
264
SENATE COMMITTEE ON EDUCATION
Senator Josh Newman, Chair
2023 - 2024 Regular

Bill No:	AB 264	Hearing Date:	June 7, 2023
Author:	Ting		
Version:	January 19, 2023		
Urgency:	No	Fiscal:	No
Consultant:	Lynn Lorber		

Subject: Community colleges: Lunar New Year holiday.

SUMMARY

This bill authorizes a community college to close to observe Lunar New Year, as specified.

BACKGROUND

Existing law:

- 1) Requires community colleges to continue in session or close on specified holidays as follows:
 - a) Requires community colleges to close on January 1st, the third Monday in January, known as "Dr. Martin Luther King, Jr. Day," February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.
 - b) Requires community colleges to close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday; requires community colleges to continue in session on all legal holidays other than those designated in statute, and requires community colleges to hold proper exercises commemorating the day. (Education Code (EC) § 79020)
- 2) Authorizes community colleges to be closed, in addition to the holidays prescribed above, on:
 - a) The fourth Friday in September, known as "Native American Day," if the governing board agrees to close the community college for that purpose.
 - b) March 31, known as "Cesar Chavez Day," if the governing board agrees to close the community college for that purpose.

- c) April 24, known as “Genocide Remembrance Day,” if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
- 3) Authorizes Glendale Community College, in addition to the optional holidays listed above, to be closed on April 24, known as “Armenian Genocide Remembrance Day,” if the governing board agrees to close the community college for that purpose. (EC § 79020 and § 88203)
- 4) Requires the California Community Colleges (CCCs) to provide at least 175 days of instruction. (California Code of Regulations, Title 5, § 55701)
- 5) Recognizes the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as “Lunar New Year” and as a state holiday, authorizing eligible state employees to elect to receive eight hours of holiday credit for the date corresponding with Lunar New Year in lieu of receiving eight hours of personal credit, as specified. (Government Code § 6700 and § 19853)

ANALYSIS

This bill:

- 1) Authorizes a community college to replace closing on February 12, Lincoln Day, or the third Monday in February, Washington Day, with the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as “Lunar New Year,” if the governing board of the community college district agrees to close the community college for that purpose.
- 2) Requires the community college to observe Lunar New Year on a preceding or following weekday when Lunar New Year falls on another holiday.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to 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.”
- 2) ***Days that community colleges are closed.*** The state has prescribed specified holidays. Existing law requires community colleges to close on specified holidays, and authorizes community colleges to close on additional holidays or days of recognition. The days that community colleges are required to be closed do not completely correspond with designated state holidays; for example, Lunar New Year is a designated state holiday but not specified as a day that community colleges must close, or are even authorized to close. Since Lunar New Year is a

state holiday, the Governor could issue an executive proclamation to require community colleges to close for Lunar New Year, but would necessitate annual action to do via executive proclamation. This bill authorizes, but does not require, community colleges to close on Lunar New Year.

- 3) **Academic Calendars.** As noted in the Assembly Higher Education Committee analysis, the adoption of the academic calendar is based on an array of factors including the collective bargaining agreements between faculty and staff, the minimum days of instruction required by the California Code of Regulations, and the federal requirements for units of credit. Therefore, for each holiday that is adopted, an additional academic day must be added to the calendar. This bill creatively empowers 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. As a result, community colleges would not necessarily need to adjust their academic calendars to close for Lunar New Year.
- 4) **Technical amendment.** Two distinct sections of the Education Code (EC) authorize community colleges to close on specified days; however, this bill amends only one of those sections. **Staff recommends an amendment** to add the provisions of this bill to EC section 88203.
- 5) **Prior legislation**

AB 2596 (Low) Chapter 792, Statutes of 2022, recognized the Lunar Year as a state holiday and authorizes state employees, with specified exceptions, to elect to receive eight hours of holiday credit for the Lunar New Year in lieu of receiving eight hours of personal holiday credit, as specified.

AB 1801 (Nazarian) Chapter 761, Statutes of 2022, added April 24, known as “Genocide Remembrance Day,” to the list of state holidays. Additionally, this bill authorizes state employees to elect to take time off with pay in recognition of “Genocide Remembrance Day,” as specified, and authorizes community colleges and public schools to close on April 24, known as “Genocide Remembrance Day,” as specified.

AB 1655 (Jones-Sawyer) Chapter 753, Statutes of 2022, added June 19, known as “Juneteenth,” to the list of state holidays and authorizes state employees to elect to take time off with pay in recognition of Juneteenth, as specified.

AB 1872 (Low, 2022) would have made the day of a statewide general election in even-numbered years a state holiday, and eliminates Washington Day (sometimes referred to as Presidents’ Day) as a holiday in those years. AB 1872 was held in the Assembly Appropriations Committee.

SB 383 (Stone, 2017) would have required state employees be given time off with pay for the day after Thanksgiving, or for Yom Kippur, whichever day is chosen by the employee and recognizes Yom Kippur as a state holiday. SB 383 failed passage in the Senate Governmental Organization Committee.

AB 674 (Low, 2017) would have made the first Tuesday after the first Monday in November of each year in which a statewide or national election is held as a state holiday. AB 674 was held in the Assembly Appropriations Committee.

SUPPORT

None received

OPPOSITION

None received

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