

ITEM 7
REVISED PROPOSED STATEWIDE COST ESTIMATE

\$3,438,686 - \$21,351,522
Initial Claim Period, January 1, 2022 to June 30, 2022, and
Fiscal Years 2022-2023 and 2023-2024
\$1,069,880 - \$19,304,947 [Plus the Implicit Price Deflator]
Fiscal Year 2024-2025 and Following

Education Code Section 35292.6

As Amended by Statutes 2021, Chapter 664, Sections 1 and 3 (AB 367)

Public School Restrooms: Menstrual Products

22-TC-04

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March 26, 2024

Exhibit A

Mr. Chris Hill
Department of Finance
915 L Street, 8th Floor
Sacramento, CA 95814

Mr. Arthur Palkowitz
Law Offices of Arthur Palkowitz
12807 Calle de la Siena
San Diego, CA 92130

And Parties, Interested Parties, and Interested Persons (See Mailing List)

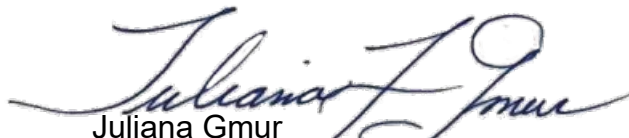
Re: Decision

Public School Restrooms: Menstrual Products, 22-TC-04
Statutes 2021, Chapter 664, Sections 1, 3 (AB 367); Education Code Section
35292.6; effective January 1, 2022
Hesperia Unified School District, Claimant

Dear Mr. Hill and Mr. Palkowitz:

On March 22, 2024, the Commission on State Mandates adopted the Decision approving the Test Claim on the above-captioned matter.

Sincerely,



Juliana Gmur
Acting Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM

Education Code Section 35292.6

Statutes 2021, Chapter 664, Sections 1
and 3 (AB 367), Effective July 1, 2022

Filed on May 12, 2023

Hesperia Unified School District, Claimant

Case No.: 22-TC-04

*Public School Restrooms: Menstrual
Products*

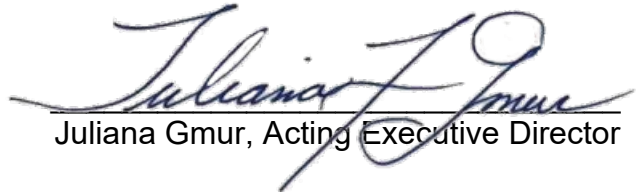
DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted March 22, 2024)

(Served March 26, 2024)

TEST CLAIM

The Commission on State Mandates adopted the attached Decision on
March 22, 2024.


Juliana Gmur, Acting Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM

Education Code Section 35292.6

Statutes 2021, Chapter 664, Sections 1
and 3 (AB 367), Effective July 1, 2022

Filed on May 12, 2023

Hesperia Unified School District, Claimant

Case No.: 22-TC-04

*Public School Restrooms: Menstrual
Products*

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted March 22, 2024)

(Served March 26, 2024)

DECISION

The Commission on State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing on March 22, 2024. Dr. George Landon and Arthur Palkowitz appeared on behalf of the claimant. Martina Dickerson and Chris Ferguson appeared on behalf of the Department of Finance.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Proposed Decision to approve the Test Claim by a vote of 6-0, as follows:

| Member | Vote |
|--|-------------|
| Lee Adams, County Supervisor | Yes |
| Deborah Gallegos, Representative of the State Controller | Yes |
| Jennifer Holman, Representative of the Director of the Office of Planning and Research | Yes |
| Renee Nash, School District Board Member | Yes |
| William Pahland, Representative of the State Treasurer, Vice Chairperson | Yes |
| Michele Perrault, Representative of the Director of the Department of Finance, Chairperson | Yes |

Summary of the Findings

This Test Claim alleges new state-mandated activities and costs arising from Statutes 2021, chapter 664 (the test claim statute), the Menstrual Equity for All Act of 2021, that

repeals and adds section 35292.6 to the Education Code, effective January 1, 2022, and operative July 1, 2022. The test claim statute requires, on or before the start of the 2022-2023 school year, “a public school, including a school operated by a school district, county office of education, or charter school,”¹ that maintains any combination of classes from grade 6 to grade 12, inclusive, to stock all women’s restrooms, all-gender restrooms, and at least one men’s restroom, with an adequate supply of menstrual products, defined as tampons and menstrual pads, at all times, and prohibits schools from charging for any menstrual products provided to pupils.² The test claim statute also requires these schools to post a notice regarding the statutory requirements in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.³

The Commission finds that the Test Claim was timely filed based on the date the claimant first incurred increased costs to comply with the test claim statute.⁴ The potential reimbursement period begins on the statute’s effective date of January 1, 2022.

The Commission further finds that the test claim statute imposes a reimbursable state-mandated program on school districts, including county offices of education.⁵ The requirements imposed by the test claim statute are new. Under prior law, schools that maintained any combination of grades 6 through 12, inclusive and met a 40-percent pupil poverty threshold (i.e., schools required to operate a schoolwide program pursuant to 20 U.S.C. § 6314(a)(1)(A)) were required to stock at least 50 percent of their restrooms with an adequate supply of feminine hygiene products (defined as sanitary napkins and tampons) free of charge.⁶

¹ Education Code section 35292.6(a) (Stats. 2021, ch. 664).

² Education Code section 35292.6(a)-(b) (Stats. 2021, ch. 664).

³ Education Code section 35292.6 (c) (Stats. 2021, ch. 664, sec. 3).

⁴ Exhibit A, Test Claim, filed May 12, 2023, pages 17, paragraph 1 (Declaration of Dr. George Landon, Deputy Superintendent of Business Services), 23 (invoice).

⁵ Government Code section 17519 defines “school district” for purposes of claiming reimbursement under article XIII B, section 6 of the California Constitution as “any school district. . . or county superintendent of schools”. The county superintendent of schools is the executive officer of the county office of education. (Ed. Code, § 1010.) County offices of education provide alternative educational programs for pupils attending county community schools who have been expelled from school, referred as a condition of probation, or who are homeless. (Ed. Code, § 1981, 1984, 48852.7, 48859.)

⁶ Former Education Code section 35292.6, as enacted by Statutes 2017, chapter 687.

The test claim statute now requires *all* public schools that maintain any combination of grades 6 to 12, inclusive (not only those that met the 40-percent pupil poverty threshold under prior law) to stock menstrual pads and tampons in all women’s restrooms and all-gender restrooms, and at least one men’s restroom, rather than in only 50 percent of their restrooms. For schools that met the 40-percent pupil poverty threshold under prior law, the number of restrooms these schools are required to stock is increased to accommodate a new group of pupils and provide a service to the public. The Legislature enacted the test claim statute to expand access to menstrual products to “transgender men, nonbinary, and gender nonconforming people who may also menstruate and experience inequities resulting from lack of access to menstrual products” and to “ensure California provides equal access to education. . . irrespective of gender.”⁷ Thus, for the 40-percent pupil poverty schools, the number of restrooms now required to be stocked to serve this additional pupil population has increased to the sum of all women’s restrooms and all-gender restrooms and at least one men’s restroom, minus 50 percent of all school restrooms that were required to be stocked under prior law.

The requirement to stock the school restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms and at least one men’s restroom is new for all other schools maintaining grades 6 to 12 that *did not* meet the 40-percent pupil poverty threshold under prior law.

In addition, the requirement to post a notice, to include the statutory text and contact information for a designated individual responsible for maintaining the requisite supply of menstrual products, in a prominent and conspicuous location in every restroom required to stock menstrual products, is also new for all schools maintaining any combination of grades 6 to 12, inclusive.⁸

The Commission finds that these new requirements are mandated by the state. The plain language of the test claim statute states that the schools “*shall* stock . . . an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom” and “*shall* post a notice”⁹

The mandated requirements are also uniquely imposed on government and provide a service to the public. According to the legislative findings and declarations, the statute promotes “gender equity for women, girls, transgender, or gender nonconforming

⁷ Statutes 2021, chapter 664, section 1.

⁸ Education Code section 35292.6(c), as added by Statutes 2021, chapter 664.

⁹ Emphasis added. According to Education Code section 75, “‘Shall’ is mandatory and ‘may’ is permissive.” See also, *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815, where the court held that legal compulsion occurs when a statute or executive action uses mandatory language that “‘require[s]’ or ‘command[s]’ ” a local entity to participate in a program or service. [citations omitted] [construing the term “mandates” in art. XIII B, § 6 to mean “‘orders’ or ‘commands’ ”].)

people who may also menstruate; decreasing emotional distress, physical infection, and disease; basic educational equity; preventing or reducing absenteeism and significant performance gaps;” as well as “social disengagement, feelings of alienation, and adverse outcomes.”¹⁰

Finally, based on evidence in the record,¹¹ the Commission finds that the test claim statute imposes increased actual costs mandated by the state within the meaning of Government Code section 17514, and that no reimbursement exceptions in Government Code section 17556 apply.

Therefore, the Commission approves this Test Claim for the activities listed in the conclusion beginning January 1, 2022.

COMMISSION FINDINGS

I. Chronology

| | |
|------------|---|
| 01/01/2022 | Education Code section 35292.6, Statutes 2021, chapter 664 (AB 367), became effective, and was operative on July 1, 2022. |
| 05/12/2023 | The claimant filed the Test Claim. ¹² |
| 07/20/2023 | The Department of Finance (Finance) filed comments on the Test Claim. ¹³ |
| 08/17/2023 | The claimant filed rebuttal comments. ¹⁴ |
| 01/05/2024 | Commission staff issued the Draft Proposed Decision. ¹⁵ |
| 01/26/2024 | Finance filed comments on the Draft Proposed Decision. ¹⁶ |
| 01/26/2024 | The claimant filed comments on the Draft Proposed Decision. ¹⁷ |

II. Background

The test claim statute, the Menstrual Equity for All Act of 2021 (Stats. 2021, ch. 664) repeals and adds section 35292.6 to the Education Code.

¹⁰ Statutes 2021, chapter 664, section 1.

¹¹ Exhibit A, Test Claim, filed May 12, 2023, pages 13-14, 18-30.

¹² Exhibit A, Test Claim, filed May 12, 2023.

¹³ Exhibit B, Finance’s Comments on the Test Claim, filed July 20, 2023.

¹⁴ Exhibit C, Claimant’s Rebuttal Comments, filed August 17, 2023.

¹⁵ Exhibit D, Draft Proposed Decision, issued January 5, 2024.

¹⁶ Exhibit E, Finance’s Comments on the Draft Proposed Decision, filed January 26, 2024.

¹⁷ Exhibit F, Claimant’s Comments on the Draft Proposed Decision, filed January 26, 2024.

A. The Test Claim Statute, the Menstrual Equity for All Act.

The test claim statute adds section 35292.6 to the Education Code, with an operative date of July 1, 2022, to require “a public school operated by school districts, county offices of education, or charter school maintaining any combination of classes from grades 6 through 12, inclusive,” to stock all women’s restrooms, all-gender restrooms, and at least one men’s restroom with menstrual products (defined as tampons and menstrual pads), free of cost to the pupils, on or before the start of the 2022-2023 school year. The test claim statute also requires these schools to post a notice regarding the statutory requirements in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. This notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. These requirements are in section three of the test claim statute that states:

- (a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom.
- (b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.
- (c) A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.
- (d) For purposes of this section, “menstrual products” means menstrual pads and tampons for use in connection with the menstrual cycle.
- (e) This section shall become operative on July 1, 2022.¹⁸

Section 2 of the test claim statute repeals former Education Code section 35292.6, (Stats. 2017, ch. 687) which required schools that maintained any combination of classes from grades 6 through 12, inclusive, and that met the 40-percent pupil poverty threshold of Section 6314(a)(1)(A) of Title 1 of the United States Code, to stock at least 50 percent of the school’s restrooms with feminine hygiene products, defined as sanitary napkins and tampons used in connection with the menstrual cycle, and forbade

¹⁸ Education Code section 35292.6 (Stats 2021, ch. 664).

schools from charging for any menstrual products. The test claim statute made this former section inoperative on June 30, 2022, and repealed it as of January 1, 2023, replacing it with the new section 35292.6 quoted above, operative July 1, 2022. The repealed statute was the subject of the Commission's Decision on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01,¹⁹ with a period of reimbursement beginning January 1, 2018.

Section 1 of the test claim statute names the Act and lists the following Legislative findings and declarations:

- (a) This act shall be known, and may be cited, as the Menstrual Equity for All Act of 2021.
- (b) The Legislature finds and declares all of the following:
 - (1) California recognizes that access to menstrual products is a basic human right and is vital for ensuring the health, dignity, and full participation of all Californians in public life.
 - (2) California has an interest in promoting gender equity, not only for women and girls, but also for transgender men, nonbinary, and gender nonconforming people who may also menstruate and experience inequities resulting from lack of access to menstrual products.
 - (3) Inadequate menstrual support is associated with both health and psychosocial issues, particularly among low-income people. A lack of access to menstrual products can cause emotional distress, physical infection, and disease.
 - (4) Equal opportunity to education is a fundamental right recognized by the California Constitution. Section 5 of Article IX of, subdivision (a) of Section 7 of Article I of, and subdivision (a) of Section 16 of Article IV of, the California Constitution require the state to maintain and operate the public school system in a manner that provides basic educational equity to students.
 - (5) California has an interest in creating safe, welcoming, and inclusive schools for all students. Subdivision (b) of Section 201 of the Education Code, in particular, requires all preschool, elementary, and secondary schools to affirmatively combat racism, sexism, and other forms of bias.
 - (6) Research shows that students lacking access to menstrual products experience higher rates of absences and are less able to focus and engage in the classroom. Absenteeism can lead to

¹⁹ Exhibit G (3), Commission on State Mandates, Test Claim Decision on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted May 24, 2019, https://csm.ca.gov/decisions/18-tc-01_decision.pdf (accessed on September 12, 2023).

significant performance gaps and is linked to social disengagement, feelings of alienation, and adverse outcomes even into adulthood.

- (7) The provision of menstrual products in schools helps ensure California provides equal access to education and enables students to reach their full potential, irrespective of gender.
- (8) Expanding student access to menstrual products can result in increased attendance rates. After the City of New York passed a law providing free menstrual products to students, participating schools saw a 2.4 percent increase in attendance.
- (9) Expanding student access to menstrual products can also result in cost savings due to increased funding associated with student attendance and reduced administrative costs and expenses from charging for menstrual products.
- (c) It is the intent of the Legislature that this act provide for the health, dignity, and safety of menstruating students at every socioeconomic level, normalize menstruation among all genders, and foster gender competency in California schools, colleges, and universities.

In the legislative history, the bill's author states in part:

Having convenient and free access to menstrual products will help students in our schools, similar to the way that toilet paper is provided to respond to routine biological functions. By providing menstrual products in schools, California helps ensure its students have equal access to education and are empowered to reach their full potential, irrespective of their gender or economic status.²⁰

The legislative history also quotes a 2019 Harris Interactive poll of 2,000 United States teens aged 13 to 19 commissioned by the nonprofit organization PERIOD and a menstrual products company that found:

- 1) Two-thirds of teens have felt stress due to lack of access to period products.
- 2) 20% have struggled to afford period products or were not able to purchase them at all.
- 3) 61% have worn a tampon or pad for more than four hours because they did not have enough access to period products (which puts them at risk of infection and TSS).
- 4) 84% have either missed class time or know someone who missed class time because they did not have access to period products.

²⁰ Exhibit G (6), Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 367 (2021-2022), as amended August 26, 2021, page 5.

- 5) 25% have missed class because of lack of access to period products.
- 6) 83% think lack of access to period products is an issue that is not talked about enough.
- 7) 66% do not want to be at school when they are on their period.
- 8) 69% feel embarrassed when they have to bring period products to the bathroom.
- 9) The majority (51%) of students feel like their school does not care about them if they do not provide free period products in their bathrooms.
- 10) 51% have missed at least part of a class or class period due to menstruation symptoms such as cramps.²¹

The Assembly Appropriations Committee assessed the test claim statute's fiscal impact based in part on the Commission's December 2020 Statewide Cost Estimate for *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01 (former Ed. Code, §35292.6, Stats. 2017, ch. 687):

One-time Proposition 98 GF costs of about \$2 million to LEAs to install or modify menstrual product dispensers and ongoing Proposition 98 GF costs of about \$1.3 million to provide free menstrual products. This estimate use [sic] assumptions from the Commission on State Mandates (CSM) evaluation of the cost per female student at certain K-12 schools to provide free menstrual products in 50% of restrooms, as required by current law (described in more detail below). According to that evaluation, costs are \$3.70 per female student one-time to install or retrofit menstrual product dispensers and about \$2.36 per female student annually to provide free menstrual products. However, the costs of this bill would likely be slightly higher because it requires all gender restrooms and one men's restroom to supply free menstrual products. Accordingly, this analysis increases by 10% the amount of one-time and ongoing costs, though there may be additional costs of an unknown amount.

According to data from the California Department of Education, about 1.2 million females enrolled in grades 6-12 in the 2018-19 school year. Subtracting the number of students already receiving free menstrual products through existing law, about 500,000 female students remain.²²

²¹ Exhibit G (2), Assembly Rules Committee, Assembly Concurrence in Senate Amendments, Analysis of AB 367 (2021-2022), as amended August 26, 2021, pages 1-2.

²² Exhibit G (1), Assembly Appropriations Committee Analysis of AB 367 (2021-2022), as amended April 27, 2021, page 2.

B. In Addition to General Restroom Maintenance, Prior Law Required Public Schools that Maintained Any of Grades 6 to 12, Inclusive, to Stock 50 Percent of the School's Restrooms with Feminine Hygiene Products if the School Met a 40-Percent Pupil Poverty Threshold.

Prior law required public schools to stock at least 50 percent of the schools' restrooms with feminine hygiene products (defined as tampons and sanitary napkins), if the school maintained any combination of classes from grades 6 to 12, inclusive, and met the 40-percent pupil poverty threshold of Section 6314(a)(1)(A) of Title 1 of the United States Code.²³ This statute was made inoperative and replaced by the test claim statute effective July 1, 2022. The former statute was the subject of the Commission's Decision on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, which was approved for reimbursement beginning January 1, 2018.²⁴

Preexisting law requires that for grades kindergarten through 12, schools must ensure that restrooms are kept open during school hours and "shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers."²⁵ This statute was recently amended by newly-enacted Senate Bill 760, approved by the Governor on September 23, 2023, requiring that every K-12 schoolsite have at least one all-gender restroom by July 1, 2026.²⁶

Education Code section 17002 defines the "Good Repair" standard for school facilities,²⁷ including school restrooms, to mean clean, safe, and functional as determined pursuant to the Facility Inspection Tool (FIT) created by the Office of Public School Construction (OPSC) or a local evaluation instrument that meets the same criteria.²⁸ The minimum restroom evaluation criteria require that the restrooms and

²³ Education Code section 35292.6, as added by Statutes 2017, chapter 687 (AB 10).

