

Date of Hearing: April 26, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1801 (Nazarian) – As Amended April 7, 2022

SUBJECT: State holidays: Genocide Awareness Day.

SUMMARY: Adds April 24, known as “Genocide Awareness Day,” to the list of state holidays; requires public schools, the California Community Colleges (CCC) and California State University (CSU), and requests the University of California (UC), to close on April 24; and, requires that state employees, with specified exceptions, be given time off with pay on April 24. Specifically, **this bill:**

- 1) Provides that April 24, known as “Genocide Awareness Day” is a state holiday. Makes corresponding changes within certain exceptions, to the paid holidays to which state employees are entitled.
- 2) Requires public schools, the CCC, and CSU, and requests the UC, to be closed on April 24, known as “Genocide Awareness Day”. Makes corresponding changes to the paid holidays to which school and community college employees are entitled.
- 3) Designates April 24, known as “Genocide Awareness Day,” as an optional bank holiday.
- 4) Makes corresponding, conforming, and technical changes to existing law.

EXISTING LAW:

- 1) Provides that April 24 of each year is the “California Day of Remembrance of the Armenian Genocide,” and the period beginning on the Sunday before that day through the following Sunday are the days of remembrance in this state, and annually be so proclaimed by the Governor, in memory of the 1,500,000 victims who were subjected to torture, starvation, and murder, including death marches into the Syrian desert, by the rulers of the Ottoman Turkish Empire and the exile of more than 500,000 innocent people during the period from 1915 to 1923, inclusive, and in honor of the survivors of those crimes against humanity (Government Code (GOV) Section 6720).
- 2) Requires CCC to provide at least 175 days of instruction (California Code of Regulations, Title 5, Section 55701).
- 3) Requires CCC to continue in session or close on specified holidays:
 - a) January 1st;
 - b) The third Monday in January for Dr. Martin Luther King, Jr. Day;
 - c) February 12th for Lincoln Day;
 - d) The third Monday in February for Washington Day;

- e) The last Monday in May for Memorial Day;
 - f) July 4th;
 - g) The first Monday in September for Labor Day;
 - h) November 11th for Veterans Day;
 - i) The Thursday in November proclaimed by the President as Thanksgiving Day;
 - j) December 25; and,
 - k) Authorizes Glendale Community College to close on April 24 to observe Armenian Genocide Remembrance Day (Education Code (EC) Section 79020).
- 4) Establishes the holidays of the state. These holidays are: every Sunday; January 1st, Dr. Martin Luther King, Jr. Day, Lincoln Day, the third Monday in February, Cesar Chavez Day, the last Monday in May, July 4th, the first Monday in September, Admission Day (September 9th), Native American Day (the fourth Friday in September), Columbus Day (the second Monday in October), Veterans Day, December 25th, Good Friday (from 12 noon until 3 p.m.), and every day appointed by the President or Governor as a public fast, thanksgiving, or holiday.
- However, Dr. Martin Luther King, Jr. Day and César Chávez Day, respectively, do not apply to cities, counties, or districts unless they are made applicable by charter, ordinance, or resolution of the respective local governing body.
- In addition, deference is afforded to a memorandum of understanding (MOU) where the provisions of law may, in this regard, be in conflict, except where the MOU requires the expenditure of funds and affirmative legislative action in the annual Budget Act (GOV Section 6700).
- 5) Establishes the observance of the state's holidays, as specified, occur when that holiday falls on Saturdays or Sundays (GOV Section 6701).
 - 6) Sets forth the state holidays, in addition to those officially appointed as a state holiday by the Governor, for state employees, excluded state employees, or nonelected officers or employees of the executive branch who are not a member of the civil service, and who are entitled to compensating time off. These holidays are 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 and the day after, December 25, and any personal holiday (GOV Section 19853).
 - 7) Excepts the third Monday of January, known as "Dr. Martin Luther King, Jr. Day," and March 31st, known as "César Chávez Day" as holidays from applying to a city, county, or district unless made applicable by charter, ordinance, or resolution of the respective governing body thereof (GOV Section 6700 (a)(16)(A) and (B)).

- 8) Provides, as applied to specified state employees, excluded employees, or those who are nonelected officers or employees of the executive branch, the following holidays with compensated time off: 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, the day after Thanksgiving, December 25, and every day appointed by the Governor as a public fast, thanksgiving, or holiday (GOV Section 19853.1).

FISCAL EFFECT: Unknown

COMMENTS: *Dual referral.* This bill passed out of the Assembly Committee on Governmental Organization (GO), with a vote of 20 – 0 on April 20, 2022. The GO Committee heard this measure as it pertained to matters that were germane to the GO jurisdiction.

Background. According to information provided by the author, “The systematic killing of millions of Armenians for the end goal of ending the Armenian civilization is one of the great tragedies of history that created generational trauma that is felt today.”

Overall, the Genocide occurred between 1915 and 1922. At the start of the Genocide, two million Armenians resided in the Ottoman Empire, but by the end of it, only 400,000 Armenians remained. The widespread denial of the Genocide enhances the trauma. The author states that, “To this day, the successor state of the Ottoman Empire, the Republic of Turkey, denies the Genocide took place. Many national governments also deny its occurrence out of geopolitical considerations—namely, the consequences it would have on bilateral relations with Turkey.”

