

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 395 (Gabriel) – As Amended April 21, 2025

**SUBJECT:** Holidays

**SUMMARY:** Requires the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC) to make a reasonable effort to avoid calendaring the beginning of an academic term on a date that is observed as a religious, cultural, or ancestral holiday. Establishes similar provisions for public K-12 schools, state agencies, and local legislative bodies to make an effort to avoid scheduling events, as specified, on dates that are typically observed as a religious, cultural, or ancestral holiday, as defined. Specifically, **this bill:**

- 1) Requires the county office of education and/or the governing board of K-12 school district or charter school to make a considered effort to avoid scheduling the first day of class and high school graduation on a date which either the governing board or the county office of education knows or has reason to know is a ritual observance of a religious, cultural, or ancestral holiday by which the observance will result in lack of participation by the public. Requires the governing board or the county office of education to actively seek input from the affected communities, who will be unable to attend the first day of school or high school graduation due to the observance of the ritual observance of a religious, culture, or ancestral holiday, to ensure inclusive public participation.
- 2) Requires the CCC and the CSU and requests the UC, to make a reasonable effort when developing academic calendars to avoid calendaring the beginning of the academic term on a date the institution knows or has reason to know that members of the public would be unable to attend due to the ritual observance of a religious, cultural, or ancestral holiday.
- 3) Requires a state agency to make every reasonable effort to avoid conducting any meeting, conference, or other function on a date the state agency, knows or has reason to know that members of the public would be unable to attend due to the ritual observance of a religious, cultural, or ancestral holiday. The ritual observance of a religious, cultural, or ancestral holidays include, but are not limited to: Eid al-Adha, Eid al-Fitr, Feast of the Nativity, Maha Shivaratri, the first and last two days of Pesach (Passover), Rosh Hashanah, Yom Kippur, Diwali, and Dussehra.
- 4) Encourages a legislative body of a local agency to consider making effort to avoid conducting any meeting, conference, or other function on a date the legislative body, knows or has reason to know that members of the public would be unable to attend due to the ritual observance of a religious, cultural, or ancestral holiday. The ritual observance of a religious, cultural, or ancestral holidays include, but are not limited to: Eid al-Adha, Eid al-Fitr, Feast of the Nativity, Maha Shivaratri, the first and last two days of Pesach (Passover), Rosh Hashanah, Yom Kippur, Diwali, and Dussehra.
- 5) Makes technical and conforming changes to existing law.

- 6) Makes a Legislative finding and declaration that amendments to Section 54961 of the Government Code further the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purpose of the constitutional section as it relates to the right of public access to meetings of local public bodies or the writing of local public officials and local agencies. Specifically the Legislature makes the following findings pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution: by encouraging local agencies to avoid conducting any meetings, conferences, or other functions on a religious, cultural, or ancestral holiday this act further the purpose of the Civil Rights Act of 1964 and promotes greater public access to the public meetings of local agencies.
- 7) States that if the Commission on State Mandates determines the provisions of the measure incur a cost requirement, the State is mandated to reimburse local agencies and school districts for those costs.

**EXISTING LAW:** *Federal law.*

- 1) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably to assemble, and to petition the Government for a redress of grievances (Amendment I of the Constitution of the United States of America; Bill of Rights ratified 1791).
- 2) Prohibits discrimination on the basis of race, color, or/and national origin in programs and activities receiving federal assistance (42 USC 2000d et seq...Title VI of the Civil Rights Act of 1964).
- 3) Prohibits discrimination in employment based on race, color, religion, sex or national origin and prohibits retaliation against employees who evoke their rights under Title VII of the Civil Rights Act of 1964 (42 USC 2000e...Title VII of the Civil Rights Act).

*State law.*

- 1) States no person is to be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in Section 11135 of the Government Code or any other characteristic that is contained in the prohibition of hate crimes, as defined in subdivision (a) of Section 422.6 of the Penal Code, including immigration status. States the prohibition on the discrimination on the basis of the listed characteristics is extended to programs or activities conducted by any postsecondary education institution that receives or benefits from, state financial assistance or enrolls students who receive state financial aid (Education Code Section 66270).
- 2) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services (Article IX, Section (9) (a) of the California Constitution).