²⁴ Exhibit G (3), Commission on State Mandates, Test Claim Decision on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted May 24, 2019, https://csm.ca.gov/decisions/18-tc-01_decision.pdf (accessed on September 12, 2023), footnote 55, pages 10-11.

²⁵ Education Code section 35292.5(a)(1).

²⁶ Education Code section 35292.5(b) (Stats 2023, ch. 227).

²⁷ Education Code section 17002 was pled in *Williams Case Implementation I, II, III*, 05-TC-04; 07-TC-06; 08-TC-01 and was denied by the Commission on the ground that the requirement to maintain schools in good repair is not new but is a longstanding requirement of statutory and common law, and the statute's definition of "good repair" only clarified existing law. In addition, all the activities claimed in relation to school facilities programs utilizing the section 17002 good repair definition were voluntary. Commission on State Mandates, Test Claim Decision on *Williams Case Implementation I, II, III*, 05-TC-04, 07-TC-06, 08-TC-01, adopted December 7, 2012, <https://csm.ca.gov/decisions/506.pdf> (accessed on December 6, 2023), pages 48-51 .

²⁸ Education Code section 17002(d)(1).

restroom fixtures “(i) are functional, (ii) appear to be maintained and stocked with supplies regularly, (iii) appear to be accessible to pupils during the schoolday, and (iv) appear to be in compliance with Section 35292.5.”²⁹ The FIT developed by the OPSC as revised in 2022 includes evaluating the degree to which restrooms are maintained and cleaned regularly; are fully operational; are stocked with toilet paper, soap, and paper towels; and are open during school hours.³⁰

Education Code section 33126 requires that the safety, cleanliness, and adequacy of school facilities, including school restrooms, including any needed maintenance to ensure good repair as specified in sections 17014, 17032.5, 17070.75(a), and 17089(b), be reported on the School Accountability Report Card (SARC).³¹ “Good repair” for the purpose of SARC has the same meaning as specified in Section 17002(d).³² The SARCs must be prepared annually and disseminated to the public.³³

As a part of the Local Control Funding Formula,³⁴ Education Code section 52060 incorporated the requirement to maintain schools in “good repair” as defined in Education Code section 17002(d)(1) into one of the eight state priorities, the “Priority 1/Basic Services,”³⁵ and requires, to the extent practicable, that the data in the Local Control Accountability Plan be reported in a manner consistent with how information is reported on the SARC.³⁶

²⁹ Education Code section 17002(d)(1)(M).

³⁰ Exhibit G (5), Office of Public School Construction (OPSC), Facility Inspection Tool (FIT), revised April 2022, <https://www.dgs.ca.gov/-/media/Divisions/OPSC/Forms/Facility-Inspection-Tool---SAB-Approved-04-27-2022.pdf> (accessed on September 5, 2023), page 4.

³¹ Education Code section 33126(b)(8). Education Code section 33126(b) (as amended by Stats. 2004, ch. 900 § 10 (SB 550)) was pled in *Williams Case Implementation I, II, III*, 05-TC-04; 07-TC-06; 08-TC-01 and was partially approved by the Commission, including to report any needed maintenance to ensure good repair on the SARC. See Commission on State Mandates, Test Claim Decision on *Williams Case Implementation I, II, III*, 05-TC-04, 07-TC-06, 08-TC-01, adopted December 7, 2012, <https://csm.ca.gov/decisions/506.pdf> (accessed on November 29, 2023).

³² Education Code section 17014(d).

³³ Education Code section 33126.

³⁴ Education Code section 42238.02 is the local control funding formula that establishes grade span adjusted base grant funding for average daily attendance for school districts with supplemental and concentration grant add-ons for each school district’s percentage of unduplicated count for English Learners, free and reduced-price meal eligible pupils and foster youth pupils.

³⁵ Education Code section 52060(a)-(d).

³⁶ Education Code section 52060(a)-(d). The governing boards of school districts are required to adopt a three-year Local Control Accountability Plan (LCAP), using a template adopted by the state board, describing annual goals for all pupils and each

In addition, preexisting law requires that pupils “be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with their gender identities, irrespective of the gender listed on the pupils’ records.”³⁷

III. Positions of the Parties

A. Hesperia Unified School District

The claimant alleges that the test claim statute constitutes a reimbursable state-mandated program that requires performing the following new activities:

- (i) Developing and implementing internal policies, training, procedures relating to the purchase, installation, stocking of menstrual products.
- (ii) Training certificated, classified and other personnel to administer the availability of menstrual products in the district’s restrooms.
- (iii) Purchasing and installing dispensers in the schools and campus restrooms.
- (iv) Purchasing and stocking the schools and campus restrooms with menstrual products at all times.³⁸

The test claim narrative also recognizes the requirement to post a notice in the restrooms regarding the availability of the menstrual products.³⁹

The claimant submitted a declaration signed under penalty of perjury by the District’s Deputy Superintendent of Business Services, identifying costs of \$43,625.73 for the 2022-2023 school year to comply with the test claim statute. This includes \$37,442.05 for dispensers and \$3,299.92 for installation, and \$2,883.76 for menstrual products.⁴⁰ The claimant further alleges costs of \$2,883.76 for the 2023-2024 school year and estimates \$5 million in statewide costs.⁴¹

In response to arguments by Finance, the claimant states that the test claim statute requires it to install dispensers in 100 additional restrooms, for which it incurred increased costs. The claimant also says that it removed specified costs of \$365.45 for “Kleenex” products from its claim.⁴² Further, the claimant maintains that the Parameters and Guidelines for Test Claim *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, authorize reimbursement for dispensers, but states that dispenser

subgroup, including the low-income subgroup, and specific actions the districts will take each year to achieve the goals identified in the LCAP for each of the state priorities.

³⁷ Education Code section 221.5 (Stats. 2014, ch. 71).

³⁸ Exhibit A, Test Claim, filed May 12, 2023, page 12.

³⁹ Exhibit A, Test Claim, filed May 12, 2023, pages 6, 11.

⁴⁰ Exhibit A, Test Claim, filed May 12, 2023, pages 13-14, 18-30.

⁴¹ Exhibit A, Test Claim, filed May 12, 2023, pages 13-14, 18-30.

⁴² Exhibit C, Claimant’s Rebuttal Comments, filed August 17, 2023, page 2.

reimbursement may be decided during the Parameters and Guidelines process.⁴³ Regarding the K-12 Mandate Block Grant that provided reimbursement for *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, the claimant notes that it covers approximately 49 mandates and is insufficient for the increased cost of this mandate.⁴⁴ Finally, the claimant objects to comments filed by Finance on the basis that they do not comply with sections 1183.2 and 1187.5 of the Commission's regulations because they include representations of fact that are not signed under penalty of perjury and are not supported by documentary evidence, so according to the claimant, the Commission should disregard them.⁴⁵

In comments on the Draft Proposed Decision, the claimant, in response to Finance's comments on the Draft Proposed Decision, withdraws its request for reimbursement for the following activities:

- (i) Developing and implementing internal policies, training, procedures relating to the purchase, installation, stocking of menstrual products;
- (ii) Training certificated, classified and other personnel to administer the availability of menstrual products in the district's restrooms.⁴⁶

The claimant notes that Finance fails to provide evidence supporting its concerns with the costs identified in the Test Claim and asserts that the claimant's submitted costs meet the threshold to approve the Test Claim and that other cost issues may be addressed during the parameters and guidelines process. The claimant calls Finance's concerns regarding overstated costs in the test claim "speculative." Finally, the claimant repeats its argument that Finance's comments do not comply with sections 1183.2 and 1187.5 of the Commission's regulations because they include representations of fact that are not signed under penalty of perjury and are not supported by documentary evidence so the Commission should disregard them.⁴⁷

B. Department of Finance

Finance raises concerns that the costs identified in the Test Claim may be overstated and argues that the Commission should deny reimbursement absent evidence that the costs are required by the plain language of the test claim statute or are reasonably necessary to comply with the mandate.⁴⁸ Specifically, Finance maintains that the test claim statute does not require installing dispensers for the menstrual products, but admits that they may be reasonable if installed on a one-time basis, and if the claimant

⁴³ Exhibit C, Claimant's Rebuttal Comments, filed August 17, 2023, pages 2-3.

⁴⁴ Exhibit C, Claimant's Rebuttal Comments, filed August 17, 2023, page 3.

⁴⁵ Exhibit C, Claimant's Rebuttal Comments, filed August 17, 2023, page 3.

⁴⁶ Exhibit F, Claimant's Comments on the Draft Proposed Decision, filed January 26, 2024, page 1.

⁴⁷ Exhibit F, Claimant's Comments on the Draft Proposed Decision, filed January 26, 2024, pages 1-2.

⁴⁸ Exhibit B, Finance's Comments on the Test Claim, filed July 20, 2023, page 1.

supplies sufficient evidence. Finance also asserts that menstrual products are not required in more than one men's restroom or in staff restrooms or in school restrooms not required by the test claim statute.⁴⁹ And Finance points out that prior law (AB 10, former Ed. Code, §35292.6, Stats. 2017, ch. 687) required schools that met a 40-percent pupil poverty threshold to stock at least 50 percent of restrooms with menstrual products, so it is unclear whether the claimant met these AB 10 requirements, which would diminish the need to install additional dispensers to comply with the test claim statute.⁵⁰

According to Finance, the claimant should provide evidence of the number of its school restrooms that are eligible under the test claim statute, and an explanation of the number of dispensers purchased, including whether the restroom was already equipped with a dispenser and if so, why it was insufficient to comply with the mandate.⁵¹ Finance also questions some of the claimant's listed costs, such as for "sanitaire" and "Kleenex," arguing that these should be denied as not complying with the test claim statute.⁵² In addition, Finance states that the claimant should provide justification explaining whether any of the claimed costs were previously resolved through the *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01 mandate and subsequent K-12 Mandates Block Grant Adjustment.⁵³ Finance also disputes the claim to develop and implement policies and provide training for the purchase, installation, stocking, and administration of menstrual products, arguing that these are included within the existing activities of a school district under Education Code section 35292.5, which requires schools to "maintain clean, fully operational restrooms, stocked at all times with toilet paper, soap and paper towels or functional hand dryers." Finance also "believes that the claimant should remove these activities from the test claim entirely, as they are not necessary to implement the provisions of AB 367."⁵⁴

In comments on the Draft Proposed Decision, Finance again raises concerns regarding reimbursement for developing and implementing policies and providing training related to the purchase, installation, stocking and administration of menstrual products. Finance argues that these are within a district's existing activities, "as shown by the fact that no costs are reflected in the test claim."⁵⁵ Finance repeats its argument that Education Code section 35292.5 requires schools to maintain clean, fully operational restrooms stocked with toilet paper, soap and paper towels or functional hand dryers. And Finance points out that the Commission's Parameters and Guidelines Decision for

⁴⁹ Exhibit B, Finance's Comments on the Test Claim, filed July 20, 2023, page 2.

⁵⁰ Exhibit B, Finance's Comments on the Test Claim, filed July 20, 2023, page 2.

⁵¹ Exhibit B, Finance's Comments on the Test Claim, filed July 20, 2023, page 2.

⁵² Exhibit B, Finance's Comments on the Test Claim, filed July 20, 2023, pages 2-3.

⁵³ Exhibit B, Finance's Comments on the Test Claim, filed July 20, 2023, page 3.

⁵⁴ Exhibit B, Finance's Comments on the Test Claim, filed July 20, 2023, page 3.

⁵⁵ Exhibit E, Finance's Comments on the Draft Proposed Decision, filed January 26, 2024, page 1.

18-TC-01 on *Feminine Hygiene Products* denied proposed costs related to training and developing policies and procedures because there was no evidence that they were reasonably necessary to comply with the mandate. Finance urges the Commission to deny these activities in this Test Claim.⁵⁶

Finance also continues to be concerned with the costs identified because it is unclear what additional funding is needed to comply with this mandate that was not previously resolved in the 18-TC-01 mandate and subsequent K-12 Mandate Block Grant funding.⁵⁷

Finally, Finance expresses concerns regarding overstated costs for the additional 100 dispensers identified in the Test Claim because it is unclear whether they would all be required to comply with this mandate. Finance maintains that reimbursement is not required to install dispensers in more than one men's restroom or staff restrooms or school restrooms not required by statute, or to replace, repair or retrofit dispensers already installed in the restrooms without sufficient justification.⁵⁸ According to Finance,

[I]f the Claimant provides sufficient evidence, the purchase and installation of menstrual product dispensers, or other distribution devices, for every women's and all-gender restrooms, and at least one men's restroom, may be reasonable on a one-time basis to ensure statutory requirements set by Education Code section 35292.6 are met.⁵⁹

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service...

The purpose of article XIII B, section 6 is to "preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."⁶⁰ Thus, the subvention

⁵⁶ Exhibit E, Finance's Comments on the Draft Proposed Decision, filed January 26, 2024, page 1.

⁵⁷ Exhibit E, Finance's Comments on the Draft Proposed Decision, filed January 26, 2024, page 1.

⁵⁸ Exhibit E, Finance's Comments on the Draft Proposed Decision, filed January 26, 2024, page 2.

⁵⁹ Exhibit E, Finance's Comments on the Draft Proposed Decision, filed January 26, 2024, page 2.

⁶⁰ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”⁶¹

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity.⁶²
2. The mandated activity constitutes a “program” that either:
 - a. Carries out the governmental function of providing a service to the public; or
 - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.⁶³
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.⁶⁴
4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.⁶⁵

The Commission is vested with the exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.⁶⁶ The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.⁶⁷ In making its decisions, the Commission must strictly construe article XIII B, section 6 of the

⁶¹ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

⁶² *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

⁶³ *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875 (reaffirming the test set out in *County of Los Angeles* (1987) 43 Cal.3d 46, 56).

⁶⁴ *San Diego Unified School Dist.* (2004) 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal3d 830, 835.

⁶⁵ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

⁶⁶ *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 335.

⁶⁷ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

California Constitution, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”⁶⁸

A. The Test Claim Statute Was Timely Filed with a Potential Period of Reimbursement Beginning January 1, 2022.

Government Code section 17551 states that Test Claims must be filed “not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later.”⁶⁹ Section 1183.1(c) of the Commission’s regulations defines “12 months” for purposes of filing a test claim as “365 days.”⁷⁰

The test claim statute has an effective date of January 1, 2022, and an operative date of July 1, 2022.⁷¹ The Legislature often postpones the operation of a statute until a later date to allow “persons and agencies affected by it to become aware of its existence and to comply with its terms.”⁷² Here, the test claim statute states that the restrooms must be stocked “[o]n or before the start of the 2022–23 school year.”⁷³

The Test Claim was filed on May 12, 2023,⁷⁴ which is later than 12 months following the statute’s effective date.

Government Code section 17551(c) also allows a timely test claim filing “within 12 months of incurring increased costs as a result of a statute or executive order.” In this case, the claimant filed a declaration signed under penalty of perjury by the District’s Deputy Superintendent for Business Services that declares, “I have personal knowledge of the actual and estimated costs incurred by the District for the Public School Restrooms (“PSR”) Menstrual Products program *commencing on July 1, 2022.*”⁷⁵ The test claim also includes invoices for the purchase of menstrual products for the district’s schools, with the earliest invoice dated August 1, 2022 for the purchase of menstrual products for Sultana High School.⁷⁶ Based on the May 12, 2023 Test Claim filing date, which is within 12 months of incurring increased costs as a result of a statute from either

⁶⁸ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1280 [citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817].

⁶⁹ Government Code section 17551(c).

⁷⁰ California Code of Regulations, title 2, section 1183.1(c), Register 2018, No. 18 (eff. April 1, 2018.)

⁷¹ Education Code section 35292.6(e), as amended by Statutes 2021, chapter 664, section 3.

⁷² *Preston v. Board of Equalization* (2001) 25 Cal.4th 197, 223.

⁷³ Education Code section 35292.6 (Stats. 2021, ch. 664).

⁷⁴ Exhibit A, Test Claim, filed May 12, 2023, page 1.

⁷⁵ Exhibit A, Test Claim, filed May 12, 2023, page 17, paragraph 1 (Declaration of Dr. George Landon, Deputy Superintendent of Business Services), emphasis added.

⁷⁶ Exhibit A, Test Claim, filed May 12, 2023, page 23.

July 1, 2022 (as declared under penalty of perjury), or August 1, 2022 (the date of the earliest invoice) the Commission finds that the Test Claim was timely filed.⁷⁷

Government Code section 17557(e) requires that a test claim be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. Based on the May 12, 2023 filing date, reimbursement eligibility was established for the 2021-2022 fiscal year. However, due to the January 1, 2022 effective date of the test claim statute, the potential period of reimbursement begins on January 1, 2022.

B. The Test Claim Statute Imposes a State-Mandated New Program or Higher Level of Service on School Districts, Including County Offices of Education, for Schools that Maintain Any Combination of Grades 6 to 12, Inclusive.

1. The test claim statute imposes new state-mandated requirements on school districts.

The test claim statute requires, on or before the start of the 2022–2023 school year, “a public school, including a school operated by a school district, county office of education, or charter school” maintaining any combination of classes from grades 6 to 12, inclusive, to stock the school’s restrooms at all times with an adequate supply of menstrual products (defined as tampons and menstrual pads) available and accessible, free of cost, in all women’s restrooms, any all-gender restrooms,⁷⁸ and at least one men’s restroom, and prohibits schools from charging for any menstrual products provided to pupils.⁷⁹ The test claim statute also requires these schools to post a notice regarding the statutory requirements in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.⁸⁰

The test claim statute expressly imposes requirements on “a public school, including a school operated by a school district, county office of education, or charter school” maintaining any combination of classes from grades 6 to 12. Under Government Code section 17514, “school districts” are eligible to seek reimbursement for state-mandated new programs or higher levels of service within the meaning of article XIII B, section 6 of the California Constitution. Government Code section 17519 defines “school district,” as “any school district. . . , or county superintendent of schools.” The county

⁷⁷ Exhibit A, Test Claim, filed May 12, 2023, page 1.

⁷⁸ Senate Bill 760 (Stats 2023, ch. 227), approved by the Governor on September 23, 2023, requires that every K-12 schoolsite have at least one all-gender restroom by July 1, 2026.

⁷⁹ Education Code section 35292.6(a)-(b), as amended by Statutes 2021, chapter 664.

⁸⁰ Education Code section 35292.6, as amended by Statutes 2021, chapter 664.

superintendent of schools is the executive officer of the county office of education.⁸¹ Thus, as described below, K-12 school districts and county offices of education are eligible to seek reimbursement for the requirements imposed by the test claim statute on behalf of their schools that maintain any of grades 6 through 12, inclusive. These districts are hereafter referred to as “school districts.”

