

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 395

Introduced by Assembly Member Gabriel

February 3, 2025

An act to add Section 37224 to, and to add Article 12 (commencing with Section 66095) to Chapter 2 of Part 40 of Division 5 of Title 3 of, the Education Code, and to amend Sections 11131 and 54961 of the Government Code, relating to ~~state agencies~~ holidays.

LEGISLATIVE COUNSEL’S DIGEST

AB 395, as amended, Gabriel. ~~State agencies: accessibility.~~ *Holidays.* Existing law designates specific days as holidays in this state. Existing law designates holidays on which public schools are required to close.

This bill would require the governing board of a school district or charter school, or a county office of education, to consider making efforts to avoid scheduling the first day of class and high school graduation, if applicable, on a date for which the governing board or county office of 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, including, among others, Eid al-Adha, Rosh Hashanah, and Diwali. The bill would require the governing board or the county office of education, in considering and making a determination of which dates to avoid, to actively seek input from the affected community and consider any other relevant sources to ensure inclusive public participation.

The Donahoe Higher Education Act sets forth the missions and functions of California’s public segments of higher education and their respective institutions of higher education. The California State

University, under the administration of the Trustees of the California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and the University of California, under the administration of the Regents of the University of California, are 3 of the segments. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California act, by appropriate resolution, to make them applicable.

This bill would require the California State University and the California Community Colleges, and would request the University of California, to make every reasonable effort, when developing academic calendars, to avoid 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, including, among others, the holidays listed above.

The Bagley-Keene Open Meeting Act and the Ralph M. Brown Act require, with specified exceptions, that all meetings of specified governmental bodies be open and public and all persons be permitted to attend. Existing law prohibits a state agency, as defined, or a legislative body of a local agency, as defined, from conducting any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, 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 a state agency 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, including, among others, the holidays listed above. The bill would also encourage a legislative body of a local agency 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, among others, the holidays listed above.

By imposing new duties on school districts and community college districts, the bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law prohibits the unlawful denial of full and equal access to the benefits of, or the unlawful discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, that is funded directly by the state, or that receives any financial assistance from the state, for a person on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation.~~

~~This bill would declare the intent of the Legislature to subsequently amend this bill to include provisions that would defend accessibility to state agency programs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 37224 is added to the Education Code,
- 2 to read:
- 3 37224. (a) The governing board of a school district or charter
- 4 school, or a county office of education, shall consider making
- 5 efforts to avoid scheduling the first day of class and high school
- 6 graduation, if applicable, on a date for which the governing board
- 7 or county office of education knows, or has reason to know, that
- 8 members of the public would be unable to participate or be present

1 *due to the ritual observance of a religious, cultural, or ancestral*
2 *holiday, including, but not limited to, any of the following:*

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

9 (6) *Rosh Hashanah.*

10 (7) *Yom Kippur.*

11 (8) *Diwali.*

12 (9) *Dussehra.*

13 (b) *In considering and making a determination of which dates*
14 *to avoid, the governing board or county office of education shall*
15 *actively seek input from the affected community and consider any*
16 *other relevant sources to ensure inclusive public participation.*

17 SEC. 2. *Article 12 (commencing with Section 66095) is added*
18 *to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education*
19 *Code, to read:*

20
21 *Article 12. Academic Calendar*
22

23 66095. *The California State University and the California*
24 *Community Colleges shall, and the University of California is*
25 *requested to, make every reasonable effort when developing*
26 *academic calendars to avoid commencing an academic term on a*
27 *date for which the institution of higher education knows, or has*
28 *reason to know, that members of the public would be unable to*
29 *participate or be present due to the ritual observance of a religious,*
30 *cultural, or ancestral holiday, including, but not limited to, all of*
31 *the following:*

32 (a) *Eid al-Adha.*

33 (b) *Eid al-Fitr.*

34 (c) *Feast of the Nativity.*

35 (d) *Maha Shivaratri.*

36 (e) *The first and last two days of Pesach, also known as*
37 *Passover.*

38 (f) *Rosh Hashanah.*

39 (g) *Yom Kippur.*

40 (h) *Diwali.*

1 (i) *Dussehra*.