- 3) Stipulates no provision of the Donahue Higher Education Act shall apply to the UC unless the UC Regents adopts the provision (Education Code (EDC) Section 67400).
- 4) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system (EDC Section 66606 and 89030 et. Seq.).
- 5) Establishes the CCC under the administration of the Board of Governors of the CCC (BOG), as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (Education Code (EDC) Section 70900).
- 6) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Authorizes the governing board to adopt the academic calendar, including the holiday (EDC Section 70902).
- 7) Authorizes a community college district (CCD), upon approval by the BOG, is permitted to offer courses under a flexible calendar in accordance with rules and regulations adopted by the BOG (EDC Section 84890).
- 8) Authorizes the California Student Aid Commission to provide an advance payment of a Cal Grant award for eligible students to the higher education institution that the student has indicated they will attend. The funds are provided by CSAC per term per the academic calendar of the higher education institution. Each higher education institution will disperse the funds according to the agreement between CSAC and the institution (EDC Section 69432.8).

**FISCAL EFFECT:** Unknown, this measure has not been reviewed by the Assembly Committee on Appropriations.

**COMMENTS:** *Double referral.* AB 395 (Gabriel) was heard in the Assembly Committee on Education on April 09, 2025, where it passed with a 9-0 vote on consent.

*Purpose.* As purported by the author, “no one should have to choose between practicing their faith and their education. Unfortunately, this has been an ongoing dilemma for minority communities when important meetings and academic milestones are scheduled on significant religious or cultural holidays. AB 395 takes a proactive approach to respecting the diverse traditions of Californians, and furthers the intent and purpose of the Civil Rights Act of 1964 by ensuring that state institutions work for all communities.”

The author adds, the measure, “aims to promote equity in education by reducing barriers that disproportionately affect religious and cultural minorities. This bill would help mitigate chronic absenteeism by ensuring that certain students do not have to miss school for religious, cultural, or ancestral observances, and by providing these students a sense of belonging by respecting their cultural heritage. Additionally, this bill would impact academic performance by making sure that the first days of school do not exclude certain communities and contribute to a disadvantaged start to their school year. Finally, by encouraging higher education institutions to accommodate religious observances when setting academic calendars, the bill may support smoother transitions for students from diverse backgrounds into postsecondary education.”

*Academic calendars at public higher education institutions. CCC.* California is home to the largest two-year college system in the United States. In fall 2024, the 116 colleges of the CCC enrolled over two million students.<sup>1</sup> Each community college is assigned to a geographical boundary (district) which is overseen by a locally elected governing board. Comprised of five to seven locally elected officials, the governing board of a CCD authorizes the regulation or policy which govern the day-to-day operations of the colleges. The policy or regulation is often based on the governing board's interpretation of Federal law, Education Code, California Code of Regulations, or guidance issued by the CCC Chancellor's Office. Education Code Section 70902 endows the governing board of a community college district the ability to adopt an academic calendar and to determine which days are a holiday for staff and students.

The Board of Governors, which oversees the all 116 colleges and the 73 CCD establishes the California Code of Regulations which stipulates how districts are to implement aspects of the operations of a community college. Included within the regulations are the terms for how a governing board can issue an academic calendar:

- 1) 5 CCR 55700.1 – Authorizes the Chancellor of the CCC to approve a program of study for a quarter system, trimester basis, or a flexible calendar at the behest of a CCD.
- 2) 5 CCR 55701 – Stipulates a “college year” begins on the first day of July and ends on the last day of June. The “academic year” will include 175 days of instruction and does not include summer or other intersessions terms. A CCD is not permitted to adopt an academic calendar that has less than 32 weeks of instruction nor can a CCD adopt a calendar that is less than the required hours of instruction required for the units of credit assigned to the courses.
- 3) 5 CCR 55702 – Prior to the change in an academic year configuration including, adding, deleting, shortening, or lengthening any primary term, the governing board of a CCD, must obtain approval from the Chancellor.