The purpose of article XIII B, section 6 is to prevent the state from forcing extra programs on local government each year in a manner that negates their careful budgeting of increased expenditures counted against the local government’s annual spending limit and thus, article XIII B, section 6 requires a showing that the test claim statute mandates *new* activities compared to the prior year on school districts.⁸²

Prior to the test claim statute (under former Ed. Code, §35292.6, Stats. 2017, ch. 687), public schools that maintained any of grades 6 through 12, inclusive, and that met a 40-percent pupil poverty threshold (i.e., schools required to operate a schoolwide program pursuant to 20 U.S.C. § 6314(a)(1)(A)) were required to stock at least 50 percent of their restrooms with an adequate supply of feminine hygiene products (defined as sanitary napkins and tampons) free of charge. In the Commission’s Test Claim Decision, *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted May 24, 2019, the Commission clarified which schools under the 40-percent pupil poverty threshold definition were required to comply with this prior law:

The Commission finds that the phrase in the test claim statute requiring that a school meet the “40 percent *pupil* poverty threshold required to operate a schoolwide program” means only those schools that are eligible for Title I, Part A funds and meet the second test identified in section 6314(a)(1)(A) of Title 20 of the United States Code, in which not less than 40 percent of the children *enrolled* in the school are from low-income families.⁸³

⁸¹ Education Code section 1010. County offices of education provide alternative educational programs for pupils attending county community schools who have been expelled from school, referred as a condition of probation, or who are homeless. (Ed. Code, § 1981, 1984, 48852.7, 48859.)

⁸² California Constitution, articles XIII B, sections 1, 8(a) and (b); *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 835; *Hayes v. Commission on State Mandates* (1992) 11 Cal.App.4th 1564, 1595; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1283; *Department of Finance v. Commission on State Mandates* (2016) 1 Cal.5th 749, 763.

⁸³ Exhibit G (3), Commission on State Mandates, Test Claim Decision on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted May 24, 2019, https://csm.ca.gov/decisions/18-tc-01_decision.pdf (accessed on September 12, 2023), page 15. Emphasis in original.

The phrase “feminine hygiene products” used in former section 35292.6 was defined as “sanitary napkins and tampons.”⁸⁴ The dictionary defines ‘sanitary napkin’ as “a pad of absorbent material, as cotton, worn by women during menstruation to absorb the uterine flow.”⁸⁵ This is the same as ‘menstrual products,’ which is defined in the test claim statute as “menstrual pads and tampons for use in connection with the menstrual cycle”⁸⁶ Thus, the menstrual products required to be stocked are the same as under prior law.

However, the test claim statute now requires *all public* schools that maintain any combination of grades 6 to 12, inclusive (not only those that met the 40-percent pupil poverty threshold under prior law) to stock menstrual pads and tampons in all women’s restrooms and all-gender restrooms, and at least one men’s restroom. For schools that met the 40-percent pupil poverty threshold under prior law, this increases the number of restrooms required to be stocked and requires a service to a new group of pupils. The Legislature enacted the test claim statute to expand access to menstrual products to “transgender men, nonbinary, and gender nonconforming people who may also menstruate and experience inequities resulting from lack of access to menstrual products” and to “ensure California provides equal access to education. . . irrespective of gender.”⁸⁷ Thus, for these 40-percent pupil poverty schools, the number of restrooms now required to be stocked to serve this additional pupil population is increased to the sum of all women’s restrooms and all-gender restrooms and at least one men’s restroom, minus 50 percent of all school restrooms required to be stocked under prior law.

The requirement to stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and at least one men’s restroom is new for all other schools that maintained any combination of classes from grades 6 through 12, inclusive, and did not meet the 40-percent pupil poverty threshold under prior law.

In addition, the requirement to post a notice in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, is new for all schools that maintain any of grades 6 through 12, inclusive. The notice shall include the text of the statutory section and contact information, including an

⁸⁴ Former Education Code section 35292.6 (Stats. 2017, ch. 687).

⁸⁵ Exhibit G (4), Dictionary.com, “sanitary napkin.”
<https://www.dictionary.com/browse/sanitary-napkin> (accessed on September 12, 2023).

⁸⁶ Education Code section 35292.6(d), as added by Statutes 2021, chapter 664.

⁸⁷ Statutes 2021, chapter 664, section 1. It is this expanded population of transgender or gender nonconforming pupils that the test claim statute is intended to serve that makes the required service new. This factor distinguishes this test claim statute from the statute at issue in *Extended Conditional Voter Registration*, 20-TC-02, in which the Commission found that the test claim statute simply increased costs but did not impose a new program a higher level of service because it merely expanded the same service to additional locations for the same population of people.

email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.⁸⁸

These new requirements are mandated by the state on school districts. The California Supreme Court stated that claimants must be legally or practically compelled to perform an activity, and explained:

Legal compulsion occurs when a statute or executive action uses mandatory language that “‘require[s]’ or ‘command[s]’” a local entity to participate in a program or service. [citations omitted] [construing the term “mandates” in art. XIII B, § 6 to mean “‘orders’ or ‘commands’”].) Stated differently, legal compulsion is present when the local entity has a mandatory, legally enforceable duty to obey.⁸⁹

According to Education Code section 75, “‘Shall’ is mandatory and ‘may’ is permissive.” The plain language of the test claim statute states that the schools “*shall* stock . . . an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom” and “*shall* post a notice”⁹⁰ Therefore, the new requirements imposed by the test claim statute are mandated by the state.

In sum, the Commission finds that the test claim statute imposes new state-mandated requirements on school districts for their schools that maintain any combination of classes from grades 6 through 12, inclusive, to do the following:

- For schools that met the 40-percent pupil poverty level that were required to comply with prior law (Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women’s restrooms and all-gender restrooms, and at least one men’s restroom, *minus* 50 percent of all restrooms (which is not new because it was required by prior law).
- For schools that did **not** meet the 40-percent pupil poverty level under prior law, to stock all women’s restrooms and any all-gender restrooms, and at least one men’s restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
- For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice

⁸⁸ Education Code section 35292.6(c), as added by Statutes 2021, chapter 664.

⁸⁹ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815. See also *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

⁹⁰ Emphasis added.

shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

The claimant also originally sought reimbursement for:

- (i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of menstrual products.
- (ii) Train certificated, classified and other personnel to administer the availability of menstrual products in the district's restrooms.
- (iii) Purchasing and installing dispensers in the schools and campus restrooms.⁹¹

However, in its comments on the Draft Proposed Decision, the claimant withdrew its reimbursement request for (i) policies and procedures and (ii) training.⁹² As for (iii) purchasing and installing dispensers, dispensers are not mandated by the plain language of the test claim statute but they may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are "reasonably necessary for the performance of the state-mandated program" in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

2. The new activities mandated by the test claim statute impose a new program or higher level of service.

Article XIII B, section 6 requires reimbursement whenever the Legislature or any state agency mandates a new program or higher level of service that results in costs mandated by the state. "New program or higher level of service" is defined as "programs that carry out the governmental function of providing services to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state."⁹³ Only one of these alternatives is required to establish a new program or higher level of service.⁹⁴

As explained above, the mandated activities are new. In addition, the test claim statute is both unique to government and intended to provide a service to the public. The requirements to stock restrooms with menstrual products and post notices apply to

⁹¹ Exhibit A, Test Claim, filed May 12, 2023, pages 12, 18, 20.

⁹² Exhibit F, Claimant's Comments on the Draft Proposed Decision, filed January 26, 2024, page 1.

⁹³ *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537; *Department of Finance v. Commission on State Mandates* (2021) 59 Cal.App.5th 546, 557.

⁹⁴ *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537; *Department of Finance v. Commission on State Mandates* (2021) 59 Cal.App.5th 546, 557.

school districts maintaining schools with any combination of grades from 6 to 12,⁹⁵ so the requirements are imposed uniquely on government.

The test claim statute also provides a service to the public. The statute's legislative findings and declarations extol various services to the public, stating: "access to menstrual products is a basic human right vital for ensuring health, dignity and full participation of all Californians in public life."⁹⁶ The Legislature also identifies gender equity for women, girls, transgender, or gender nonconforming people who may also menstruate; decreasing emotional distress, physical infection, and disease; basic educational equity; preventing or reducing absenteeism and significant performance gaps, as well as "social disengagement, feelings of alienation, and adverse outcomes."⁹⁷

Thus, the Commission finds that the newly-mandated activities constitute a new program or higher level of service.

C. The Test Claim Statute Imposes Costs Mandated by the State within the Meaning of Government Code Sections 17514 and 17556.

The last issue is whether these new activities result in increased costs mandated by the state. Government Code section 17514 defines "costs mandated by the state" as any increased cost that a local agency or school district incurs as a result of any statute or executive order that mandates a new program or higher level of service. Government Code section 17564(a) further requires that no claim nor any payment shall be made unless the claim exceeds \$1,000. In addition, a finding of costs mandated by the state means that none of the exceptions in Government Code section 17556 apply to deny the claim.

The claimant alleges increased costs to comply with the test claim statute, backed by a declaration signed under penalty of perjury by the District's Deputy Superintendent for Business Services⁹⁸ and copies of receipts.⁹⁹ Specifically, the District's Deputy Superintendent for Business Services declares increased costs of \$43,625.73 for the 2022-2023 school year, which includes \$37,442.05 for dispensers and \$3,299.92 for installation, and \$2,883.76 for menstrual products.¹⁰⁰ The claimant further alleges costs of \$2,883.76 for the 2023-2024 school year and estimates \$5 million in statewide

⁹⁵ Education Code section 35292.6(a), as added by Statutes 2021, chapter 664.

⁹⁶ Statutes 2021, chapter 664, section 1(b).

⁹⁷ Statutes 2021, chapter 664, section 1.

⁹⁸ Exhibit A, Test Claim, filed May 12, 2023, pages 17-20 (Declaration of Dr. George Landon, Deputy Superintendent of Business Services).

⁹⁹ Exhibit A, Test Claim, filed May 12, 2023, pages 21-30 (receipts).

¹⁰⁰ Exhibit A, Test Claim, filed May 12, 2023, pages 13-14, 18-30.

costs.¹⁰¹ Thus, the claimant has put evidence in the record that it has incurred costs mandated by the state in excess of \$1,000.¹⁰²

Additionally, no law or facts in the record support a finding that the exceptions specified in Government Code section 17556 apply to this claim. There is nothing in the record to indicate that additional funds have been made available for the new state-mandated activities.¹⁰³ Nor do school districts have fee authority to pay the costs of the alleged mandate,¹⁰⁴ since the statute expressly prohibits charging pupils for the menstrual products.¹⁰⁵

Therefore, the Commission finds that the test claim statute imposes increased costs mandated by the state within the meaning of article XIII B, section 6 and Government Code section 17514.

V. Conclusion

Based on the foregoing analysis, the Commission finds that the test claim statute (Ed. Code, § 35292.6, Stats. 2021, ch. 664), imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, beginning January 1, 2022, on school districts, including county offices of education, for their schools that maintain any combination of classes from grades 6 through 12, inclusive, to do the following:

- For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, *minus* 50 percent of all restrooms (which is not new because it was required by prior law).
- For schools that did **not** meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
- For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information,

¹⁰¹ Exhibit A, Test Claim, filed May 12, 2023, pages 13-14, 18-30.

¹⁰² Government Code section 17564.

¹⁰³ Government Code section 17556(e).

¹⁰⁴ Government Code section 17556(d).

¹⁰⁵ Education Code section 35292.6(b), as added by Statutes 2021, chapter 664.

including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 26, 2024, I served the:

- **Current Mailing List dated March 15, 2024**
- **Decision adopted March 22, 2024**

Public School Restrooms: Menstrual Products, 22-TC-04

Statutes 2021, Chapter 664, Sections 1, 3 (AB 367); Education Code Section 35292.6; effective January 1, 2022

Hesperia Unified School District, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 26, 2024 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/15/24

Claim Number: 22-TC-04

Matter: Public School Restrooms: Menstrual Products

Claimant: Hesperia Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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August 1, 2024

Exhibit B

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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Decision and Parameters and Guidelines

Public School Restrooms: Menstrual Products, 22-TC-04

Statutes 2021, Chapter 664 (AB 367); Education Code Section 35292.6; effective
January 1, 2022

Hesperia Unified School District, Claimant

Dear Mr. Palkowitz and Ms. Sidarous:

On July 26, 2024 the Commission on State Mandates adopted the Decision and Parameters and Guidelines on the above-captioned matter.

Please keep the Decision and Parameters and Guidelines together as one document, as it together constitutes the entire decision of the Commission and the "Decision" portion informs the interpretation of the "Parameters and Guidelines." It is hoped that by providing the entire Decision and Parameters and Guidelines with the claiming instructions that claimants will be better equipped to correctly claim reimbursement, resulting in fewer reductions upon audit and fewer incorrect reduction claims.

Sincerely,


Heather Halsey
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

| | |
|---|--|
| IN RE PARAMETERS AND GUIDELINES | Case No.: 22-TC-04 |
| Education Code Section 35292.6 | <i>Public School Restrooms: Menstrual Products</i> |
| Statutes 2021, Chapter 664, Sections 1 and 3 (AB 367) | DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. |
| The period of reimbursement begins January 1, 2022 | (Adopted July 26, 2024) |
| | (Served August 1, 2024) |

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached Decision and Parameters and Guidelines on July 26, 2024.



Heather Halsey, Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES

Education Code Section 35292.6

Statutes 2021, Chapter 664, Sections 1
and 3 (AB 367)

The period of reimbursement begins
January 1, 2022

Case No.: 22-TC-04

*Public School Restrooms: Menstrual
Products*

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted July 26, 2024)

(Served August 1, 2024)

DECISION

The Commission on State Mandates (Commission) heard and decided this Decision and Parameters and Guidelines during a regularly scheduled hearing on July 26, 2024. Arthur Palkowitz appeared on behalf of the claimant.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Decision and Parameters and Guidelines by a vote of 5-0, as follows:

| Member | Vote |
|--|--------|
| Lee Adams, County Supervisor | Yes |
| Shannon Clark, Representative of the Director of the Office of Planning and Research | Yes |
| Deborah Gallegos, Representative of the State Controller | Yes |
| Renee Nash, School District Board Member | Yes |
| William Pahland, Representative of the State Treasurer, Vice Chairperson | Yes |
| Michele Perrault, Representative of the Director of the Department of Finance, Chairperson | Absent |

I. Summary of the Mandate

These Parameters and Guidelines address the Menstrual Equity for All Act of 2021 (Stats. 2021, ch. 664, Ed. Code, §35292.6), effective January 1, 2022. The Act requires public schools, including a school operated by a school district, a county office of education, or a charter school, that maintain any combination of classes from grades 6 through 12, inclusive, to stock all women's restrooms, all-gender restrooms, and at least one men's restroom with menstrual products (defined as tampons and menstrual pads), free of cost, on or before the start of the 2022-2023 school year. The Act also requires these public schools to post a notice regarding the statutory requirements in a prominent and conspicuous location in every restroom required to be stocked with menstrual products.¹

On March 22, 2024, the Commission on State Mandates (Commission) adopted a Decision finding that the test claim statute (Ed. Code, § 35292.6, Stats. 2021, ch. 664), imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, beginning January 1, 2022, on school districts, including county offices of education, for their schools that maintain any combination of classes from grades 6 through 12, inclusive, to do the following:

For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, *minus* 50 percent of all restrooms (which is not new because it was required by prior law).

For schools that did **not** meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.²

¹ The Act was amended by Statutes 2023, chapter 421 to expand the requirements to pupils in grades 3 through 12, inclusive. The Commission makes no findings on the amended Act (Stats. 2023, ch. 421).

² Exhibit A, Test Claim Decision, adopted March 22, 2024, pages 3-4.

II. Procedural History

The Commission adopted the Test Claim Decision on March 22, 2024.³ Commission staff issued the Draft Expedited Parameters and Guidelines on March 26, 2024.⁴ The claimant, the Department of Finance (Finance), and the State Controller's Office (Controller), all filed comments on the Draft Expedited Parameters and Guidelines on April 16, 2024.⁵ Commission staff issued the Draft Proposed Decision and Parameters and Guidelines on May 10, 2024,⁶ for the July 26, 2024 hearing. The Controller filed comments on the Draft Proposed Decision and Parameters and Guidelines on May 31, 2024.⁷ Neither the claimant nor Finance filed comments on the Draft Proposed Decision and Parameters and Guidelines.

III. Positions of the Parties

A. Hesperia Unified School District

In comments on the Draft Expedited Parameters and Guidelines, the claimant requests reimbursement to purchase and install dispensers as the most efficient and cost-effective way to comply with the mandate.⁸ The claimant relies on declarations submitted with the Test Claim and Test Claim Rebuttal Comments, which were signed under penalty of perjury by the District's Deputy Superintendent of Business Services. The declaration submitted with the Test Claim identified costs of \$43,625.73 for the 2022-2023 school year to comply with the test claim statute, which includes \$37,442.05 for dispensers, \$3,299.92 for installation, and \$2,883.76 for menstrual products.⁹ The claimant states the test claim statute requires it to install dispensers in 100 additional restrooms, for which it incurred increased costs.¹⁰ The claimant's declaration, submitted with its rebuttal to Finance's comments on the Test Claim, states its selection

³ Exhibit A, Test Claim Decision, adopted March 22, 2024.

⁴ Exhibit B, Draft Expedited Parameters and Guidelines, issued March 26, 2024.

⁵ Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024; Exhibit D, Finance's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024; and Exhibit E, Controller's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024.

⁶ Exhibit F, Draft Proposed Decision and Parameters and Guidelines, issued May 10, 2024.

⁷ Exhibit G, Controller's Comments on the Draft Proposed Decision and Parameters and Guidelines, filed May 31, 2024, page 1.

⁸ Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

⁹ Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

¹⁰ Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

of dispensers was determined by its Director of Risk Management and a third-party vendor as the most efficient and cost-effective method to deliver the menstrual products.¹¹ Based on this evidence, the claimant requests adding the following reasonably necessary activities to Section IV. of the Parameters and Guidelines:

B. Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for schools that met the 40-percent pupil poverty level that were required to comply with prior law (Ed. Code, § 35292.6, Stats. 2017, ch. 687) and in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law) to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, for feminine hygiene products (defined only as tampons and sanitary napkins).

Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for schools that did not meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The sufficient number of dispensers necessary to stock the restrooms with feminine hygiene products at all times and at no cost to the pupils may be determined based on the total number of restrooms and the school's total enrollment of female pupils in grades 6 to 12 in the claim year.

Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate (as stated in Section IV. C. of these Parameters and Guidelines), whichever is more cost effective.¹²

The claimant did not file comments on the Draft Proposed Decision and Parameters and Guidelines.