It was not until 2019, that the U. S. House of Representatives passed a resolution recognizing the Genocide, and in 2021, President Biden issued a statement that recognized it for the first time. However, only thirty-one countries worldwide recognize the Genocide—and, therefore, the trauma that Armenians feel today.

With 205,000, Armenian-Americans living in California, this State holds the largest population Armenian-Americans out of any state in the United States.

Need for the measure. According to the author, “More than any other Genocide in history, the Armenian Genocide has been consistently ignored and outright denied. Despite the comprehensive documentation, countries refuse to publicly recognize the Genocide out of geopolitical considerations—the negative repercussions on bilateral relations with Turkey, which is the successor state of the Ottoman Empire. The acute cultural and psychological damage that has transcended generations is made all the more traumatic by the denial that the trauma-inducing event ever took place.”

The author states, “This bill does more than signal California’s recognition, but it provides the space and time for us as a state to reflect on the horrors that took place while giving room for those who need to heal.”

Committee comments. This measure requires, in part, that all public schools must close on April 24 for Genocide Awareness Day. Committee Staff notes that while the Assembly Committee on Education was not referred this measure, public school policy implications exist.

K-12 public school calendars and instructional time requirements. Funding for K-12 public schools is largely appropriated based on two factors: the Local Control Funding Formula (LCFF) and average daily attendance (ADA). The LCFF determines the maximum eligible entitlement for school districts and charter schools based on the total number of students, student grade levels, and amount of English learners, foster youth, and students eligible for free- and reduced-price meals. Apportionments are adjusted based on the ADA of students throughout the school year. For example, if a school district or charter school's ADA was 95%, then their LCFF apportionment would be 95% of their LCFF entitlement.

Existing law also establishes thresholds for the minimum amount of instructional time provided each year. School districts must have at least 180 days of instructional time, and charter schools must have at least 175 days. If fewer instructional days are offered, school districts and charter schools incur a fiscal penalty commensurate to the amount of missed instructional time. In order to meet these requirements, school calendars are planned well in advance of the school year, often multiple years in advance.

School calendars are typically a component of local bargaining agreements, and are approved by the governing board of the school district or governing body of the charter school.

As written, the bill will become effective on January 1, 2023; however, absent any changes, most school districts and charter schools will need to alter their school calendars mid-year to accommodate the Genocide Awareness Day, particularly in the first year of implementation. Further, bargaining agreements for certificated and classified staff across the state will need to be re-opened in order to extend the school year by one day to avoid a fiscal penalty for not meeting the instructional time requirements.

Moving forward, the author may wish to work with the California Department of Education, County Offices of Education, Charter Schools, and School Districts, in order to determine the best timeframe for this measure to be implemented.

Additionally, as specified in California regulations (as referenced in the "Existing Law" section of this analysis), the CCC must provide at least 175 days of instruction. It is presently unclear, what, if any impact this measure may have on the minimum number of days of instruction at the CCC.

Moving forward, the author may wish to work with the CCC Chancellor's Office and other community college districts in order to ensure that by the CCC implementing this measure, they are still able to maintain at least the minimum number of required instructional days.

Further, the CCC, CSU, and UC, also create their academic calendars with the academic year, not calendar year at least a year in advance.

Moving forward, the author may wish to work with the CCC Chancellor's Office, local community college districts, the CSU Office of the Chancellor, and the UC Office of the President, in order to determine the best timeframe for this measure to be implemented.

Moving the forward, the author may wish to amend this measure to delay the implementation of the day by the appropriate timeframe that allows all education entities to adequately implement the prescribed provisions.

Related legislation. AB 1655 (Jones-Sawyer, et al.), which will be heard in this Committee today, adds June 19, known as “Juneteenth,” to the list of state holidays; requires K-12 public schools, the CCC and CSU, and requests the UC to close on June 19; and, requires that state employees, with specified exceptions, be given time off with pay on June 19.

AB 1872 (Low) which is pending a hearing in the Assembly Committee on Appropriations, in part, makes the day of statewide general elections in even-numbered years a state holiday, and eliminates Washington Day (sometimes referred to as Presidents’ Day) as a holiday in those years.

AB 2596 (Low), which is pending a hearing in the Assembly Committee on Governmental Organization, repeals provisions requiring the Governor to annually proclaim the Lunar New Year, and instead recognizes the Lunar New Year as a state holiday. The bill would requires that state employees, with specified exceptions, be given time off with pay for the Lunar New Year.

Prior legislation. The following are the most recent measures relative to the commemoration of the anniversary of the Armenian Genocide:

HR 21 (Nazarian, 2022) – adopted by Assembly.

SR 29 (Archuleta, 2021) – adopted by Senate.

SB 568 (Portantino), Chapter 648, Statutes of 2019, authorizes Glendale Community College to close on April 24 to observe Armenian Genocide Remembrance Day.

SR 31 (Borgeas, 2019) – adopted by Senate.

AJR 16 (Rivas), Resolution Chapter 150, Statutes of 2019.

AJR 37 (Friedman), Resolution Chapter 75, Statutes of 2018.

SR 107 (Portantino, 2018) – adopted by the Senate.

AJR 3 (Nazarian), Resolution Chapter 56, Statutes of 2017.

SR 29 (Portantino, 2017) – adopted by the Senate.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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