*Committee staff note the requirements contained within the California Code of Regulation to seek approval from the Chancellor of the CCC for changes to an academic calendar is only for existing calendars where a “term” would be deleted and not for the creation of new calendars or the movement of academic days to address the ritual observance of a religious, cultural, or ancestral holiday.*

*Committee staff note the “college year” is not the same as “academic year” and therefore a governing board of a CCD could adopt a start date of the academic term that is in compliance with the provisions of AB 395 without a violation of the existing regulations.*

*CSU.* The CSU system includes 23 campuses throughout all the regions of California with the largest concentration of colleges in Southern California. In fall 2024, the CSU enrolled 461,612 students.<sup>2</sup> The governance of the CSU resides with the CSU Board of Trustees (trustees), who are appointed by the Governor and approve by the California State Senate. The trustees delegate much of their operational authority to the Chancellor's Office of the CSU. Each campus is managed by a President who oversees the day to day operations while adhering to the policies and regulations authorized by the Chancellor and the trustees. The CSU system does not have a

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<sup>1</sup> [https://datamart.cccco.edu/Students/Student\\_Headcount\\_Term\\_Annual.aspx](https://datamart.cccco.edu/Students/Student_Headcount_Term_Annual.aspx)

<sup>2</sup> <https://www.calstate.edu/csu-system/about-the-csu/facts-about-the-csu/enrollment>

systemwide policy for how academic calendars are created for the 23 campuses. According to the Chancellor's Office of the CSU, each campus' President has the authority to create an academic calendar in collaboration with academic faculty, which is reviewed and endorsed by the Chancellor's Office. Each academic calendar must have a minimum of 147 instructional days and 170 work days which must align with the monthly payroll schedule set by the California Department of Finance.

Furthermore, the CSU trustees have adopted a regulation within the California Code of Regulations for the "fixing of college year, semesters, quarters, and academic holidays;" which includes specifications around the college year, academic holidays, pay periods for academic employees, the beginning and ends dates for semesters/quarters, and the method for revising an academic calendar. The regulations states the Chancellor of the CSU must approve specific changes made to an existing academic calendar after the beginning of the college year, if those changes are (1) a change to the beginning of the college year, a change to any semester or quarter, or a change to any academic holiday (5 CCR 42800).

*Committee staff note the requirements contained within the California Code of Regulation to seek approval from the Chancellor of the CSU for changes to an academic calendar is only for an existing academic calendars and not for the creation of new calendars to address the ritual observance of a religious, cultural, or ancestral holiday.*

UC. The UC is California's land-grant university and is constitutionally autonomous in its governance. The ten campuses of the UC are administered by the Regents of the University of California (Regents) who have the full powers of organization and governance over the system. The Regents delegate a majority of the management authority to the UC Office of the President (UCOP). Each campus of the UC is managed by a Chancellor, who follow the policies issued by the UC Regents and administered by UCOP. According to UCOP, based on policies adopted by the UC Regents, "the academic calendar for all UC general campuses is set by the Provost at the UCOP. The campus Chancellors have authority for setting calendars for professional schools and certain professional programs for working adults. UC general campuses are required to have common start dates for all quarters, semesters, 146 instructional days per academic year, and to avoid calendaring residence hall move-in dates on religious holidays during the fall term."<sup>3</sup>

*Committee staff note the UC already identifies a Rosh Hashanah and Yom Kippur as a religious holiday for purposes of the academic calendar and requires UC campuses to avoid scheduling move –in day on those dates. Committee staff also note the UC Provost has already approved the academic calendar(s) through academic year 2028-2029 with move in and instructional start dates.*

The below graphic shows the approved academic calendar for all UC campuses through academic year 2028-2029:

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<sup>3</sup> <https://www.ucop.edu/institutional-research-academic-planning/content-analysis/academic-planning/academic-calendar-policies.html>