B. Department of Finance

Finance comments that the test claim statute's intent was to expand student access to menstrual products, so the reimbursable activities for which a claimant seeks

¹¹ Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

¹² Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 2.

reimbursement should be limited to pupil restrooms rather than all restrooms.¹³ Further, Finance suggests that, because the test claim statute requires stocking at least one men's restroom with menstrual products, the claimants should be required to specify the total number of men's restrooms in the school regardless of compliance with the previous Test Claim, to ensure compliance with the test claim statute.¹⁴ Finance also states that the Parameters and Guidelines "should clearly state that reimbursement is not required to stock menstrual products in more than one men's restroom, in staff restrooms, or in school restrooms not required by statute."¹⁵

Finance did not file comments on the Draft Proposed Decision and Parameters and Guidelines.

C. State Controller's Office

The Controller submitted comments that recommend no changes to the Draft Expedited Parameters and Guidelines,¹⁶ and recommends no changes to the Draft Proposed Decision and Parameters and Guidelines.¹⁷

IV. Discussion

A. Eligible Claimants (Section II. of the Parameters and Guidelines)

The Test Claim Decision found that the test claim statute imposed a reimbursable state-mandated program on school districts, including county offices of education.¹⁸ Government Code section 17519 defines "school district" for purposes of claiming reimbursement under article XIII B, section 6 of the California Constitution as "any school district. . . or county superintendent of schools." The county superintendent of schools is the executive officer of the county office of education.¹⁹ Therefore, Section II. of the Parameters and Guidelines defines the eligible claimants as:

¹³ Exhibit D, Finance's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

¹⁴ Exhibit D, Finance's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

¹⁵ Exhibit D, Finance's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

¹⁶ Exhibit E, Controller's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024.

¹⁷ Exhibit G, Controller's Comments on the Draft Proposed Decision and Parameters and Guidelines, filed May 31, 2024, page 1.

¹⁸ Exhibit A, Test Claim Decision, adopted March 22, 2024, pages 4, 19-20.

¹⁹ Education Code section 1010. As indicated in the test claim decision, county offices of education provide alternative educational programs for pupils attending county community schools who have been expelled from school, referred as a condition of

Any “school district” as defined in Government Code section 17519, except for community colleges, that maintains any combination of classes from grades 6 to 12, inclusive, and that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

B. Period of Reimbursement (Section III. of the Parameters and Guidelines)

As noted in the Test Claim Decision, the test claim statute became effective on January 1, 2022, and has a delayed operative date of July 1, 2022:

The test claim statute has an effective date of January 1, 2022, and an operative date of July 1, 2022. [Fn. omitted.] The Legislature often postpones the operation of a statute until a later date to allow “persons and agencies affected by it to become aware of its existence and to comply with its terms.” [Fn. omitted.] Here, the test claim statute states that the restrooms must be stocked “[o]n or before the start of the 2022–23 school year.” [Fn. omitted.]²⁰

In the Test Claim Decision, the Commission found that the period of reimbursement begins on January 1, 2022, the statute’s effective date:

Government Code section 17557(e) requires that a test claim be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. Based on the May 12, 2023 [Test Claim] filing date, reimbursement eligibility was established for the 2021-2022 fiscal year. However, due to the January 1, 2022 effective date of the test claim statute, the potential period of reimbursement begins on January 1, 2022.²¹

Section III. of the Parameters and Guidelines therefore states that allowable costs incurred are reimbursable on or after January 1, 2022.

C. Reimbursable Activities (Section IV. of the Parameters and Guidelines)

1. There is substantial evidence in the record that purchasing and installing, or repairing or retrofitting, dispensers to provide menstrual products is reasonably necessary to comply with the mandate.

In comments on the Draft Expedited Parameters and Guidelines, the claimant requests adding a reimbursable activity to Section IV. of the Parameters and Guidelines to purchase and install, or retrofit and repair, dispensers for the menstrual products as reasonably necessary to comply with the mandate. Specifically, the claimant requests adding the following language to Section IV. of the Parameters and Guidelines:

probation, or who are homeless. (Ed. Code, § 1981, 1984, 48852.7, 48859.) Exhibit A, Test Claim Decision, adopted March 22, 2024, page 18.

²⁰ Exhibit A, Test Claim Decision, adopted March 22, 2024, page 18.

²¹ Exhibit A, Test Claim Decision, adopted March 22, 2024, page 19.

B. Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for schools that met the 40-percent pupil poverty level that were required to comply with prior law (Ed. Code, § 35292.6, Stats. 2017, ch. 687) and in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law) to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, for feminine hygiene products (defined only as tampons and sanitary napkins).

Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for schools that did not meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The sufficient number of dispensers necessary to stock the restrooms with feminine hygiene products at all times and at no cost to the pupils may be determined based on the total number of restrooms and the school's total enrollment of female pupils in grades 6 to 12 in the claim year.

Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate (as stated in Section IV.C. of these Parameters and Guidelines), whichever is more cost effective.²²

The Commission's statutes and regulations require that the Parameters and Guidelines identify the activities mandated by the state and "may include proposed reimbursable activities that are reasonably necessary for the performance of the state-mandated program."²³ "Reasonably necessary activities" are defined in the Commission's regulations as:

"Reasonably necessary activities" are those activities necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program. Activities required by statutes, regulations and other executive orders that were not pled in the test claim may only be used to define reasonably necessary activities to the extent that compliance with the approved state-mandated activities would not

²² Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 2.

²³ Government Code section 17557(a), California Code of Regulations, title 2, section 1183.7.

otherwise be possible. Whether an activity is reasonably necessary is a mixed question of law and fact. All representations of fact to support any proposed reasonably necessary activities shall be supported by documentary evidence submitted in accordance with section 1187.5 of these regulations.²⁴

Any proposed reasonably necessary activity must be supported by substantial evidence in the record explaining why it is necessary to perform the state-mandated activity.²⁵

In comments on the Draft Expedited Parameters and Guidelines, the claimant states that it incurred costs to purchase and install dispensers as the most efficient and cost effective way to comply with the mandate.²⁶ The claimant relies on the following evidence in support of its request:

- A declaration submitted with the Test Claim and signed under penalty of perjury by the District's Deputy Superintendent of Business Services that identified costs of \$43,625.73 for the 2022-2023 school year to comply with the test claim statute, including \$37,442.05 for dispensers, \$3,299.92 for installation as follows:

Increased cost of purchasing Dispensers during FY 2022-2023

EVOGEN EVI- DISPENSER (59 UNITS) \$22,090.81

EVOGEN EVI- DISPENSER (41 UNITS) \$15,351.24

Increased cost of dispensers. \$37,442.05

(PSR Menstrual 022; 024.)

Increased cost of installing Dispensers- Labor Cost

Director of Risk Management- Hourly Rate \$77.78

Custodial Supervisor- Hourly Rate \$49.14

Time to install for both employees - 20 hours.

August 5, 2022

September 16, 2022

Labor Hour Cost (\$77.78+\$49.14= \$126.92) @20 hours is \$2,538.40 plus 30% for statutory costs \$3,299.92

²⁴ California Code of Regulations, title 2, section 1183.7(d).

²⁵ Government Code section 17559; California Code of Regulations, title 2, sections 1183.7(d), 1187.5; Code of Civil Procedure section 1094.5(b), stating that "[a]buse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence."

²⁶ Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

The selection of dispensers was determined by the Claimant's Director of Risk Management and third-party vendor as the most efficient and cost-effective method for delivering the menstrual products.²⁷

- A declaration submitted with the Claimant's Rebuttal Comments on the Test Claim, which was signed under penalty of perjury by the District's Deputy Superintendent of Business Services that states "selection of dispensers was determined by its Director of Risk Management and a third-party vendor as the most efficient and cost-effective method for delivering the menstrual products."²⁸

In addition, the claimant's request is supported by "The Menstrual Equity for All Act; A Handbook for California Public School Districts" that lists benefits and drawbacks of three types of dispensers based on the following "storage" considerations:

- a. Menstrual products must be stored in a clean and dry place.
- b. Not all menstrual products have the same shape and size.
- c. Menstrual products must be accessible to all students, and some students may have different accessibility needs.²⁹

And, as stated in the Commission's Test Claim Decision, the legislative history for the test claim statute indicates anticipated costs of "\$2 million to LEAs [Local Education Agencies or School Districts] to install or modify menstrual product dispensers."³⁰

There is no evidence rebutting the claimant's declarations or the information in the record. In addition, the Commission approved reimbursement to purchase and install dispensers in *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, the prior related Test Claim, as follows:

Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for feminine hygiene products (defined only as tampons and sanitary napkins) in 50 percent of the school's restrooms.

²⁷ This declaration was also submitted in the Test Claim rebuttal comments. Exhibit H (2), Claimant's Rebuttal Comments on the Test Claim, filed August 17, 2023, pages 2, 6 (Landon Declaration).

²⁸ Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1. Exhibit H (2), Claimant's Rebuttal Comments on the Test Claim, filed August 17, 2023, pages 2, 6 (Landon Declaration).

²⁹ Exhibit H (6), "The Menstrual Equity for All Act; A Handbook for California Public School Districts, January 2023", https://californiahealtheducation.org/PublishingImages/Lists/TrendingTopics/AllItems/1.1.1.2023%20Menstrual%20Equity%20for%20All%20Act%20Handbook_Final.pdf (accessed on April 26, 2024), page 16.

³⁰ Exhibit A, Test Claim Decision, adopted March 22, 2024, page 9 (citing to Assembly Appropriations Committee Analysis of AB 367 (2021-2022), as amended April 27, 2021, page 2).

The sufficient number of dispensers necessary to stock 50 percent of the restrooms with feminine hygiene products at all times and at no cost to the pupils may be determined based on the total number of restrooms and the school's total enrollment of female pupils in grades 6 to 12 in the claim year.

*Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate (as stated in Section IV. C. of these Parameters and Guidelines), whichever is more cost effective.*³¹

Accordingly, the Commission finds there is substantial evidence in the record to support the request to add purchasing and installing or retrofitting and repairing dispensers for the menstrual products as a reasonably necessary activity to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, consistent with the Decision in *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01.

2. Limiting the restrooms required to be stocked with menstrual products to “pupil” restrooms, as requested by Finance, is inconsistent with the test claim statute and is therefore denied.

Finance proposes limiting reimbursement to stocking menstrual products only in *pupil* restrooms, stating: “The reimbursable activities and restrooms for which a Claimant seeks reimbursement should specify **pupil** restrooms, not all restrooms, in line with the intent of the test claim statute.”³²

However, this request is not consistent with the test claim statute. The activity approved by the Commission tracks the language in the test claim statute, which states that a public school required to comply with the mandate “shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in *all* women's restrooms and all-gender restrooms, and in at least one men's restroom.”³³ The plain language of the test claim statute does not limit the restrooms to only pupil restrooms.

³¹ Exhibit H (3), Commission on State Mandates, Decision and Parameters and Guidelines on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted November 22, 2019, <https://csm.ca.gov/documents/DecisionandPsandGswebfinalDecisionsPage.pdf> (accessed April 29, 2024), page 26. Emphasis in original.

³² Exhibit D, Finance’s Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1. Emphasis in original.

³³ Education Code section 35292.6 (Stats. 2021, ch. 664). Emphasis added.

In addition, the California Department of Education's (CDE's) K-12 Toilet Requirement Summary states that the California Plumbing Code does not require specific toilets for staff and pupils. Although CDE recommends providing separate staff toilets due to safety and liability concerns, some schools may not have separate restrooms for pupils and staff.³⁴ Furthermore, schools may have single occupancy restrooms designated as all-gender. Thus, limiting the restrooms required to be stocked with feminine hygiene products to only "pupil" restrooms is not consistent with the plain language of the test claim statute or the flexibility available for school restroom facilities. Accordingly, this request is denied.

3. Clarifying language is added to the Parameters and Guidelines to state that reimbursement is not required to stock menstrual products in more than one men's restroom, as requested by Finance.

Finance contends that the Parameters and Guidelines "should clearly state that reimbursement is not required to stock menstrual products in more than one men's restroom or in school restrooms not required by statute."³⁵

The plain language of the test claim statute requires schools to stock an adequate supply of menstrual products "in all women's restrooms and all-gender restrooms, and in *at least one men's restroom*."³⁶ The "at least" language could result in schools supplying more than one men's restroom with menstrual products at the State's expense. However, the test claim statute does not mandate schools to stock menstrual products in more than one men's restroom; doing so would be at the school's discretion. Thus, the Commission agrees with Finance's proposed amendment to Section IV.A. of the Draft Expedited Parameters and Guidelines to clarify that the mandate requires stocking only one men's restroom, with additional clarification that only one men's restroom "per school" must be stocked:

Reimbursement is not required to stock any products other than menstrual pads and tampons for pupils, or to stock menstrual products in more than one men's restroom per school.

However, the additional language Finance proposes – that reimbursement is not required to stock menstrual products in "school restrooms not required by statute" – is vague, duplicative and unnecessary. The language in Section IV.A. now limits reimbursement to stocking "all women's restrooms and all-gender restrooms, and one men's restroom." This language is clear, more specific, and more consistent with the plain language of the test claim statute to stock "all" women's restrooms and all-gender

³⁴ Exhibit H (1), California Department of Education, K-12 Toilet Requirement Summary, <https://www.cde.ca.gov/ls/fa/sf/toiletrequire.asp> (accessed on April 19, 2024).

³⁵ Exhibit D, Finance's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

³⁶ Education Code section 35292.6 (Stats. 2021, ch. 664). Emphasis added.

restrooms, and at least one men's restroom per school.³⁷ Thus, Finance's request to include this additional language is denied.

4. The Parameters and Guidelines require the claimants to identify in their reimbursement claims specified information regarding the number of schools in the claimant's jurisdiction that maintain any combination of classes from grades 6 to 12, enrollment information, the number of schools that had to comply with the mandate under prior law, and the number of restrooms now required to be stocked with menstrual products.

The Draft Expedited Parameters and Guidelines required the claimants to identify in their reimbursement claims the following information to support the actual costs claimed for labor and materials to stock the school's restrooms all times with an adequate supply of menstrual products:

1. The total number of schools in the claimant's jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive.
2. The total number of Title 1 schools in the claimant's jurisdiction identified in #1 above, that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687).
3. For *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), please identify:
 - the total number of all restrooms in the school,
 - the total number of women's restrooms in the school, and
 - the total number of all-gender restrooms in the school.
4. For *each* school that did **not** meet the 40-percent pupil poverty level under prior law, please identify:
 - the total number of women's restrooms in the school, and
 - the total number of all-gender restrooms in the school.³⁸

Both Finance and the claimant propose adding information to these reporting requirements.

³⁷ Education Code section 35292.6 (Stats. 2021, ch. 664). Emphasis added. Exhibit B, Draft Expedited Parameters and Guidelines, issued March 26, 2024, page 7.

³⁸ Exhibit B, Draft Expedited Parameters and Guidelines, issued March 26, 2024, page 7.

- a. There is no evidence in the record to support Finance’s request for the Parameters and Guidelines to require identifying the number of men’s restrooms with the other information required to be reported with the reimbursement claim, so this request is denied.

In response to the Draft Expedited Parameters and Guidelines, Finance suggests, without explanation, that “Claimants should be required to specify the total number of men’s restrooms in the school regardless of their compliance with the previous test claim, to ensure compliance with the test claim statute.”³⁹ Given the requirement to stock only one men’s restroom per reported (grade 6-12) school with menstrual products, and that the Draft Expedited Parameters and Guidelines require reporting the number of grade 6-12 schools in the claimant’s jurisdiction, it is unclear why reporting the total number of men’s restrooms per school would be relevant or reasonably necessary.

Consistent with the Test Claim Decision, the Draft Expedited Parameters and Guidelines define the number of additional restrooms required to be stocked as Title 1 schools that met the forty percent pupil poverty level and were required to comply with prior law as “the sum of all women’s restrooms and all-gender restrooms, and at least one men’s restroom, minus fifty percent of all restrooms (which is not new because it was required by prior law).”⁴⁰ Thus, the Parameters and Guidelines require a claimant to identify the number of women’s restrooms and the number of all-gender restrooms in the school, then add one men’s restroom and subtract fifty percent of the total number of restrooms in the school to isolate the higher level of service, resulting in this formula:

$$(\text{all women's restrooms}) + (\text{all all-gender restrooms}) + (\text{one men's room}) - (\text{50\% of all restrooms}) = (\text{all new restrooms required to be stocked}).$$

For example, if a school has a total of eight restrooms, four of which are women’s restrooms and one of which is an all-gender restroom, then that school would be required to stock menstrual products in two additional restrooms as follows: $(4 + 1 + 1 \text{ male restroom} - (50\% \text{ of } 8 = 4)) = 2 \text{ new restrooms to be stocked}$.

The Draft Expedited Parameters and Guidelines also authorize reimbursement for non-Title 1 schools that did *not* meet the forty-percent pupil poverty level under prior law that are now required to stock all women’s restrooms, any all-gender restrooms, and one male restroom with menstrual products.⁴¹ The claimants would identify the total number of women’s restrooms and all-gender restrooms, and stock one additional men’s restroom. Thus, like the example above (except not subtracting 50% of all restrooms),

³⁹ Exhibit D, Finance Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 1.

⁴⁰ Exhibit B, Draft Expedited Parameters and Guidelines, issued March 26, 2024, page 7.

⁴¹ Exhibit B, Draft Expedited Parameters and Guidelines, issued March 26, 2024, page 8.

the school is now required to stock six restrooms with menstrual products: (4 + 1+ 1 = 6 restrooms to be stocked).

There is no evidence in the record to show that requiring the claimants to identify the total number of men's restrooms is reasonably necessary or relevant. Therefore, Finance's request, to specify the total number of men's restrooms in the school regardless of compliance with the previous test claim, is denied.

- b. To support the actual costs claimed, the Proposed Parameters and Guidelines also require all claimants to provide each school's total enrollment of female pupils and its estimate of the total enrollment of transgender, nonbinary, and gender nonconforming pupils who may use menstrual products in grades 6 to 12.

The claimant also requests that the number of dispensers eligible for reimbursement should be based, in part, on the school's total enrollment of *female* pupils in grades 6 to 12 for each claim year with the following proposed language:

The sufficient number of dispensers necessary to stock the restrooms with feminine hygiene products at all times and at no cost to the pupils may be determined based on the total number of restrooms and *the school's total enrollment of female pupils in grades 6 to 12 in the claim year.*⁴²

The Commission agrees that determining the adequate supply of menstrual products and dispensers to provide those products in accordance with the mandate depends on the enrollment of pupils in grades 6 to 12 that may use those products, the number of products those pupils may use each school year,⁴³ and the number of restrooms now required to be stocked. In this respect, the Parameters and Guidelines for *Public*

⁴² Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed April 16, 2024, page 2. Emphasis added.

