges and 8,500 students attending City College of San Francisco each semester still have to decide between celebrating Lunar New Year with their families or

attending and preparing for college classes. AB 264 (Ting) is supported locally by the community, students, and educators, and comes months after the City College of San Francisco Board of Trustees unanimously passed a resolution by Board President Alan Wong urging the state legislature to amend the California Community College Education Code to allow Lunar New Year observance."

**Arguments in Opposition**

None on file.

**FISCAL COMMENTS**

No fiscal impact.

**VOTES****ASM HIGHER EDUCATION: 12-0-0**

**YES:** Mike Fong, Ta, Addis, Arambula, Gabriel, Irwin, Low, Ortega, Sanchez, Santiago, Wallis, Weber

**UPDATED**

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