Approved move-in and instructional start dates at undergraduate campuses, 2023-24 to 2028-29																	
Academic Year	Term	QUARTER CAMPUSES												Religious holidays	SEMESTER CAMPUSES		
		Davis		Irvine		UCLA		Riverside		San Diego		Santa Barbara			Santa Cruz		Berkeley
		Move-in	Instructional	Move-in	Instructional	Move-in	Instructional	Move-in	Instructional	Move-in	Instructional	Move-in	Instructional	Move-in	Instructional	Instructional	
2023-24	Fall	9/19 to 22	9/27 W [1]	9/22 to 24	9/28 Th	9/20 to 23	9/28 Th	9/23 to 24	9/28 Th	9/23 to 24	9/28 Th	9/21 to 24	9/28 Th	9/21 to 24	9/28 Th	9/16-17 RH, 9/25 YK [2]	8/23 W 8/23 W
	Winter		1/8 M		1/8 M		1/8 M		1/8 M		1/8 M		1/8 M		1/8 M		
	Spring		4/1 M		4/1 M		4/1 M		4/1 M		4/1 M		4/1 M		4/1 M	1/16 T 1/16 T	
2024-25	Fall	9/17 to 19	9/25 W [1]	9/21 to 22	9/26 Th	9/18 to 21	9/26 Th	9/21 to 22	9/26 Th	9/18 to 22	9/26 Th	9/19 to 22	9/26 Th	9/19 to 22	9/26 Th	10/3-4 RH, 10/12 YK	8/28 W 8/28 W
	Winter		1/6 M		1/6 M		1/6 M		1/6 M		1/6 M		1/6 M		1/6 M		
	Spring		3/31 M		3/31 M		3/31 M		3/31 M		3/31 M		3/31 M		3/31 M	1/21 T 1/21 T	
2025-26	Fall	9/16 to 18	9/24 W [1]	9/20 to 21	9/25 Th	9/17 to 20	9/25 Th	9/20 to 21	9/25 Th	9/17 to 21	9/25 Th	9/18 to 21	9/25 Th	9/18 to 21	9/25 Th	9/23-24 RH, 10/2 YK	8/27 W 8/27 W
	Winter		1/5 M		1/5 M		1/5 M		1/5 M		1/5 M		1/5 M		1/5 M		
	Spring		3/30 M		3/30 M		3/30 M		3/30 M		3/30 M		3/30 M		3/30 M	1/20 T 1/20 T	
2026-27	Fall	9/15 to 17	9/23 W [1]	9/19 to 20	9/24 Th	9/16 to 19	9/24 Th	9/19 to 20	9/24 Th	9/16 to 20	9/24 Th	9/17 to 20	9/24 Th	9/17 to 20	9/24 Th	9/12-13 RH, 9/21 YK	8/26 W 8/26 W
	Winter		1/4 M		1/4 M		1/4 M		1/4 M		1/4 M		1/4 M		1/4 M		
	Spring		3/29 M		3/29 M		3/29 M		3/29 M		3/29 M		3/29 M		3/29 M	1/19 T 1/19 T	
2027-28	Fall	9/14 to 16	9/22 W [1]	9/18 to 19	9/23 Th	9/15 to 18	9/23 Th	9/18 to 19	9/23 Th	9/15 to 19	9/23 Th	9/16 to 19	9/23 Th	9/16 to 19	9/23 Th	10/2-3 RH, 10/11 YK	8/25 W 8/25 W
	Winter		1/10 M		1/10 M		1/4 Tu [3]		1/10 M		1/10 M		1/10 M		1/10 M		
	Spring		4/3 M		4/3 M		3/27 M [3]		4/3 M		4/3 M		4/3 M		4/3 M	1/18 T 1/18 T	
2028-29	Fall	9/19 to 20	9/27 W [1]	9/23 to 24	9/28 Th	9/27 to 30 [3]	10/2M [3]	9/23 to 24	9/28 Th	9/20 to 27	9/28 Th	9/23 to 24	9/28 Th	9/23 to 27	9/28 Th	9/21-22 RH, 9/30 YK	8/23 W 8/23 W
	Winter		1/8 M		1/8 M		1/4 M [4]		1/8 M		1/8 M		1/8 M		1/8 M		
	Spring		4/2 M		4/2 M		4/2 M		4/2 M		4/2 M		4/2 M		4/2 M	1/16 T 1/16 T	