2 SEC. 3. Section 11131 of the Government Code is amended to
3 read:

4 11131. (a) As used in this section, “state agency” means and
5 includes every state body, office, officer, department, division,
6 bureau, board, council, commission, or other state agency.

7 ~~No~~

8 (b) A state agency shall *not* conduct any meeting, conference,
9 or other function in any facility that prohibits the admittance of
10 any person, or persons, on the basis of ancestry or any characteristic
11 listed or defined in Section 11135, ~~or that is inaccessible to disabled~~
12 ~~persons, or where members of the public may not be present~~
13 ~~without making a payment or purchase. As used in this section,~~
14 ~~“state agency” means and includes every state body, office, officer,~~
15 ~~department, division, bureau, board, council, commission, or other~~
16 ~~state agency.~~

17 (c) A state agency shall make every reasonable effort to avoid
18 conducting any meeting, conference, or other function on a date
19 for which the state agency knows, or has reason to know, that
20 members of the public would be unable to participate or be present
21 due to the ritual observance of a religious, cultural, or ancestral
22 holiday, including, but not limited to, all of the following:

23 (1) *Eid al-Adha*.

24 (2) *Eid al-Fitr*.

25 (3) *Feast of the Nativity*.

26 (4) *Maha Shivaratri*.

27 (5) *The first and last two days of Pesach, also known as*
28 *Passover*.

29 (6) *Rosh Hashanah*.

30 (7) *Yom Kippur*.

31 (8) *Diwali*.

32 (9) *Dussehra*.

33 SEC. 4. Section 54961 of the Government Code is amended to
34 read:

35 54961. (a) ~~No~~A legislative body of a local agency shall *not*
36 conduct any meeting in any facility that prohibits the admittance
37 of any person, or persons, on the basis of ancestry or any
38 characteristic listed or defined in Section 11135, ~~or which that is~~
39 ~~inaccessible to disabled persons, or where members of the public~~
40 ~~may not be present without making a payment or purchase. This~~

1 ~~section shall apply~~ *applies* to every local agency as defined in
2 Section 54951.

3 *(b) A legislative body is encouraged to consider making efforts*
4 *to avoid conducting any meeting, conference, or other function on*
5 *a date for which the legislative body knows, or has reason to know,*
6 *that members of the public would be unable to participate or be*
7 *present due to the ritual observance of a religious, cultural, or*
8 *ancestral holiday, including, but not limited to, all of the following:*

9 *(1) Eid al-Adha.*

10 *(2) Eid al-Fitr.*

11 *(3) Feast of the Nativity.*

12 *(4) Maha Shivaratri.*

13 *(5) The first and last two days of Pesach, also known as*
14 *Passover.*

15 *(6) Rosh Hashanah.*

16 *(7) Yom Kippur.*

17 *(8) Diwali.*

18 *(9) Dussehra.*

19 ~~(b)~~

20 *(c) No notice, agenda, announcement, or report required under*
21 *this chapter need identify any victim or alleged victim of tortious*
22 *sexual conduct or child abuse unless the identity of the person has*
23 *been publicly disclosed.*

24 *SEC. 5. The Legislature finds and declares that Section 4 of*
25 *this act, which amends Section 54961 of the Government Code,*
26 *further, within the meaning of paragraph (7) of subdivision (b)*
27 *of Section 3 of Article I of the California Constitution, the purposes*
28 *of that constitutional section as it relates to the right of public*
29 *access to the meetings of local public bodies or the writings of*
30 *local public officials and local agencies. Pursuant to paragraph*
31 *(7) of subdivision (b) of Section 3 of Article I of the California*
32 *Constitution, the Legislature makes the following findings:*

33 *By encouraging local agencies to avoid conducting any meeting,*
34 *conference, or other function on a religious, cultural, or ancestral*
35 *holiday, this act furthers the purpose of the Civil Rights Act of*
36 *1964, and promotes greater public access to the public meetings*
37 *of local agencies.*

38 *SEC. 6. If the Commission on State Mandates determines that*
39 *this act contains costs mandated by the state, reimbursement to*
40 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

3 ~~SECTION 1. It is the intent of the Legislature to subsequently~~
4 ~~amend this bill to include provisions that would defend accessibility~~
5 ~~to state agency programs.~~

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