



LAW UPDATE LABOR AND EMPLOYMENT

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THE FLOATING HOLIDAY

[Education Code Section 37220(e)]

Juneteenth has been a focal point for the California School Employees Association (“CSEA”) for the last two years, with bargaining demands, threats of litigation and finally a class action lawsuit. Meanwhile, AB 1655 was passed and signed into law by Governor Newsom on September 29, 2022 and takes effect January 1, 2023. AB 1655 added Juneteenth (June 19) to the list of state holidays in the Education Code. It is now crystal clear that Juneteenth is a paid holiday for all community college and K-12 school employees. At the table, CSEA is now silent when it comes to Juneteenth and districts named in the pending class action.

District summer school schedules may now be impacted by the mandated Juneteenth holiday. Is there any way to have a summer session on Juneteenth? Yes, there is.

Education Code section 37220(a) lists school holidays for which public schools must close. Education Code section 37220(e), however, permits the governing boards of K-12 school districts to adopt a resolution revising the date on which a district closes to observe any holiday other than Veterans Day:

(e) Except for Veterans Day, as designated in paragraph (8) of subdivision (a), the governing board of a school district, by adoption of a resolution, may revise the date upon which the schools of the district close in observance of any of the holidays identified in subdivision (a).

Education Code section 37220(e) was not altered by AB 1655. Therefore, Juneteenth could be observed on a date other than the federal holiday. While Education Code section 37220(e) references a “board resolution” as the vehicle for changing the date taken for a holiday, there are bargaining implications for districts with exclusive representatives.

Please contact SLS if you have any questions regarding the Juneteenth holiday.

- Timothy L. Salazar

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