[1] UC Davis begins fall instruction one day earlier than the other quarter campuses in order to eliminate Saturday finals. This was approved by Provost Aimee Dorri in March 2016.

[2] Rosh Hashanah and Yom Kippur. Dates for residence hall move-in and religious holidays are included in UC Policy on Religious Holiday Conflict with Residence Hall "Move-In" Days.

[3] UCLA is serving as the Olympic Village for the LA 2028 Summer Olympics and Paralympics. In order to accommodate this role, the campus will begin Winter, Spring, and Fall 2028 quarters on different dates than the other quarter-calendar campuses. As such, move-in dates are projected but could change based on ongoing planning efforts with LA28. If a move-in date conflicts with a religious holiday, the 2008 UC "Guidelines on Exceptions to the Policy for Addressing Religious Holiday Conflicts with Residence Hall Move-In Days" applies as the guidelines explicitly cite hosting the Olympics as "...a special event that has a compelling state or national interest and that impacts the use of campus facilities" as an exceptional circumstance.

[4] UCLA begins Winter 2029 quarter earlier than the other quarter campuses in order to meet instructional day requirements.

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*Ritual observance of a religious, cultural, or ancestral holidays.* As amended in the Assembly Committee on Education, the measure only includes a list of religious, cultural, or ancestral holidays in the sections of the measure which address the legislative body of a local agency and state agencies. The holidays include the following:

Holiday	Significance	Date differing by year
Eid al-Adha	Begins at sundown. Islamic Festival of Sacrifice. The day after Arafat, the most important day in the Hajj ritual. A three-day festival recalling Abraham's willingness to sacrifice his son in obedience to Allah. <sup>4</sup>	June 7, 2025 vs. May 27, 2026.
Eid al-Fitr	Festival of the breaking of the fast of Ramadan. <sup>4</sup>	March 31, 2025 vs. March 21, 2026.
Feast of the Nativity	The Armenian church celebrates the holy birth of Jesus Christ. <sup>5</sup>	January 6.
Maha Shivaratri	Maha Shivaratri is a Hindu festival celebrating Lord Shiva and literally translates as "The Great Night of Shiva." The festival signifies several events important to devotees, and is a time of fasting, prayer, meditation, and blessings. Shivaratri commemorates the wedding night of	February 26, 2025 vs. Sunday, February 15, 2026 – Monday, February 16, 2026.

<sup>4</sup> <https://orsl.usc.edu/life/calendar/>

<sup>5</sup> <https://armenianchurch.us/the-lord/nativity-and-theophany-of-our-lord-and-the-feast-of-the-naming-of-jesus/#:~:text=The%20Armenian%20Church%20celebrates%20the,baptism%20by%20John%20the%20Baptist.>

	Lord Shiva to his consort Parvati. Thus it is a festival particularly marked by married couples. <sup>6</sup>	
The first and last two days of Pesach, known as Passover	Marks the deliverance of the Jews from slavery in Egypt; “Seder” ceremonies emphasize the concept of freedom. <sup>4</sup>	April 12, 2025 at sundown – nightfall on April 20, 2025 vs.  April 1, 2026 at sundown – nightfall on April 9, 2026.
Rosh Hashanah	Jewish New Year. Begins at sundown. A time of introspection, abstinence, prayer and penitence. The story of Abraham is read, the ram’s horn is sounded, and special foods are prepared and shared. <sup>4</sup>	October 2, 2024 at sundown – nightfall on October 4, 2024 vs.  September 22, 2025 at sundown – nightfall on September 24, 2025.
Yom Kippur	Begins at sundown. Jewish Day of Atonement. The holiest day of the Jewish year is observed with strict fasting and ceremonial repentance. <sup>4</sup>	October 11, 2024 sundown – nightfall October 14, 2024 vs.  October 1, 2025 at sundown – nightfall on October 2, 2025.
Diwali	Hindu Festival of Lights symbolizing the human urge to move toward the light. Gift exchanges, fireworks and festive meals. <sup>4</sup>	November 1, 2024 vs October 21, 2025.
Dussehra (Dasara)	Hindu celebration of victory and valor. Lord Rama is remembered as winning a victory over evil. <sup>4</sup>	October 12, 2024 vs. October 2, 2025.