⁴³ The Commission's Statewide Cost Estimate for *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, estimated that each pupil used three products per day for five days a week for each month of the school year, or 138 products per pupil per year, based on information from the Food and Drug Administration and Planned Parenthood. (Exhibit H (4), Commission on State Mandates, Statewide Cost Estimate on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted December 4, 2020, https://csm.ca.gov/decisions/18-TC-01_120920.pdf (accessed on April 26, 2024), pages 14-15.) The Legislature used those figures when estimating the costs of the mandate. (Exhibit A, Test Claim Decision, adopted March 22, 2024, page 9 (citing to Assembly Appropriations Committee Analysis of AB 367 (2021-2022), as amended April 27, 2021, page 2). See also, Exhibit H (6), "The Menstrual Equity for All Act; A Handbook for California Public School Districts, January 2023", https://californiahealtheducation.org/PublishingImages/Lists/TrendingTopics/AllItems/1.1.2023%20Menstrual%20Equity%20for%20All%20Act%20Handbook_Final.pdf (accessed on April 26, 2024), page 16, which estimated average usage at three products per pupil per month.

School Restrooms: Feminine Hygiene Products, 18-TC-01, define a “sufficient amount” of menstrual products and dispensers as:

The sufficient amount of tampons and sanitary napkins necessary to comply with the mandate may be determined based on the school’s total enrollment of female pupils in grades 6 to 12 in the claim year.

[¶] . . . [¶]

The sufficient number of dispensers necessary to stock 50 percent of the restrooms with feminine hygiene products at all times and at no cost to the pupils may be determined based on the total number of restrooms and the school’s total enrollment of female pupils in grades 6 to 12 in the claim year.⁴⁴

And the Parameters and Guidelines for 18-TC-01 require the claimants to identify “each school’s total enrollment of female pupils in grades 6 to 12 in the claim year.”⁴⁵

However, the mandate in this case is not limited to providing menstrual products to only female pupils. The test claim statute is intended to provide menstrual products “at all times” to all genders, including transgender men, nonbinary, and gender nonconforming students, who may also menstruate. As indicated in the Test Claim Decision, the Legislature made the following findings and declarations in the Menstrual Equity for All Act:

- California has an interest in promoting gender equity, not only for women and girls, but also for transgender men, nonbinary, and gender nonconforming people who may also menstruate and experience inequities resulting from lack of access to menstrual products.
- Equal opportunity to education is a fundamental right recognized by the California Constitution. Section 5 of Article IX of, subdivision (a) of Section 7 of Article I of, and subdivision (a) of Section 16 of Article IV of, the California Constitution require the state to maintain and operate the public school system in a manner that provides basic educational equity to students.
- California has an interest in creating safe, welcoming, and inclusive schools for all students. Subdivision (b) of Section 201 of the Education Code, in particular,

⁴⁴ Exhibit H (3), Commission on State Mandates, Decision and Parameters and Guidelines on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted November 22, 2019, <https://csm.ca.gov/documents/DecisionandPsandGswebfinalDecisionsPage.pdf> (accessed on April 26, 2024), pages 25, 26.

⁴⁵ Exhibit H (3), Commission on State Mandates, Decision and Parameters and Guidelines on *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, adopted November 22, 2019, <https://csm.ca.gov/documents/DecisionandPsandGswebfinalDecisionsPage.pdf> (accessed on April 26, 2024), page 24.

requires all preschool, elementary, and secondary schools to affirmatively combat racism, sexism, and other forms of bias.

- The provision of menstrual products in schools helps ensure California provides equal access to education and enables students to reach their full potential, irrespective of gender.
- Expanding student access to menstrual products can result in increased attendance rates. After the City of New York passed a law providing free menstrual products to students, participating schools saw a 2.4 percent increase in attendance.
- It is the intent of the Legislature that this act provide for the health, dignity, and safety of menstruating students at every socioeconomic level, normalize menstruation among all genders⁴⁶

Thus, the mandated program will result in increased costs because additional pupils are required to have free access to menstrual products in the additional (men's and all-gender) restrooms required to be stocked "at all times."

Enrollment information identifying the number of transgender, nonbinary, and gender nonconforming pupils is not widely available. The Office of the Legislative Analyst estimated that less than one percent of the population aged 13 years and over identify as transgender, and that transgender and nonbinary persons generally comprise similarly small shares of pupils in the public education system:

While there is limited data on the number of transgender and nonbinary persons in California, the Williams Institute at the University of California, Los Angeles School of Law estimates about 200,000 of the state's 33 million population aged 13 years and over (less than 1 percent) identify as transgender. Transgender and nonbinary persons generally comprise similarly small shares of students and staff in California's public education system and people enrolled in the state's publicly funded health programs.⁴⁷

The Assembly Appropriations Committee analysis of the test claim statute compared costs for this program to those of the *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01 mandate, estimating an increase of ten percent to the total cost per pupil:

One-time Proposition 98 GF [general fund] costs of about \$2 million to LEAs [Local Education Agencies or School Districts] to install or modify menstrual product dispensers and ongoing Proposition 98 GF costs of

⁴⁶ Exhibit A, Test Claim Decision, adopted March 22, 2024, pages 7-8 (citing to Stats. 2021, ch. 664, § 1).

⁴⁷ Exhibit H (5), Legislative Analyst's Office, Letter to Attorney General Rob Bonta regarding a proposed ballot measure, November 14, 2023, <https://lao.ca.gov/ballot/2023/230519.pdf> (accessed on April 25, 2024), page 2.

about \$1.3 million to provide free menstrual products. This estimate use [sic] assumptions from the Commission on State Mandates (CSM) evaluation of the cost per female student at certain K-12 schools to provide free menstrual products in 50% of restrooms, as required by current law (described in more detail below). According to that evaluation, costs are \$3.70 per female student one-time to install or retrofit menstrual product dispensers and about \$2.36 per female student annually to provide free menstrual products. *However, the costs of this bill would likely be slightly higher because it requires all gender restrooms and one men's restroom to supply free menstrual products. Accordingly, this analysis increases by 10% the amount of one-time and ongoing costs, though there may be additional costs of an unknown amount.*

According to data from the California Department of Education, about 1.2 million females enrolled in grades 6-12 in the 2018-19 school year. Subtracting the number of students already receiving free menstrual products through existing law, about 500,000 female students remain.⁴⁸

And the “The Menstrual Equity for All Act; A Handbook for California Public School Districts” estimates that “50% of students at each school menstruate.”⁴⁹ Therefore, to support the actual cost for labor and materials claimed as a result of this mandate, the Parameters and Guidelines require the claimants to provide each school’s total enrollment of female pupils and its estimate of the total enrollment of transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use menstrual products in the claim year.

Accordingly, Section IV. of the Parameters and Guidelines is revised as follows (with changes in underline and strikeout to reflect changes to the Draft Expedited Parameters and Guidelines):

For each eligible claimant that incurs increased costs, the following activities are reimbursable:

⁴⁸ Exhibit A, Test Claim Decision, adopted March 22, 2024, page 8 (citing Assembly Appropriations Committee Analysis of AB 367 (2021-2022), as amended April 27, 2021, page 2). Emphasis added.

⁴⁹ Exhibit H (6), “The Menstrual Equity for All Act; A Handbook for California Public School Districts, January 2023”, https://californiahealtheducation.org/PublishingImages/Lists/TrendingTopics/AllItems/1.1.2023%20Menstrual%20Equity%20for%20All%20Act%20Handbook_Final.pdf (accessed on April 26, 2024), page 15.

A. Stocking an Adequate Supply of Menstrual Products Free of Cost for Pupils

1. For schools that met the forty-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687),⁵⁰ to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in *additional* restrooms, defined as the sum of all women's restrooms and all-gender restrooms, ~~and at least plus~~ one men's restroom, **minus** fifty percent of all restrooms (which is not new because it was required by prior law).

Eligible claimants are **not** entitled to reimbursement under these Parameters and Guidelines for the activities and costs approved by the Commission in *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, which addressed Education Code section 35292.6 (Stats. 2017, ch. 687). Those costs ~~can~~ may be claimed under *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01.⁵¹

2. For schools that did **not** meet the forty-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law, to stock all women's restrooms and ~~any~~ all-gender restrooms, ~~and at least plus~~ one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
- ~~3. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.~~
3. Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in IV.A. 1 and 2 above.

Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient

⁵⁰ These schools are those that are eligible for Title I, Part A funds and meet the second test identified in section 6314(a)(1)(A) of Title 20 of the United States Code, in which not less than 40 percent of the children *enrolled* in the school are from low-income families. See Exhibit A, Test Claim Decision, adopted March 22, 2024, page 20.

⁵¹ The parties may wish to consider filing a request to consolidate the parameters and guidelines for these two programs to create a simpler reimbursement process for on-going costs.

number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

Reimbursement is not required to stock any products other than menstrual pads and tampons for pupils, or to stock menstrual products in more than one men's restroom per school.

An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of these Parameters and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.

In the reimbursement claims, claimants shall identify:

- a. ~~4.~~The total number of schools in the claimant's jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive.
- b. For each school identified in a. above, provide the total enrollment of female, and the estimated total enrollment of transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products required by the test claim statute.
- c. ~~2.~~The total number of Title 1 schools in the claimant's jurisdiction identified in ~~#1 a.~~ above, that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687).
- d. ~~3.~~For each Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with ~~prior law~~ (former Ed. Education Code, section § 35292.6 (Stats. 2017, ch. 687), please identify:
 - the total number of all restrooms in the school;
 - the total number of women's restrooms in the school;
 - the total number of all-gender restrooms in the school.
- e. ~~4.~~For each school that did **not** meet the 40-percent pupil poverty level under prior law, please identify:
 - the total number of women's restrooms in the school; and
 - the total number of all-gender restrooms in the school.

B. Posting a Notice

- ~~1.~~ ~~3.~~ For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost.

The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

D. Claim Preparation and Submission (Section V. of the Parameters and Guidelines)

Section V. of the Parameters and Guidelines (Claim Preparation and Submission) identifies the direct costs that are eligible for reimbursement.

No changes to the boilerplate language were proposed.

E. Offsetting Revenues and Reimbursements (Section VII. Offsetting Revenues and Reimbursements)

Section VII. of the Parameters and Guidelines governs offsetting revenues (i.e., funds that are not a claimant's proceeds of taxes) required to be identified and deducted from the costs claimed.

No changes to the boilerplate language were proposed.

F. The Remaining Sections of the Parameters and Guidelines

Section VI. Record Retention; Section VIII. State Controller's Claiming Instructions; Section IX. Remedies Before the Commission; and Section X. Legal and Factual Basis for the Parameters and Guidelines contain standard boilerplate language.

V. Conclusion

Based on the foregoing analysis, the Commission hereby adopts the Proposed Decision and Parameters and Guidelines.

PARAMETERS AND GUIDELINES⁵²

Education Code Section 35292.6

Statutes 2021, Chapter 664, Sections 1 and 3 (AB 367)

Public School Restrooms: Menstrual Products

22-TC-04

Period of Reimbursement begins January 1, 2022

I. SUMMARY OF THE MANDATE

These Parameters and Guidelines address the Menstrual Equity for All Act of 2021 (Stats. 2021, ch. 664, Ed. Code, §35292.6), effective January 1, 2022. The Act requires public schools, including a school operated by a school district, a county office of

⁵² Please note that the Decision and Parameters and Guidelines is a single document and must be read as a whole. It is not intended to be separated and should be posted in its entirety.

education, or a charter school, that maintain any combination of classes from grades 6 through 12, inclusive, to stock all women's restrooms, all-gender restrooms, and at least one men's restroom with menstrual products (defined as tampons and menstrual pads), free of cost, on or before the start of the 2022-2023 school year. The Act also requires these public schools to post a notice regarding the statutory requirements in a prominent and conspicuous location in every restroom required to stock the menstrual products.

On March 22, 2024, the Commission on State Mandates (Commission) adopted its Test Claim Decision, finding that the test claim statute (Ed. Code, § 35292.6, Stats. 2021, ch. 664), imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, beginning January 1, 2022, on school districts, including county offices of education, for their schools that maintain any combination of classes from grades 6 through 12, inclusive, to do the following:

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, *minus* 50 percent of all restrooms (which is not new because it was required by prior law).
2. For schools that did **not** meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

II. ELIGIBLE CLAIMANTS

Any "school district" as defined in Government Code section 17519, except for community colleges, that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the Test Claim on May 12, 2023, establishing eligibility for reimbursement for the 2021-2022 fiscal year. However, the test claim statute was effective on

January 1, 2022. Therefore, based on the later effective date of the statute, costs incurred are reimbursable on or after January 1, 2022.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a school district may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activities are reimbursable:

A. Stocking an Adequate Supply of Menstrual Products Free of Cost for Pupils

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687),⁵³ to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in *additional* restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, **minus** 50 percent of all restrooms (which is not new because it was required by prior law).

Eligible claimants are **not** entitled to reimbursement under these Parameters and Guidelines for the activities and costs approved by the Commission in *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, which addressed Education Code section 35292.6 (Stats. 2017, ch. 687). Those costs may be claimed under *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01.

2. For schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in IV.A. 1 and 2 above.

Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

Reimbursement is not required to stock any products other than menstrual pads and tampons for pupils, or to stock menstrual products in more than one men's restroom per school.

⁵³ These schools are those that are eligible for Title I, Part A funds and meet the second test identified in section 6314(a)(1)(A) of Title 20 of the United States Code, in which not less than 40 percent of the children *enrolled* in the school are from low-income families. Exhibit A, Test Claim Decision, adopted March 22, 2024, page 20.

An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of these Parameter and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.

In the reimbursement claims, claimants shall identify:

- a. The total number of schools in the claimant's jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive.
- b. For *each* school identified in a. above, provide the total enrollment of female, and estimated total enrollment of transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products required by the test claim statute.
- c. The total number of Title 1 schools in the claimant's jurisdiction identified in a. above, that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687).
- d. For *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687), please identify:
 - the total number of all restrooms in the school;
 - the total number of women's restrooms in the school;
 - the total number of all-gender restrooms in the school.
- e. For *each* school that did **not** meet the 40-percent pupil poverty level under prior law, please identify:
 - the total number of women's restrooms in the school; and
 - the total number of all-gender restrooms in the school.

B. Posting a Notice

1. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV., Reimbursable Activities, of this document. Each claimed

reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs may include: (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs; and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

School districts must use the California Department of Education approved indirect cost rate for the year that funds are expended.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter⁵⁴ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds, shall be identified and deducted from any claim submitted for reimbursement.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the eligible claimants to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

⁵⁴ This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On August 1, 2024, I served the:

- **Current Mailing List dated July 22, 2024**
- **Decision and Parameters and Guidelines adopted July 26, 2024**

Public School Restrooms: Menstrual Products, 22-TC-04


Statutes 2021, Chapter 664, Sections 1 and 3 (AB 367);

Education Code Section 35292.6

Hesperia Unified School District, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 1, 2024 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/22/24

Claim Number: 22-TC-04

Matter: Public School Restrooms: Menstrual Products

Claimant: Hesperia Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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June 4, 2025

Exhibit C

Ms. Anne Kato
State Controller's Office
Local Government Programs and
Services Division
3301 C Street, Suite 740
Sacramento, CA 95816

Mr. Arthur Palkowitz
Law Offices of Arthur M. Palkowitz
12807 Calle de la Siena
San Diego, CA 92130

And Parties, Interested Parties, and Interested Persons (See Mailing List)

**Re: Draft Proposed Statewide Cost Estimate, Schedule for Comments,
and Notice of Hearing**
Public School Restrooms: Menstrual Products, 22-TC-04
Statutes 2021, Chapter 664 (AB 367); Education Code Section 35292.6; effective
January 1, 2022

Dear Ms. Kato and Mr. Palkowitz:

The Draft Proposed Statewide Cost Estimate for the above-captioned matter is enclosed for your review and comment.

Written Comments: Written comments may be filed on the Draft Proposed Statewide Cost Estimate not later than **5:00 p.m. on June 16, 2025**. You are advised that comments filed with the Commission are required to be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, § 1181.3(c)(2).) Refer to <https://www.csm.ca.gov/dropbox.shtml> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(c)(3).)

Hearing: This matter is set for hearing on **July 25, 2025, in person at 10:00 a.m., at California Department of Food and Agriculture (CDFA), First Floor Auditorium, 1220 N Street, Sacramento, California, 95814 and via Zoom.**

The Proposed Statewide Cost Estimate will be issued on or about July 11, 2025.

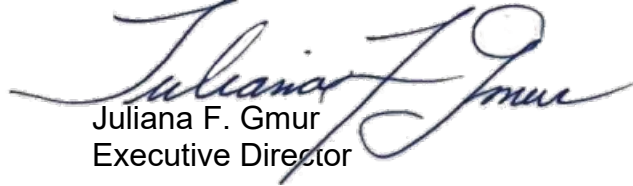
This matter is proposed for the Consent Calendar. Please let us know in advance if you oppose having this item placed on the Consent Calendar.

Please also notify Commission staff not later than noon on the Tuesday prior to the hearing, July 22, 2025, that you or a witness you are bringing plan to testify and please specify the names of the people who will be speaking for inclusion on the witness list and the names and email addresses of the people who will be speaking both in person and remotely to receive a hearing panelist link in Zoom.

Ms. Kato and Mr. Palkowitz
June 4, 2025
Page 2

The last communication from Commission staff will be the Proposed Statewide Cost Estimate, which will be issued approximately 2 weeks prior to the hearing, and it is incumbent upon the participants to let Commission staff know if they wish to testify or bring witnesses.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Juliana F. Gmur". The signature is fluid and cursive, with a large loop at the end.

Juliana F. Gmur
Executive Director

ITEM ____

DRAFT PROPOSED STATEWIDE COST ESTIMATE

\$2,362,580 - \$19,759,203

**Initial Claim Period, January 1, 2022 to June 30, 2022, and
Fiscal Year 2022-2023**

**\$1,076,162 - \$19,428,754 [Plus the Implicit Price Deflator]
Fiscal Year 2023-2024 and Following**

Education Code Section 35292.6

As Amended by Statutes 2021, Chapter 664, Sections 1 and 3 (AB 367)

Public School Restrooms: Menstrual Products

22-TC-04

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate by a vote of [vote count will be included in the adopted Statewide Cost Estimate] during a regularly scheduled hearing on July 25, 2025 as follows:

| Member | Vote |
|---|-------------|
| Lee Adams, County Supervisor | |
| Deborah Gallegos, Representative of the State Controller, Vice Chairperson | |
| Karen Greene Ross, Public Member | |
| Renee Nash, School District Board Member | |
| William Pahland, Representative of the State Treasurer | |
| Michele Perrault, Representative of the Director of the Department of Finance, Chairperson | |
| Alexander Powell, Representative of the Director of the Office of Land Use and Climate Innovation | |

STAFF ANALYSIS

Summary of the Mandate, Eligible Claimants, and Period of Reimbursement

This Statewide Cost Estimate addresses state-mandated activities arising from the Menstrual Equity for All Act of 2021 (Stats. 2021, ch. 664, Ed. Code, §35292.6), effective January 1, 2022. The Act requires public schools, including a school operated by a school district, a county office of education, or a charter school, that maintain any combination of classes from grades 6 through 12, inclusive, to stock all women's restrooms, all-gender restrooms, and at least one men's restroom with menstrual products (defined as tampons and menstrual pads), free of cost, on or before the start

of the 2022-2023 school year. The Act also requires these public schools to post a notice regarding the statutory requirements in a prominent and conspicuous location in every restroom required to be stocked with menstrual products.¹

On March 22, 2024, the Commission on State Mandates (Commission) adopted the Test Claim Decision,² finding that the test claim statute (Ed. Code, § 35292.6, Stats. 2021, ch. 664), imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, beginning January 1, 2022, on school districts, including county offices of education, for their schools that maintain any combination of classes from grades six through 12, inclusive, to do the following:

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, *minus* 50 percent of all restrooms (which is not new because it was required by prior law).
2. For schools that did **not** meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.³

The Commission adopted the Decision and Parameters and Guidelines on July 26, 2024,⁴ approving reimbursement for school districts, including county offices of education, for their schools that maintain any combination of classes from grades 6 through 12, inclusive.⁵

¹ The Act was amended by Statutes 2023, chapter 421 to expand the requirements to schools with pupils in grades 3 through 12, inclusive. The Commission has no jurisdiction on the amended Act because no Test Claim was filed on it.

