



Legislative Analysis: Administration

BILL NUMBER:	AB 395
SUBJECT:	Holidays
INTRODUCTION DATE:	February 3, 2025
AUTHOR:	Jesse Gabriel
SPONSOR:	(none)

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would require state agencies to make every reasonable effort to avoid conducting public meetings on the same day as holidays.

This bill's broad scope includes public K-12 schools, community colleges, and universities in addition to state agencies. While the bill's scope would affect the public education sector and state agencies, this bill analysis will discuss the anticipated impact to state agencies only.

STAFF POSITION/RECOMMENDATION: SUPPORT

BACKGROUND:

Existing law designates specific days as state holidays:

- Every Sunday
- January 1
- The third Monday in January, known as Dr. Martin Luther King, Jr. Day
- 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
- February 12, known as Lincoln Day
- The third Monday in February
- March 31, known as Cesar Chavez Day
- April 24, known as Genocide Remembrance Day
- The last Monday in May

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- June 19, known as Juneteenth
- July 4
- The first Monday in September
- September 9, known as Admission Day
- The fourth Friday in September, known as Native American Day
- The second Monday in October, known as Columbus Day
- November 11, known as Veterans Day
- December 25
- Good Friday from 12 noon until 3:00 p.m.
- Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday (Government Code §6700)

Existing law also designates holidays on which public schools, including K-12 and higher education, are required to close.

The Bagley-Keene Open Meeting Act for state governmental bodies, and the Ralph M. Brown Act for local governmental bodies, require all meetings of specified governmental bodies be open and the public be permitted to attend and participate. Further, existing law prohibits a state agency from conducting any meeting, or other function, in any facility that prohibits the admittance of any person on the basis of ancestry or a specified characteristic, that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.

This bill would require public schools and state agencies, including BVNPT, to make every reasonable effort to avoid conducting any meeting, conference, or other function on a date for which the state agency knows, or has reason to know, that members of the public would be unable to participate or be present due to the ritual observance of a religious, cultural, or ancestral holiday. In addition to existing state-recognized holidays, this bill would additionally enumerate nine specific holidays on which state agencies would make every reasonable effort to avoid conducting public meetings. Such dates include, but are not limited to the following:

1. Eid al-Adha
2. Eid al-Fitr
3. Feast of the Nativity
4. Maha Shivaratri
5. The first and last two days of Pesach, also known as Passover

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6. Rosh Hashanah
7. Yom Kippur
8. Diwali
9. Dussehra

This bill would not add additional holidays to Government Code section 6700.

Jewish, Hindu, Muslim, and other religious and cultural communities in California observe holidays throughout the year that may inhibit them from participating or being present at a public meeting. This bill's author asserts that when a state agency schedules a public meeting on such holidays, the community is prevented from accessing the state agency's program. Further, the bill's author contends this bill furthers the purpose of the Civil Rights Act of 1964 by ensuring religious and cultural minorities have equal access to state institutions via their public meetings to promote greater inclusivity.

The Jewish and Islamic calendars follow a lunar cycle so the dates of particular holidays shift each year. Certain religious holidays require strict fasting and observance of prayer. Practicing the tenets of one's faith during holidays may present a dilemma for these communities if those holidays occur on dates which public meetings are conducted.

BVNPT's board meetings are public meetings and must comply with the requirements set forth in the Bagley-Keene Open Meeting Act. Business and Professions Code (BPC) §2848 requires BVNPT's board to meet at least twice annually for the purpose of transacting its business; however, the board customarily meets four times annually. Additionally, special meetings may be held at such times as the board may elect, or on the call of the president, pursuant to BPC §2849, and are required to be publicly noticed. Committee meetings consisting of one chairperson and more than two Board members are considered public meetings and would be required to comply with Bagley-Keene's requirements. This bill would impact BVNPT's ability to determine which dates to conduct public meetings.

SB 461 (Wahab), Chapter 398, Statutes of 2023, authorizes a state employee to choose to receive eight hours of holiday credit specifically for observance of a holiday or ceremony of the state employee's religion, culture, or heritage in lieu of receiving eight hours of personal holiday credit.

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AB 1655 (Jones-Sawyer), Chapter 753, Statutes of 2022, adds June 19, known as "Juneteenth," to the list of state holidays, requires public schools, as specified, to close on June 19, and authorizes specified state employees to elect to take time off with pay in recognition of Juneteenth, as specified.

AB 2596 (Low), Chapter 792, Statutes of 2022, recognizes Lunar New Year as a state holiday and authorizes eligible state employees to elect to receive eight hours of holiday credit for that date in lieu of receiving eight hours of personal credit.

ANALYSIS:

This bill, if signed into law, would require BVNPT to make every reasonable effort to avoid conducting any meeting, conference, or other function on a date for which it knows, or has reason to know, that members of the public would be unable to participate or be present due to the ritual observance of a religious, cultural, or ancestral holiday. The bill enumerates nine specified holidays as listed above, but includes the language, "including, but not limited to." If construed broadly, this would require the board to make every reasonable effort to avoid conducting a public meeting on any religious, cultural, or ancestral holiday, if the board knows or has reason to know that members of the public would be unable to participate or be present due to their observance of such holiday. However, the bill's language, as currently drafted, would not expressly prohibit BVNPT from conducting a public meeting on a religious, cultural, or ancestral holiday if there was no other scheduling alternative or emergency.

This bill seeks to improve inclusivity for California's religious communities by ensuring unrestricted access to state institutions accomplished through the attendance and participation at public meetings.

Implementing the requirements of this bill would have negligible impact to BVNPT's ability to plan and schedule public meetings. The responsibility would fall with Executive and Administrative staff to ensure proposed public meeting dates do not conflict with known religious, cultural, or ancestral holidays. This bill would not have a substantial impact on BVNPT's overall ability to conduct its operations. However, since all DCA's boards, bureaus, commissions, and committees would be liable for compliance, additional strain would be placed on scheduling availability for DCA's few meeting rooms in Sacramento. This would require some programs to potentially establish new recurring meeting dates. Additionally, Executive Officers, Executive Directors, Bureau Chiefs and similar leaders may need to rely on

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DCA to coordinate the usage of meeting rooms and publish a reference list of religious, cultural, or ancestral holidays to guide its programs.

This bill may result in increased public attendance during BVNPT's public meetings. The majority of non-staff speakers at Board Meetings are representatives from agendized school programs would be able to more easily assign representatives who might otherwise be unable to participate or attend due to observance of a religious, cultural, or ancestral holiday, and any other member of the public that would like to participate or attend a board meeting.

This bill, unless amended, would not affect the existing list of holidays for which state employees have off (e.g., Veteran's Day, Independence Day, Christmas, etc.).

FISCAL:

There is no anticipated fiscal impact to BVNPT.

SUPPORT:

- Agudath Israel of America
- California Charter Schools Association
- California School Employees Association
- California Zoroastrian Association, Los Angeles
- CFT – A Union of Educators & Classified Professionals
- Coalition of Hindus of N. America
- Hindu American Foundation, Inc.
- Jewish Community Relations Council Bay Area
- Muslim Public Affairs Council
- Teach Coalition

OPPOSITION:

None.