*Civil Rights Act of 1964 and higher education institutions.* Part of the landmark Civil Rights Act of 1964, Title VI, “prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.”<sup>7</sup> The law applies to higher education institutions who receive federal financial assistance, including, but not limited to student financial aid and research grants. The U.S. Department of Education Office for Civil Rights (OCR) is endowed with the responsibility of enforcing the protections afforded to students by federal law. As interpreted by the OCR, the protections in Title VI are extended to “protect students of any religion from discrimination, including harassment based on a student’s actual or perceived: (1) shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity.”<sup>8</sup> In the most recent “Dear

<sup>6</sup> <https://hindulife.yale.edu/maha-shivaratri>

<sup>7</sup> <https://www.justice.gov/crt/fcs/TitleVI>

<sup>8</sup> <https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/race-color-and-national-origin-discrimination-key-issues/discrimination-based-shared-ancestry>

Colleague Letter” from the U.S. Department of Education, regarding Title VI, the department illuminated their interpretation of the protections afforded to students:

“I write to share information about federal civil rights obligations of schools and other recipients of federal financial assistance from the U.S. Department of Education (Department) to ensure nondiscrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics, under Title VI of the Civil Rights Act of 1964 and its implementing regulations (Title VI). These protections extend to students and school community members who are or are perceived because of their shared ancestry or ethnic characteristics to be Jewish, Israeli, Muslim, Arab, Sikh, South Asian, Hindu, Palestinian, or any other faith or ancestry.”<sup>9</sup>

The “Dear College Letter” continues to state that while Title VI does not protect against discrimination on the sole basis of religion, it does create an obligation for higher education institutions to address discriminatory behavior that creates a hostile environment for a student or students based on their actual or perceived shared ancestry and ethnic characteristic. Specifically,

“Title VI’s protection from race, color, and national origin discrimination extends to students who experience discrimination, including harassment, based on their actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.”<sup>10</sup>

By providing the option for public higher education to avoid scheduling the beginning of an academic term on a ritual observance of a religious, cultural, or ancestral holiday, AB 395, aligns with the spirit of the Title VI by removing a barrier and providing students the agency to observe the holiday without interrupting their academic schedule.

As stated in the *existing law* section of this analysis, the First Amendment of the United States Constitution expressly forbids Congress from promoting one religion over another and from restricting an individual’s religious practices.<sup>10</sup> Questions have been raised as to whether providing for the religious observance of religious, cultural, or ancestral holiday would be a violation of the U.S. Constitution. According to a New York Law Review from 2018, the U.S. Supreme Court has never ruled on a case regarding whether the observation of Good Friday by States as a holiday is constitutional and cases in the lower courts have upheld the practice as constitutional.<sup>11</sup> On June 29, 2023, the U.S. Supreme Court announced an unanimous opinion in *Groff v. DeJoy*, No.22-174 600 U.S. (2023), which stated an employer has a legal obligation to prove a hardship in granting a religious accommodating, specifically that the hardship would result in substantial increased cost in relations to the conduct of the business.<sup>12</sup> While the legal premise for the decision resided under the employers’ obligation under Title VII, the premise of providing for religious accommodations could be transposed to the academic calendar for higher education institutions. The entire campus population relies on the academic calendar for work and academic responsibilities; therefore by providing a “reasonable accommodation” moving the

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<sup>9</sup> <https://www.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>

<sup>10</sup> [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment)

<sup>11</sup> <https://www.nyulawreview.org/wp-content/uploads/2018/08/NYULawReview-73-1-Brookman.pdf>

<sup>12</sup> <https://www.employmentlawworldview.com/u-s-supreme-court-clarifies-employers-religious-accommodation-obligations/>



start of the beginning of the academic term to a non-holiday, the campus would be adhering to the decision.