² Exhibit A, Test Claim Decision.

³ Exhibit B, Decision and Parameters and Guidelines, pages 1-2.

⁴ Exhibit B, Decision and Parameters and Guidelines.

⁵ Exhibit B, Decision and Parameters and Guidelines, pages 7-8, 23.

The initial reimbursement period is January 1, 2022 to July 1, 2022 and fiscal year 2022-2023. Eligible claimants were required to file initial claims with the State Controller's Office (Controller) by February 27, 2025. Late initial reimbursement claims may be filed until February 27, 2026, but will incur a 10 percent late filing penalty of the total amount of the initial claim without limitation.⁶

Reimbursable Activities

The Commission approved the following for this program, which is reimbursable for school districts, including county offices of education, for their schools that maintain any combination of classes from grades six through 12, inclusive:

A. Stocking an Adequate Supply of Menstrual Products Free of Cost for Pupils

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687),⁷ to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in *additional* restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, **minus** 50 percent of all restrooms (which is not new because it was required by prior law).

Eligible claimants are **not** entitled to reimbursement under these Parameters and Guidelines for the activities and costs approved by the Commission in *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, which addressed Education Code section 35292.6 (Stats. 2017, ch. 687). Those costs may be claimed under *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01.

2. For schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos. 1 and 2 above.

Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient

⁶ Government Code section 17561(d)(3).

⁷ These schools are those that are eligible for Title I, Part A funds and meet the second test identified in section 6314(a)(1)(A) of Title 20 of the United States Code, in which not less than 40 percent of the children *enrolled* in the school are from low-income families. Exhibit B, Decision and Parameters and Guidelines, pages 20, 25, footnotes 50, 53, respectively.

number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

Reimbursement is not required to stock any products other than menstrual pads and tampons for pupils, or to stock menstrual products in more than one men's restroom per school.⁸

An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of the Parameters and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.

In the reimbursement claims, claimants shall identify:

- a. The total number of schools in the claimant's jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive.
- b. For *each* school identified in a. above, provide the total enrollment of female, and estimated total enrollment of transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products required by the test claim statute.
- c. The total number of Title 1 schools in the claimant's jurisdiction identified in a. above, that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687).
- d. For *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687), please identify:
 - the total number of all restrooms in the school,
 - the total number of women's restrooms in the school,
 - the total number of all-gender restrooms in the school.
- e. For *each* school that did **not** meet the 40-percent pupil poverty level under prior law, please identify:
 - the total number of women's restrooms in the school, and
 - the total number of all-gender restrooms in the school.⁹

⁸ Exhibit B, Decision and Parameters and Guidelines, pages 21, 25.

⁹ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

B. Posting a Notice

1. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.¹⁰

Offsetting Revenues and Reimbursements

As stated in the Parameters and Guidelines, any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds, shall be identified and deducted from any claim submitted for reimbursement.¹¹

Statewide Cost Estimate

Staff reviewed 121 unaudited reimbursement claims submitted by 74 school districts, as compiled by the Controller (although four of these claims were not counted because they are under the minimum claiming amount of \$1,000).¹² Staff developed the Statewide Cost Estimate based on the assumptions and methodology discussed herein.

Table 1. Initial Reimbursement Period (2021-2022, 2022-2023) Cost Estimate

| | |
|---|-------------------------|
| Activity A.1. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in <i>additional</i> restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law). | \$443,565 - \$3,720,322 |
|---|-------------------------|

¹⁰ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

¹¹ Exhibit B, Decision and Parameters and Guidelines, page 28.

¹² Government Code section 17564(a). The removed claims are from the following Districts: Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024).

| | |
|---|-----------------------------------|
| Activity A.2. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did not meet the 40-percent pupil poverty level subjecting them to the <i>Feminine Hygiene Products</i> mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils. | \$219,259 - \$2,351,173 |
| Activity A.3. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective. | \$1,606,528 - \$14,910,775 |
| Activity B. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, for their schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. | \$2,893 - \$45,173 |
| Indirect Costs identified | \$90,335 - \$927,227 |
| Offsetting Revenues or Other Reimbursements | (\$0 - \$0) |
| 10 Percent Late Filing Penalty | (\$0 - \$2,195,467) |
| Total Costs | \$2,362,580 - \$19,759,203 |

Table 2. Estimated Annual Costs for 2024-2025 and Following

| | |
|--|-------------------------|
| Activity A.1. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that met the 40-percent pupil poverty level that were required | \$504,301 - \$7,745,826 |
|--|-------------------------|

| | |
|---|--------------------------|
| to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law). | |
| Activity A.2. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did not meet the 40-percent pupil poverty level subjecting them to the <i>Feminine Hygiene Products</i> mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils. | \$137,874 - \$1,544,415 |
| Activity A.3. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective. | \$390,669 - \$11,304,974 |
| Activity B. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, for their schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. | \$6,281 - \$250,193 |
| Indirect Costs identified | \$37,037 - \$742,096 |
| Offsetting Revenue | (\$0 - \$0) |

| | |
|---------------------|-----------------------------------|
| Late Filing Penalty | (\$0 - \$2,158,750) |
| Total Costs | \$1,076,162 - \$19,428,754 |

Assumptions

1. The total amount claimed for the initial reimbursement period may increase as a result of late or amended initial claims. Only 74 school districts filed claims of an estimated 937 eligible districts that maintain any combination of grades 6-12, inclusive.¹³ The low filing rate is likely due to the number of districts that will choose to opt into the K-12 Mandate Block Grant rather than filing claims (see assumption #9 below).
2. Offsetting revenue will be \$0 because that was the amount identified in all the reimbursement claims filed, and no specific offsetting revenue was identified in the Decision and Parameters and Guidelines.
3. Four Districts' claims were removed from the cost calculations because the total amount claimed in each was less than \$1,000, the minimum required to file a claim.¹⁴ The removed claims are from the following Districts: Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024).
4. There are about 9,997 public schools in California.¹⁵ Of these, 7,241 estimated schools are expected to comply with the mandated program because they maintain any combination of grades 6-12, inclusive.¹⁶

The actual number of schools statewide required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) (requiring free menstrual products in schools that maintain any combination of classes from grade six to grade 12, inclusive and are eligible for Title I, Part A funds with at least 40 percent of the pupils enrolled from low-income families) is unknown. This mandate now requires these schools to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free for pupils, in *additional* restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms that were previously required to be stocked.

However, the California Department of Education (CDE) annually publishes Student Poverty Free and Reduced Price Meals (FRPM) that contain data on

¹³ Exhibit X (6), California Department of Education, List of School Districts, <https://www.cde.ca.gov/re/lr/do/schooldistrictlist.asp> (accessed on January 22, 2025).

¹⁴ Government Code section 17564(a).

¹⁵ Exhibit X (4), California Department of Education, Fingertip Facts on Education in California, <https://www.cde.ca.gov/ds/ad/ceffingertipfacts.asp> (accessed on January 17, 2025).

¹⁶ Exhibit X (7), California Department of Education, Public Schools and Districts Data Files, <https://www.cde.ca.gov/ds/si/ds/pubschls.asp> (accessed on January 22, 2025).

pupils eligible for FRPMs and is certified by local educational agencies as part of the California Longitudinal Pupil Achievement Data System Fall 1 data submission.¹⁷ Under federal law, local educational agencies can use several measures of poverty to determine a school's eligibility for Title 1, Part A funds, one of which is the number of students enrolled and eligible for the free or reduced price lunch program.¹⁸ The CDE's Student Poverty FRPM reports provide unduplicated data for fiscal years 2021-2022, 2022-2023, and 2023-2024, by school, with the grade levels identified, and the percentage of students enrolled on Census Day (the first Wednesday in October) eligible to receive free or reduced price meals under federal law. This list was filtered to exclude non-public, nonsectarian schools; preschool, kindergarten, and adult schools; schools that do not maintain any combination of grades six to 12, inclusive; and include schools in which 40 percent or more of the students are eligible for free or reduced-price meals. Based on this data, the number of schools required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) is estimated to be:

- In 2021-2022, 5,530 schools;
- In 2022-2023, 5,695 schools;
- In 2023-2024, 5,852 schools.¹⁹

In analyzing the costs for this (Menstrual Products) program, legislative staff used the Commission's Statewide Cost Estimate for the *Feminine Hygiene Products* (18-TC-01) mandate. The legislative committees estimated:

One-time Proposition 98 GF costs of about \$2 million to LEAs to install or modify menstrual product dispensers and ongoing Proposition 98 GF costs of about \$1.3 million to provide free menstrual products. This estimate use [sic] assumptions from the Commission on State Mandates (CSM) evaluation of the cost per female student at certain K-12 schools to provide free menstrual products in 50% of restrooms, as required by current law (described in more detail below). According to that evaluation, costs are \$3.70 per female student one-time to install or retrofit menstrual

¹⁷ Exhibit X (5), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data, <https://www.cde.ca.gov/ds/ad/filessp.asp> (accessed on January 21, 2025).

¹⁸ 20 United States Code section 6313(a)(5)(A).

¹⁹ Exhibit X (5), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data, <https://www.cde.ca.gov/ds/sd/sd/filessp.asp> (accessed on January 24, 2025).

product dispensers and about \$2.36 per female student annually to provide free menstrual products²⁰

Both the Senate and Assembly Appropriations Committees used the Commission's estimate, but the Assembly Committee added 10 percent because this mandate requires stocking menstrual products in any all-gender restrooms and one male restroom per school.²¹ The Senate Appropriations Committee merely concluded that the costs "could be higher" for this program.²²

5. The following number of schools (that maintain any combination of classes from grades six through 12, inclusive, that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under preexisting law (18-TC-01)) are required to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, is estimated at:
 - In 2021-2022: 1,711 schools
 - In 2022-2023: 1,546 schools
 - In 2023-2024: 1,389 schools²³
6. Statewide costs may increase if the cost of materials and supplies and labor increases. The claimant submitted receipts with the Test Claim indicating \$347.49 per dispenser purchased.²⁴ The average cost per dispenser for the claimants that filed initial reimbursement claims is \$384.23.²⁵ Moreover, employee salaries may increase or decrease in the future, thereby increasing or decreasing labor costs to comply with the mandate.

²⁰ Exhibit X (3), Assembly Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2. Exhibit X (8), Senate Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²¹ Exhibit X (3), Assembly Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²² Exhibit X (8), Senate Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²³ These figures were estimated by subtracting the estimated number of public schools that maintain any combination of grades 6-12, inclusive, from the grade 6-12 schools required to comply with the *Feminine Hygiene Products* mandate (schools that met the 40 percent pupil poverty threshold that maintain any combination of grades 6-12 that are required to provide free menstrual products in 50 percent of their restrooms).

²⁴ Exhibit X (1), Test Claim, pages 13, 27, 29, 30.

²⁵ Exhibit X (2), Spreadsheet of Claimant Data.

7. Initial costs are likely to be higher in the initial reimbursement period because of the costs to install or retrofit dispensers. As dispensers are installed in the required restrooms, these initial costs would diminish and the ongoing costs would be primarily for stocking the menstrual products. For example, claims for the *Feminine Hygiene Products* mandate (18-TC-01), that requires stocking menstrual products in dispensers in half of restrooms at all Title 1 schools, have diminished as follows:

- 2017-2018: \$959,286
- 2018-2019: \$715,194
- 2019-2020: \$310,292
- 2020-2021: \$99,676
- 2021-2022: no data
- 2022-2023: \$28,543
- 2023-2024: \$15,089²⁶

A sufficient number of dispensers to comply with the mandate is unknown. The Parameters and Guidelines state “An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of these Parameters and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.”

Based on the requirement “to stock all women’s restrooms and all-gender restrooms, plus one men’s restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils,”²⁷ there are enough dispensers in the restrooms if they can hold enough products to make them available at all times. A school may choose to place multiple dispensers in each restroom required to be stocked if it determines they are necessary to comply with the mandate to stock the products at all times. If restrooms are stocked multiple times a day, fewer dispensers per restroom are required. However, if they are only stocked one or two times per day, more dispensers may be necessary, especially in multi-stall restrooms in larger schools.

In their reimbursement claims, the claimants must identify 1) total number of schools in the claimant’s jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive; 2) For *each* school the claimant identified, the total enrollment of female, and the estimated total enrollment of

²⁶ Exhibit X (9), State Controller’s Office, State-Mandated Program Cost Report of Unpaid Claims and Deficiencies, as of April 1, 2025, pages 21-24. The other reason for the diminishing claims is that this program was added to the K-12 Mandate Block Grant (Gov. Code, § 17581.6 (f)(36)).

²⁷ Exhibit B, Decision and Parameters and Guidelines, pages 20, 25.

transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products; 3) The total number of Title 1 schools in the claimant's jurisdiction that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687); 4) *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), the total number of all restrooms in the school, and the total number of women's restrooms in the school, and the total number of all-gender restrooms in the school; 5) For *each* school that did **not** meet the 40-percent pupil poverty level under prior law, the total number of women's restrooms in the school, and the total number of all-gender restrooms in the school.²⁸

We assume that the Title 1 schools that were required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) already had dispensers in all of their restrooms that were required to be stocked with menstrual products except for one men's restroom and any all-gender restrooms, and that all other schools maintaining any combination of grades 6-12, inclusive, have installed or retrofitted dispensers in all their restrooms required to stock menstrual products. The claims data do not identify how many dispensers were already in place in compliance with the mandate without retrofitting. As indicated in the Parameters and Guidelines, "Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective."²⁹

Accordingly, although a sufficient number of dispensers to comply with the mandate statewide is not known and will vary by school district, it is assumed that the dispensers purchased and retrofitted during the initial period of reimbursement was determined to be the number necessary and sufficient for the claiming school districts to comply with the mandate.

8. The Controller may conduct audits and reduce any claim it deems to be excessive or unreasonable.³⁰ Thus, the total amount for this program may be lower than the Statewide Cost Estimate based on the Controller's audit findings.
9. The future annual costs for this program may be lower than the Statewide Cost Estimate if this program is added to the K-12 Mandate Block Grant (as

²⁸ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

²⁹ Exhibit B, Decision and Parameters and Guidelines, pages 10, 18-19.

³⁰ Government Code section 17561.

was the Feminine Hygiene Products mandate (18-TC-01)),³¹ in which school districts voluntarily participate. Districts that participate in a program added to the block grant cannot claim through the State's reimbursement process.³² The block grant allows school districts to receive a per pupil allocation to carry out reimbursable mandated activities. Thus, if this program is added to the block grant, it could result in future annual costs that are lower than the Statewide Cost Estimate.

Methodology

For all activities, the low estimate is the amount claimed, based on 117 unaudited reimbursement claims (20 for 2021-2022, 56 for 2022-2023, and 41 for 2023-2024) filed by 74 school districts, as compiled by the Controller. These totals do not include four claims filed for under the minimum \$1,000 threshold:³³ Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024).

A. Initial Reimbursement Period (2021-2022, 2022-2023) Cost Estimate

Activity A.1., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with Title 1 schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law).

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed per Title 1 school (costs claimed divided by the number of schools in districts that claimed costs for Activity A.1.) by the number of Title 1 schools in districts not claiming costs (the difference between the number of Title 1 schools [5,695] and the number of Title 1 schools in districts that filed claims [679] = [5,016] Title 1 schools) then adding the amount claimed.

Activity A.1. actual costs claimed [\$443,564.54] / schools in claiming districts [679] = \$653.261 average cost per school

Average A.1. average cost per school [\$653.261] * number of Title 1 schools in districts not claiming costs 5,695 – 679 = 5,016) = [\$3,276,757.18]

Cost of districts not filing claims [\$3,276,757.18] + cost of claims filed [\$443,564.54] = [\$3,720,322]

³¹ Government Code section 17581.6(f)(36).

³² Government Code section 17581.6(c)(3).

³³ Government Code section 17564(a).

Activity A.2., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law (non-Title 1 schools), to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The high estimate for Activity A.2. is calculated by multiplying the average costs claimed per non-Title 1 school by the number of eligible non-Title 1 schools in districts that have not yet filed claims. (Based on the assumptions above, the statewide number of non-Title1 schools that maintain grades six through 12 is estimated at 1,711 in 2021-2022, and 1,546 in 2022-2023.) Then add the amount claimed.

Activity A.2. average cost per non-Title 1 school, costs claimed \$219,259.48 / 224 Non-Title 1 schools in districts that claimed A.2. costs = \$978.84

Activity A.2. average cost per non-Title 1 school [\$978.84] * ((856 Non-Title 1 schools, or half of 2021-2022 schools) + 1,546 Non-Title 1 schools (2022-2023) = 2,402 Non-Title 1 schools, minus 224 Non-Title 1 schools that filed claims) = [2,178] Non-title 1 Schools [\$2,131,913.52] + \$219,259.48 amount claimed = [\$2,351,173]

Activity A.3., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

The high estimate for Activity A.3. is calculated by multiplying the average costs claimed per Non-Title 1 school in districts that claimed costs for A.3., by the number of non-Title 1 schools statewide. (Based on the assumptions above, the statewide number of non-Title1 schools that maintain grades six through 12 is estimated at 1,711 in 2021-2022, and 1,546 in 2022-2023.) Then add the amount claimed.

Activity A.3. actual costs claimed [\$1,606,527.56] / the number of Non-Title 1 schools in the claiming districts [263] = average Activity A.3. cost per Non-Title 1 school [\$6,108.47]

Average Activity A.3. cost per Non-Title 1 school [\$6,108.47] * number of non-Title 1 schools ((856 Non-Title 1 schools, or half of 2021-2022 schools) + 1,546 Non-Title 1 schools (2022-2023) minus 224 Non-Title 1 schools in the districts that filed claims) = 2,178 Non-Title 1 schools =[\$13,304,247.66]

Activity A.3. estimated Activity A.3. costs [\$13,304,247.66] statewide estimated costs + [\$1,606,527.56] amount claimed = Total potential Activity A.3. costs [\$14,910,775]

The high estimate for Activity B. (purchase and install signs) is calculated by multiplying the average costs claimed per school (costs claimed divided by the number of districts that filed reimbursement claims) by the estimated number of districts that have not yet filed claims. Then add the costs claimed. The estimated number of districts that maintain any combination of grades six through 12 is 937.