*In adhering to the spirit of Title VI and Title VII, the author may wish to expand the dates the public higher education institutions are encouraged to avoid calendaring on religious, cultural, or ancestral holidays to include graduation, academic testing dates (midterms and finals), move-in day, and/or orientation.*

*Arguments in support.* As stated by the American Federation of State, County, and Municipal Employees, “AB 395 takes a proactive approach by requiring state agencies to make a reasonable effort to avoid holding meetings, conferences, or other functions on dates when they know religious or cultural observances would prevent public participation. This bill also guides schools to consider these important dates for their students when scheduling the first day of class or major events like high school graduation. To ensure these decisions reflect the needs of the community, this bill states that school boards and county offices of education should actively seek input from affected communities and consider all relevant factors to make public participation as inclusive as possible. California already has legal protections that align with this effort, such as Title VII of the Civil Rights Act and the Bagley-Keene Open Meeting Act, which uphold equal access to public programs. AB 395 builds on these principles to create a more inclusive and equitable environment for all Californians.”

*Amendments.* To align the measure with how academic calendars are created on CCC, CSU, and UC campuses, to expand the scope of the bill beyond the beginning of the academic term, to provide encourage campus engagement in the list of observed holidays, and to incorporate more holidays at the request of the author, the Committee has suggested and the author has agreed to the following amendments:

1) Amends Section 66095 to read as follows:

*(a) Commencing with the 2026–27 academic year, the governing board of a community college and the California State University shall and University of California is requested to, ~~the California State University and the California Community Colleges shall, and the University of California is requested to,~~ make every reasonable effort when developing academic calendars to avoid calendaring institutional events on a date ~~commencing an academic term on a date~~ for which the institution of higher education 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.*

*(b) As used in this section, the following definitions apply:*

*(1) “Institutional events” means any event on the academic or institutional calendar where students are mandated to attend. Institutional events shall include, but are not limited to:*

*(A) Student Orientation*

*(B) Student housing move in day*

*(C) Academic examination days*

*(D) The beginning or ending of an academic term.*

*(E) Commencement ceremonies.*

*(c) In considering and making a determination of which dates to avoid, the governing board of a community college and the California State University shall, and the University of California is requested to seek input from the student and faculty organizations on campus prior to the calendaring of the institutional events.*

2) Amends Section 1131 of the Government Code, subdivision (c) to include paragraph (10) Armenian Christmas.

3) Amends Section 54961 of the Government Code, subdivision (b) to read as follows:

(b) A legislative body *of a local agency* is encouraged to consider making efforts to avoid conducting any meeting, conference, or other function on a date for which the legislative body 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, including, but not limited to, all of 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.

(6) Rosh Hashanah.

(7) Yom Kippur.

(8) Diwali.

(9) Dussehra.

*(10) Armenian Christmas*

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Agudath Israel of America  
American Federation of State, County and Municipal Employees, Afl-cio  
Armenian National Committee of America - Western Region  
California Charter Schools Association  
California School Employees Association  
California Zoroastrian Association, Los Angeles (CZC-LA)  
Cft- a Union of Educators & Classified Professionals, Aft, Afl-cio  
Coalition of Hindus of N. America (COHNA)  
Dawoodi Bohras of Los Angeles

Genup (generation Up)  
Hindu American Foundation, INC.  
Individual  
Jewish Community Relations Council Bay Area  
Muslim Public Affairs Council  
Teach Coalition

**Opposition**

None on file.

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