Activity B. actual costs claimed [\$2,892.68] / the number of schools in districts that filed for Activity B [60] = average Activity B. cost per district [\$48.21]

Average Activity B. cost per school [\$48.21] * number of non-filing districts 937-60 = 877 districts = [\$42,280]

Activity B. actual costs claimed [\$2,892.68] + estimated non-filer Activity B. costs that could be claimed in late claims [\$42,280] = Total potential Activity B. costs [\$45,173]

Indirect Costs: The low estimate is the indirect costs claimed. The high estimate, in addition to indirect costs actually claimed, assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at the same average rate actually claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

Indirect Costs Actually Claimed [\$90,335.39] / Direct Costs Actually Claimed [\$2,272,190.86] = Average Indirect Cost Rate [3.98%].

Indirect Cost Rate [3.98%] * Estimated Direct Costs (sum of all estimated activity costs for the initial claim period) [\$21,027,438] = High Estimated Indirect Costs [\$836,892.03] + Indirect Costs Claimed [\$90,335.39] = \$927,227.

Offsetting Revenues: The low estimate is \$0 because none of the initial claims compiled by the Controller reported offsetting revenues. The high estimate is also \$0 because there is no data upon which to make an estimate.

Late Filing Penalties: The low estimate is \$0 because none of the initial claims compiled by the Controller were assessed a late filing penalty. The high estimate assumes that all non-filers will file claims for the initial period of reimbursement, which will be subject to a late filing penalty, and that penalty is calculated by adding non-filer direct and indirect costs and subtracting offsets to get net costs. Then multiply the net costs by a ten percent late filing penalty to calculate estimated non-filer late filing penalties, which are added to the actual late filing penalties (as reported) to estimate the high-end late filing penalties.

Estimated Non-filer Direct and Indirect Costs [\$21,954,665] – Estimated Non-filer Offsets [\$0] = Estimated Non-filer Net Costs [\$21,954,665].

Estimated Non-filer Net Costs [\$21,954,665] * (10% late filing penalty) = Estimated Non-filer Late Filing Penalties [\$2,195,467].

Actual Late Filing Penalties [\$0] + Estimated Non-filer Late Filing Penalties [\$2,195,467] = High Estimated Late Filing Penalties [\$2,195,467].

B. Projected Annual Costs for Fiscal Year 2023-2024 and Following

Beginning in fiscal year 2023-2024, future statewide costs are estimated to range from \$1,076,162 to \$19,428,754 annually.

The low estimate assumes that the same claimants that filed reimbursement claims for the initial period of reimbursement will continue to file annual reimbursement claims for Activities A.1., A.2., A.3., and B.

Activity A.1., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with Title 1 schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law).

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed during 2023-2024 per Title 1 school (costs claimed divided by the number of schools in districts claiming costs for Activity A.1.) by the number of Title 1 schools in districts not claiming costs (the difference between the number of Title 1 schools [5,852] and the number of Title 1 schools in districts that filed claims for Activity A.1. [381] = [5,471] Title 1 schools) then adding the amount claimed.

Activity A.1. actual costs claimed for 2023-2024 [\$504,300.53] / schools in claiming districts [381] = \$1,323.62 average cost per school

Average A.1. average cost per school [\$1,323.62] * number of Title 1 schools in districts not claiming costs 5,852 – 381 = [5,471]) = [\$7,241,525.02]

Cost of districts not filing claims [\$7,241,525.02] + amount claimed [\$504,300.53] = [\$7,745,826]

Activity A.2., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law (non-Title 1 schools), to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The high estimate for Activity A.2., which assumes that all eligible claimants will file claims, is calculated by multiplying the average costs claimed per non-Title 1 school (costs claimed divided by the number of non-Title 1 schools in districts claiming costs for Activity A.2.) by the number of eligible non-Title 1 schools in districts that have not yet filed claims. (Based on the assumptions above, the statewide number of non-Title 1

schools that maintain grades six through 12 is estimated at 1,389 schools in 2023-2024.) Then add the amount claimed.

Activity A.2. average cost per non-Title 1 school, costs claimed for 2023-2024:
 $\$137,873.84 / 124 \text{ Non-Title 1 schools in districts that claimed A.2. costs} =$
 $\$1,111.89$

Activity A.2. average cost per non-Title 1 school $[\$1,111.89] * (1,389 - 124) =$
 $[1,265] \text{ Non-Title 1 schools} = [\$1,406,540.85] + [\$137,873.84 \text{ claimed}] =$
 $[\$1,544,415]$

Activity A.3., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos. A.1. and A.2. above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

The high estimate for Activity A.3. is calculated by multiplying the average costs claimed per Non-Title 1 school in districts that claimed costs for Activity A.3., by the number of non-Title 1 schools statewide. (Based on the assumptions above, the statewide number of non-Title 1 schools that maintain grades six through 12 is estimated at 1,389 schools in 2023-2024.) Then add the amount claimed.

Activity A.3. actual costs claimed $[\$390,668.70] / \text{the number of Non-Title 1 schools in the claiming districts } [48] = \text{average Activity A.3. cost per Non-Title 1 school } [\$8,138.93]$

Average Activity A.3. cost per Non-Title 1 school $[\$8,138.93] * \text{number of non-Title 1 schools } (1,389 \text{ Non-Title 1 schools } (2023-2024) - 48 \text{ schools in districts that claimed A.3.} = 1,341 \text{ Non-Title 1 schools}) = [\$10,914,305.13]$

Activity A.3. estimated Activity A.3. costs $[\$10,914,305.13] \text{ statewide estimated costs} + [\$390,668.70] \text{ costs claimed} = \text{Total potential Activity A.3. costs } [\$11,304,974]$

The high estimate for Activity B. (purchase and install signs) is calculated by multiplying the average costs claimed per school (costs claimed divided by the number of districts that filed reimbursement claims) by the estimated number of districts that have not yet filed claims. Then add the costs claimed. The estimated number of districts that maintain any combination of grades six through 12 is 937.

Activity B. actual costs claimed $[\$6,281] / \text{the number of schools in districts that claimed costs for Activity B. } [24] = \text{average Activity B. cost per district } [\$261.708]$

Average Activity B. cost per school $[\$261.708] * \text{number of non-filing districts } 937 - 5 = 932 \text{ districts} = [\$243,911.86]$

Activity B. actual costs claimed [\$6,281] + estimated non-filer Activity B. costs that could be claimed in late claims [\$243,911.86] = Total potential Activity B. costs [\$250,193]

Indirect Costs: The low estimate for indirect costs is those indirect costs actually claimed during 2023-2024. The high estimate, in addition to indirect costs actually claimed, assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at the same average rate actually claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

Indirect Costs Actually Claimed [\$37,036.98] / Direct Costs Actually Claimed [\$1,039,123.17] = Average Indirect Cost Rate [3.56%].

Indirect Cost Rate [3.56%] * Estimated Direct Costs (sum of all estimated activity costs for the initial claim period) [\$20,845,405] = High Estimated Indirect Costs [\$742,096].

Offsetting Revenues: The low estimate is \$0 because none of the initial claims compiled by the Controller reported offsetting revenues. The high estimate is also \$0 because there is no data upon which to make an estimate.

Late Filing Penalties: The low estimate is \$0 because none of the initial claims compiled by the Controller were assessed a late filing penalty. The high estimate assumes that all non-filers will file claims for the initial period of reimbursement, which will be subject to a late filing penalty, and that penalty is calculated by adding non-filer direct and indirect costs and subtracting offsets to get net costs. Then multiply the net costs by a ten percent late filing penalty to calculate estimated non-filer late filing penalties, which are added to the actual late filing penalties (as reported) to estimate the high-end late filing penalties.

Estimated Non-filer Direct and Indirect Costs [\$21,587,501] – Estimated Non-filer Offsets [\$0] = Estimated Non-filer Net Costs [\$21,587,501].

Estimated Non-filer Net Costs [\$21,587,501] x (10% late filing penalty) = Estimated Non-filer Late Filing Penalties [\$2,158,750].

Actual Late Filing Penalties [\$0] + Estimated Non-filer Late Filing Penalties [\$2,158,750] = High Estimated Late Filing Penalties [\$2,158,750].

Draft Proposed Statewide Cost Estimate

On June 4, 2025, Commission staff issued the Draft Proposed Statewide Cost Estimate.³⁴

³⁴ Exhibit B, Draft Proposed Statewide Cost Estimate, issued June 4, 2025.

Staff Recommendation

Staff recommends that the Commission adopt this Statewide Cost Estimate of \$2,362,580 - \$19,759,203 for the Initial Claim Period that began on January 1, 2022 and ends on June 30, 2023.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On June 4, 2025, I served the:

- **Current Mailing List dated April 18, 2025**
- **Draft Proposed Statewide Cost Estimate, Schedule for Comments, and Notice of Hearing issued June 4, 2025**

Public School Restrooms: Menstrual Products, 22-TC-04

Statutes 2021, Chapter 664 (AB 367); Education Code Section 35292.6, effective January 1, 2022

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 4, 2025 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/18/25

Claim Number: 22-TC-04

Matter: Public School Restrooms: Menstrual Products

Claimant: Hesperia Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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July 8, 2025

Ms. Anne Kato
State Controller's Office
Local Government Programs and
Services Division
3301 C Street, Suite 740
Sacramento, CA 95816

Mr. Arthur Palkowitz
Law Offices of Arthur M. Palkowitz
12807 Calle de la Siena
San Diego, CA 92130

Exhibit D

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Proposed Statewide Cost Estimate

Public School Restrooms: Menstrual Products, 22-TC-04

Statutes 2021, Chapter 664 (AB 367); Education Code Section 35292.6; effective January 1, 2022

Dear Ms. Kato and Mr. Palkowitz:

The Proposed Statewide Cost Estimate for the above-captioned matter is enclosed for your review.

Hearing: This matter is set for hearing on **Friday, July 25, 2025, in person at 10:00 a.m., at California Department of Food and Agriculture (CDFA), First Floor Auditorium, 1220 N Street, Sacramento, California, 95814 and via Zoom.**

The Commission is committed to ensuring that its public meetings are accessible to the public and that the public has the opportunity to observe the meeting and to participate by providing written and verbal comment on Commission matters whether they are physically appearing at the in-person meeting location or participating via Zoom. If you want to speak during the hearing and you are in-person, please come to the table for the swearing in and to speak when your item is up for hearing. If you are participating via Zoom, you must use the "Raise Hand" feature in order for our moderators to know you need to be unmuted.

You may join the meeting via Zoom through the link below and can listen and view through your desktop, laptop, tablet, or smart phone. This will allow you to view documents being shared as well.

There are two options for joining the meeting via Zoom:

1. Through the link below you can listen and view through your desktop, laptop, tablet, or smart phone. This will allow you to view documents being shared as well. **(You are encouraged to use this option.)**

<https://csm-ca-gov.zoom.us/j/88631092922?pwd=Z0Ftlc8Oi7pt4spPua0K8BD4dpPVTE.1>

Passcode: 072525

J:\MANDATES\2022\TC\22-TC-04 Public School Restrooms Menstrual Products\Correspondence\pscetrans.docx

2. Through your landline, smart mobile, or non-smart mobile phone, either number works. You will be able to listen to the proceedings but will not be able to view the meeting or any documents being shared. If you would like to speak, press #2 to use the "Raise Hand" feature.

+1 216 706 7075 US Toll

+1 866 390 1828 US Toll-free

Conference Code: 155007

Please don't hesitate to reach out to us for help with technical problems at csminfo@csm.ca.gov or 916 323-3562.

This matter is proposed for the Consent Calendar. Please let us know in advance if you oppose having this item placed on consent and wish to testify at the hearing or have a representative testify on your behalf, and if other witnesses will appear.

In that case, please notify Commission staff not later than noon on the Tuesday prior to the hearing, on July 22, 2025. Please also include the names of the people who will be speaking for inclusion on the witness list and the names and email addresses of the people who will be speaking both in person and remotely to receive a hearing panelist link in Zoom. When calling or emailing, identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you plan to file any written document, please note that Commission staff will include written comments filed at least 15 days in advance of the hearing in the Commissioners' hearing binders, a copy of which is available for public viewing at the Commission meeting. Additionally, written comments filed more than five days in advance of the meeting shall be included in the Commission's meeting binders, if feasible, or shall be provided to the Commission when the item is called, unless otherwise agreed by the Commission or the executive director. (Cal. Code Regs., tit. 2, § 1181.10(b)(1)(A-B).

However, comments filed less than five days in advance of the meeting, the commenter shall provide 12 copies to Commission staff at the in-person meeting. In the case of participation by teleconference, a PDF copy shall be filed via the Commission's dropbox at <https://www.csm.ca.gov/dropbox.shtml> at least 24 hours prior to the meeting.

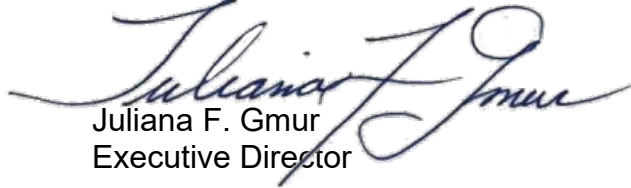
Commission staff shall provide copies of the comments to the Commission and shall place a copy on a table for public review when the item is called or, in the case of participation via teleconference, shall provide an electronic copy to the Commission and post a copy on the Commission's website, and may share the document with the Commission and the public using the "share screen" function. (Cal. Code Regs., tit. 2, § 1181.10(b)(1)(C)).

If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Ms. Kato and Mr. Palkowitz
July 8, 2025
Page 3

Special Accommodations: For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

Very truly yours,

A handwritten signature in blue ink, reading "Juliana F. Gmur". The signature is fluid and cursive, with the first name "Juliana" and last name "Gmur" clearly legible.

Juliana F. Gmur
Executive Director

ITEM 5

PROPOSED STATEWIDE COST ESTIMATE

\$2,362,580 - \$19,759,203

**Initial Claim Period, January 1, 2022 to June 30, 2022, and
Fiscal Year 2022-2023**

**\$1,076,162 - \$19,428,754 [Plus the Implicit Price Deflator]
Fiscal Year 2023-2024 and Following**

Education Code Section 35292.6

As Amended by Statutes 2021, Chapter 664, Sections 1 and 3 (AB 367)

Public School Restrooms: Menstrual Products

22-TC-04

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate by a vote of [vote count will be included in the adopted Statewide Cost Estimate] during a regularly scheduled hearing on July 25, 2025 as follows:

| Member | Vote |
|---|------|
| Lee Adams, County Supervisor | |
| Deborah Gallegos, Representative of the State Controller, Vice Chairperson | |
| Karen Greene Ross, Public Member | |
| Renee Nash, School District Board Member | |
| William Pahland, Representative of the State Treasurer | |
| Michele Perrault, Representative of the Director of the Department of Finance, Chairperson | |
| Alexander Powell, Representative of the Director of the Office of Land Use and Climate Innovation | |

STAFF ANALYSIS

Summary of the Mandate, Eligible Claimants, and Period of Reimbursement

This Statewide Cost Estimate addresses increased costs arising from the Menstrual Equity for All Act of 2021 (Stats. 2021, ch. 664, Ed. Code, §35292.6), effective January 1, 2022. The Act requires public schools, including a school operated by a school district, a county office of education, or a charter school, that maintain any combination of classes from grades 6 through 12, inclusive, to stock all women's restrooms, all-gender restrooms, and at least one men's restroom with menstrual products (defined as tampons and menstrual pads), free of cost, on or before the start of the 2022-2023

school year. The Act also requires these public schools to post a notice regarding these statutory requirements in a prominent and conspicuous location in every restroom required to be stocked with menstrual products.¹

On March 22, 2024, the Commission on State Mandates (Commission) adopted the Test Claim Decision,² finding that the test claim statute (Ed. Code, § 35292.6, Stats. 2021, ch. 664), imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, beginning January 1, 2022, on school districts, including county offices of education, for their schools that maintain any combination of classes from grades six through 12, inclusive, to do the following:

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, *minus* 50 percent of all restrooms (which is not new because it was required by prior law).
2. For schools that did **not** meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.³

The Commission adopted the Decision and Parameters and Guidelines on July 26, 2024,⁴ approving reimbursement for school districts, including county offices of education, for their grade 6-12 schools.⁵

The initial reimbursement period is January 1, 2022 to July 1, 2022 and fiscal year 2022-2023. Eligible claimants were required to file initial claims with the State

¹ The Act was amended by Statutes 2023, chapter 421 to expand the requirements to schools with pupils in grades 3 through 12, inclusive. The Commission has no jurisdiction on the amended Act because no Test Claim was filed on it.

² Exhibit A, Test Claim Decision.

³ Exhibit B, Decision and Parameters and Guidelines, pages 1-2.

⁴ Exhibit B, Decision and Parameters and Guidelines.

⁵ Exhibit B, Decision and Parameters and Guidelines, pages 7-8, 23.

Controller's Office (Controller) by February 27, 2025. Late initial reimbursement claims may be filed until February 27, 2026, but will incur a 10 percent late filing penalty of the total amount of the initial claim without limitation.⁶

Reimbursable Activities

The Commission approved the following for this program, which is reimbursable for school districts, including county offices of education, for their schools that maintain any combination of classes from grades six through 12, inclusive:

A. Stocking an Adequate Supply of Menstrual Products Free of Cost for Pupils

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687),⁷ to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in *additional* restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, **minus** 50 percent of all restrooms (which is not new because it was required by prior law).

Eligible claimants are **not** entitled to reimbursement under these Parameters and Guidelines for the activities and costs approved by the Commission in *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, which addressed Education Code section 35292.6 (Stats. 2017, ch. 687). Those costs may be claimed under *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01.

2. For schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos. 1 and 2 above.

Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate,

⁶ Government Code section 17561(d)(3).

⁷ These schools are those that are eligible for Title I, Part A funds and meet the second test identified in section 6314(a)(1)(A) of Title 20 of the United States Code, in which not less than 40 percent of the children *enrolled* in the school are from low-income families. Exhibit B, Decision and Parameters and Guidelines, pages 20, 25, footnotes 50, 53, respectively.

or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

Reimbursement is not required to stock any products other than menstrual pads and tampons for pupils, or to stock menstrual products in more than one men's restroom per school.⁸

An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of the Parameters and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.

In the reimbursement claims, claimants shall identify:

- a. The total number of schools in the claimant's jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive.
- b. For *each* school identified in a. above, provide the total enrollment of female, and estimated total enrollment of transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products required by the test claim statute.
- c. The total number of Title 1 schools in the claimant's jurisdiction identified in a. above, that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687).
- d. For *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687), please identify:
 - the total number of all restrooms in the school,
 - the total number of women's restrooms in the school,
 - the total number of all-gender restrooms in the school.
- e. For *each* school that did **not** meet the 40-percent pupil poverty level under prior law, please identify:
 - the total number of women's restrooms in the school, and
 - the total number of all-gender restrooms in the school.⁹

B. Posting a Notice

1. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to

⁸ Exhibit B, Decision and Parameters and Guidelines, pages 21, 25.

⁹ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.¹⁰

Offsetting Revenues and Reimbursements

As stated in the Parameters and Guidelines, any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds, shall be identified and deducted from any claim submitted for reimbursement.¹¹

The claimants did not identify offsetting revenue in the initial reimbursement claims.

Statewide Cost Estimate

Staff reviewed 121 unaudited reimbursement claims submitted by 74 school districts, as compiled by the Controller (although four of these claims were not counted because they are under the minimum claiming amount of \$1,000).¹² Staff developed the Statewide Cost Estimate based on the assumptions and methodology discussed herein.

Table 1. Initial Reimbursement Period (2021-2022, 2022-2023) Cost Estimate

| | |
|---|-------------------------|
| Activity A.1. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in <i>additional</i> restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law). | \$443,565 - \$3,720,322 |
| Activity A.2. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that | \$219,259 - \$2,351,173 |

¹⁰ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

¹¹ Exhibit B, Decision and Parameters and Guidelines, page 28.

¹² Government Code section 17564(a). The removed claims are from the following Districts: Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024).

| | |
|---|-----------------------------------|
| did not meet the 40-percent pupil poverty level subjecting them to the <i>Feminine Hygiene Products</i> mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils. | |
| Activity A.3. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective. | \$1,606,528 - \$14,910,775 |
| Activity B. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, for their schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. | \$2,893 - \$45,173 |
| Indirect Costs identified | \$90,335 - \$927,227 |
| Offsetting Revenues or Other Reimbursements | (\$0 - \$0) |
| 10 Percent Late Filing Penalty | (\$0 - \$2,195,467) |
| Total Costs | \$2,362,580 - \$19,759,203 |

Table 2. Estimated Annual Costs for 2024-2025 and Following

| | |
|--|-------------------------|
| Activity A.1. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and | \$504,301 - \$7,745,826 |
|--|-------------------------|

| | |
|---|-----------------------------------|
| tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law). | |
| Activity A.2. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did not meet the 40-percent pupil poverty level subjecting them to the <i>Feminine Hygiene Products</i> mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils. | \$137,874 - \$1,544,415 |
| Activity A.3. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective. | \$390,669 - \$11,304,974 |
| Activity B. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, for their schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. | \$6,281 - \$250,193 |
| Indirect Costs identified | \$37,037 - \$742,096 |
| Offsetting Revenue | (\$0 - \$0) |
| Late Filing Penalty | (\$0 - \$2,158,750) |
| Total Costs | \$1,076,162 - \$19,428,754 |

Assumptions

1. The total amount claimed for the initial reimbursement period may increase as a result of late or amended initial claims. Only 74 school districts filed claims of an estimated 937 eligible districts that maintain any combination of grades 6-12, inclusive.¹³ The low filing rate is likely due to the number of districts that will choose to opt into the K-12 Mandate Block Grant rather than filing claims (see assumption #9 below).
2. Offsetting revenue will be \$0 because that was the amount identified in all the reimbursement claims filed, and no specific offsetting revenue was identified in the Decision and Parameters and Guidelines. Moreover, the test claim statute states the menstrual products must be provided “free of cost for pupils.”¹⁴
3. Four Districts’ claims were removed from the cost calculations because the amount claimed in each totaled less than \$1,000, the minimum required to file a claim.¹⁵ The removed claims are from the following Districts: Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024).
4. There are about 9,997 public schools in California.¹⁶ Of these, 7,241 estimated schools are expected to comply with the mandated program because they maintain any combination of grades 6-12, inclusive.¹⁷

The actual number of schools statewide required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) (requiring free menstrual products in schools that maintain any combination of classes from grade six to grade 12, inclusive, and are eligible for Title I, Part A funds with at least 40 percent of the pupils enrolled from low-income families) is unknown. This mandate now requires these schools to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free for pupils, in *additional* restrooms, defined as the sum of all women’s restrooms and all-gender restrooms, plus one men’s restroom, minus 50 percent of all restrooms that were previously required to be stocked.

¹³ Exhibit D (6), California Department of Education, List of School Districts, <https://www.cde.ca.gov/re/lr/do/schooldistrictlist.asp> (accessed on January 22, 2025).

¹⁴ Education Code, section 35292.6 (a), (c) (Stats. 2021, ch. 664).

¹⁵ Government Code section 17564(a).

¹⁶ Exhibit D (4), California Department of Education, Fingertip Facts on Education in California, <https://www.cde.ca.gov/ds/ad/ceffingertipfacts.asp> (accessed on January 17, 2025).

¹⁷ Exhibit D (7), California Department of Education, Public Schools and Districts Data Files, <https://www.cde.ca.gov/ds/si/ds/pubschls.asp> (accessed on January 22, 2025).

However, the California Department of Education (CDE) annually publishes Student Poverty Free and Reduced Price Meals (FRPM) data on pupils eligible for FRPMs. The data is certified by local educational agencies as part of the California Longitudinal Pupil Achievement Data System Fall 1 data submission.¹⁸ Under federal law, local educational agencies can use several measures of poverty to determine a school's eligibility for Title 1, Part A funds, one of which is the number of students enrolled and eligible for the free or reduced price lunch program.¹⁹ The CDE's Student Poverty FRPM reports provide unduplicated data for fiscal years 2021-2022, 2022-2023, and 2023-2024, by school, with the grade levels identified, and the percentage of students enrolled on Census Day (the first Wednesday in October) eligible to receive free or reduced price meals under federal law. This list was filtered to exclude non-public, nonsectarian schools; preschool, kindergarten, and adult schools; schools that do not maintain any combination of grades six to 12, inclusive; and include schools in which 40 percent or more of the students are eligible for free or reduced-price meals. Based on this data, the number of schools required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) is estimated to be:

- In 2021-2022, 5,530 schools;
- In 2022-2023, 5,695 schools;
- In 2023-2024, 5,852 schools.²⁰

In analyzing the costs for this (Menstrual Products) program, legislative staff used the Commission's Statewide Cost Estimate for the *Feminine Hygiene Products* (18-TC-01) mandate. The legislative committees estimated:

One-time Proposition 98 GF costs of about \$2 million to LEAs to install or modify menstrual product dispensers and ongoing Proposition 98 GF costs of about \$1.3 million to provide free menstrual products. This estimate use [sic] assumptions from the Commission on State Mandates (CSM) evaluation of the cost per female student at certain K-12 schools to provide free menstrual products in 50% of restrooms, as required by current law (described in more detail below). According to that evaluation, costs are \$3.70 per female student one-time to install or retrofit menstrual

¹⁸ Exhibit D (5), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data, <https://www.cde.ca.gov/ds/ad/filessp.asp> (accessed on January 21, 2025).

¹⁹ 20 United States Code section 6313(a)(5)(A).

²⁰ Exhibit D (5), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data, <https://www.cde.ca.gov/ds/sd/sd/filessp.asp> (accessed on January 24, 2025).

product dispensers and about \$2.36 per female student annually to provide free menstrual products²¹

Both the Senate and Assembly Appropriations Committees used the Commission's estimate, but the Assembly Committee added 10 percent because this mandate requires stocking menstrual products in any all-gender restrooms and one male restroom per school.²² The Senate Appropriations Committee merely concluded that the costs "could be higher" for this program.²³

5. The following number of schools (that maintain any combination of classes from grades six through 12, inclusive, that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under preexisting law (18-TC-01)) are required to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, is estimated at:
 - In 2021-2022: 1,711 schools
 - In 2022-2023: 1,546 schools
 - In 2023-2024: 1,389 schools²⁴
6. Statewide costs may increase if the cost of materials and supplies and labor increases. The claimant submitted receipts with the Test Claim indicating \$347.49 per dispenser purchased.²⁵ The average cost per dispenser for the claimants that filed initial reimbursement claims is \$384.23.²⁶ Moreover, employee salaries may increase or decrease in the future, thereby increasing or decreasing labor costs to comply with the mandate.

²¹ Exhibit D (3), Assembly Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2. Exhibit D (8), Senate Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²² Exhibit D (3), Assembly Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²³ Exhibit D (8), Senate Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²⁴ These figures were estimated by subtracting the estimated number of public schools that maintain any combination of grades 6-12, inclusive, from the grade 6-12 schools required to comply with the *Feminine Hygiene Products* mandate (schools that met the 40 percent pupil poverty threshold that maintain any combination of grades 6-12 that are required to provide free menstrual products in 50 percent of their restrooms).

²⁵ Exhibit D (1), Test Claim, pages 13, 27, 29, 30.

²⁶ Exhibit D (2), Spreadsheet of Claimant Data.

7. Initial costs are likely to be higher in the initial reimbursement period because of the costs to install or retrofit dispensers. As dispensers are installed in the required restrooms, these initial costs would diminish and the ongoing costs would be primarily for stocking the menstrual products. For example, claims for the *Feminine Hygiene Products* mandate (18-TC-01), that requires stocking menstrual products in dispensers in half of restrooms at all Title 1 schools, have diminished as follows:

- 2017-2018: \$959,286
- 2018-2019: \$715,194
- 2019-2020: \$310,292
- 2020-2021: \$99,676
- 2021-2022: no data
- 2022-2023: \$28,543
- 2023-2024: \$15,089²⁷

A sufficient number of dispensers to comply with the mandate is unknown. The Parameters and Guidelines state “An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of these Parameters and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.”

Based on the requirement “to stock all women’s restrooms and all-gender restrooms, plus one men’s restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils,”²⁸ there are enough dispensers in the restrooms if they can hold enough products to make them available at all times. A school may choose to place multiple dispensers in each restroom required to be stocked if it determines they are necessary to comply with the mandate to stock the products at all times. If restrooms are stocked multiple times a day, fewer dispensers per restroom are required. However, if they are only stocked one or two times per day, more dispensers may be necessary, especially in multi-stall restrooms in larger schools.

In their reimbursement claims, the claimants must identify: 1) the total number of schools in the claimant’s jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive; 2) For *each* school the claimant identified, the total enrollment of female, and the estimated total enrollment of

²⁷ Exhibit D (9), State Controller’s Office, State-Mandated Program Cost Report of Unpaid Claims and Deficiencies, as of April 1, 2025, pages 21-24. The other reason for the diminishing claims is that this program was added to the K-12 Mandate Block Grant (Gov. Code, § 17581.6 (f)(36)).

²⁸ Exhibit B, Decision and Parameters and Guidelines, pages 20, 25.

transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products; 3) The total number of Title 1 schools in the claimant's jurisdiction that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687); 4) *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), the total number of all restrooms in the school, and the total number of women's restrooms in the school, and the total number of all-gender restrooms in the school; 5) For *each* school that did **not** meet the 40-percent pupil poverty level under prior law, the total number of women's restrooms in the school, and the total number of all-gender restrooms in the school.²⁹

We assume that the Title 1 schools that were required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) already had dispensers in all of their restrooms that were required to be stocked with menstrual products except for one men's restroom and any all-gender restrooms, and that all other schools maintaining any combination of grades 6-12, inclusive, have installed or retrofitted dispensers in all their restrooms required to stock menstrual products. The claims data do not identify how many dispensers were already in place in compliance with the mandate without retrofitting. As indicated in the Parameters and Guidelines, "Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective."³⁰

Accordingly, although a sufficient number of dispensers to comply with the mandate statewide is not known and will vary by school district, it is assumed that the dispensers purchased and retrofitted during the initial period of reimbursement was determined to be the number necessary and sufficient for the claiming school districts to comply with the mandate.

8. The Controller may conduct audits and reduce any claim it deems to be excessive or unreasonable.³¹ Thus, the total amount for this program may be lower than the Statewide Cost Estimate based on the Controller's audit findings.
9. The future annual costs for this program may be lower than this estimate if this program is added to the K-12 Mandate Block Grant (as was the Feminine

²⁹ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

³⁰ Exhibit B, Decision and Parameters and Guidelines, pages 10, 18-19.

³¹ Government Code section 17561.

Hygiene Products mandate (18-TC-01)),³² in which school districts voluntarily participate. Districts that participate in a program added to the block grant cannot claim through the State's reimbursement process.³³ The block grant allows school districts to receive a per pupil allocation to carry out reimbursable mandated activities. Thus, if this program is added to the block grant, it could result in future annual costs that are lower than the Statewide Cost Estimate.

Methodology

The low estimate for all activities is the amount claimed, based on 117 unaudited reimbursement claims (20 for 2021-2022, 56 for 2022-2023, and 41 for 2023-2024) filed by 74 school districts, as compiled by the Controller. These totals do not include four claims filed for under the minimum \$1,000 threshold.³⁴ Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024), as stated above under assumption 3.

A. Initial Reimbursement Period (2021-2022, 2022-2023) Cost Estimate

Activity A.1., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with Title 1 schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law).

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed per Title 1 school (costs claimed divided by the number of schools in districts that claimed costs for Activity A.1.) by the number of Title 1 schools in districts not claiming costs (the difference between the number of Title 1 schools [5,695] and the number of Title 1 schools in districts that filed claims [679] = [5,016] Title 1 schools) then adding the amount claimed.

Activity A.1. actual costs claimed [\$443,564.54] / schools in claiming districts [679] = \$653.261 average cost per school

Activity A.1. average cost per school [\$653.261] * number of Title 1 schools in districts not claiming costs 5,695 – 679 = 5,016) = [\$3,276,757.18]

Cost for districts not filing claims [\$3,276,757.18] + cost of claims filed [\$443,564.54] = Total potential Activity A.1. cost [\$3,720,322]

³² Government Code section 17581.6(f)(36).

³³ Government Code section 17581.6(c)(3).

³⁴ Government Code section 17564(a).

Activity A.2., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law (non-Title 1 schools), to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The high estimate for Activity A.2. is calculated by multiplying the average costs claimed per non-Title 1 school by the number of eligible non-Title 1 schools in districts that have not yet filed claims. (Based on the assumptions above, the statewide number of non-Title1 schools that maintain grades six through 12 is estimated at 1,711 in 2021-2022, and 1,546 in 2022-2023.) Then add the amount claimed.

Activity A.2. average cost per non-Title 1 school, costs claimed \$219,259.48 / 224 Non-Title 1 schools in districts that claimed A.2. costs = \$978.84

Activity A.2. average cost per non-Title 1 school [\$978.84] * ((856 Non-Title 1 schools, or half of 2021-2022 schools) + 1,546 Non-Title 1 schools (2022-2023) = 2,402 Non-Title 1 schools, minus 224 Non-Title 1 schools that filed claims) = [2,178] Non-title 1 Schools [\$2,131,913.52] + \$219,259.48 amount claimed = Total potential Activity A.2. cost [\$2,351,173]

Activity A.3., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

The high estimate for Activity A.3. is calculated by multiplying the average costs claimed per Non-Title 1 school in districts that claimed costs for A.3., by the number of non-Title 1 schools statewide. (Based on the assumptions above, the statewide number of non-Title1 schools that maintain grades six through 12 is estimated at 1,711 in 2021-2022, and 1,546 in 2022-2023.) Then add the amount claimed.

Activity A.3. actual costs claimed [\$1,606,527.56] / the number of Non-Title 1 schools in the claiming districts [263] = average Activity A.3. cost per Non-Title 1 school [\$6,108.47]

Average Activity A.3. cost per Non-Title 1 school [\$6,108.47] * number of non-Title 1 schools (856 Non-Title 1 schools, or half of 2021-2022 schools) + 1,546 Non-Title 1 schools (2022-2023) minus 224 Non-Title 1 schools in the districts that filed claims) = 2,178 Non-Title 1 schools = [\$13,304,247.66]

Activity A.3. estimated Activity A.3. costs [\$13,304,247.66] statewide estimated costs + [\$1,606,527.56] amount claimed = Total potential Activity A.3. cost [\$14,910,775]

The high estimate for Activity B. (purchase and install signs) is calculated by multiplying the average costs claimed per school (costs claimed divided by the number of districts that filed reimbursement claims) by the estimated number of districts that have not yet filed claims. Then add the costs claimed. The estimated number of districts that maintain any combination of grades six through 12 is 937.

Activity B. actual costs claimed [\$2,892.68] / the number of schools in districts that filed for Activity B [60] = average Activity B. cost per district [\$48.21]

Average Activity B. cost per school [\$48.21] * number of non-filing districts 937-60 = 877 districts = [\$42,280]

Activity B. actual costs claimed [\$2,892.68] + estimated non-filer Activity B. costs that could be claimed in late claims [\$42,280] = Total potential Activity B. cost [\$45,173]

Indirect Costs: The low estimate is the indirect costs claimed. The high estimate, in addition to indirect costs actually claimed, assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at the same average rate claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

Indirect Costs Actually Claimed [\$90,335.39] / Direct Costs Actually Claimed [\$2,272,190.86] = Average Indirect Cost Rate [3.98%].

Indirect Cost Rate [3.98%] * Estimated Direct Costs (sum of all estimated activity costs for the initial claim period) [\$21,027,438] = High Estimated Indirect Costs [\$836,892.03] + Indirect Costs Claimed [\$90,335.39] = Total potential Indirect Cost \$927,227.

Offsetting Revenues: The low estimate is \$0 because none of the initial claims compiled by the Controller reported offsetting revenues. The high estimate is also \$0 because there is no data upon which to make an estimate.

Late Filing Penalties: The low estimate is \$0 because none of the initial claims compiled by the Controller were assessed a late filing penalty. The high estimate assumes that all non-filers will file claims for the initial period of reimbursement, which will be subject to a late filing penalty, and that penalty is calculated by adding non-filer direct and indirect costs and subtracting offsets to get net costs. Then multiply the net costs by a ten percent late filing penalty to calculate estimated non-filer late filing penalties, which are added to the actual late filing penalties (as reported) to estimate the high-end late filing penalties.

Estimated Non-filer Direct and Indirect Costs [\$21,954,665] – Estimated Non-filer Offsets [\$0] = Estimated Non-filer Net Costs [\$21,954,665].

Estimated Non-filer Net Costs [\$21,954,665] * (10% late filing penalty) =
Estimated Non-filer Late Filing Penalties [\$2,195,467].

Actual Late Filing Penalties [\$0] + Estimated Non-filer Late Filing Penalties
[\$2,195,467] = Total potential Late Filing Penalties [\$2,195,467].

B. Projected Annual Costs for Fiscal Year 2023-2024 and Following

Beginning in fiscal year 2023-2024, future statewide costs are estimated to range from \$1,076,162 to \$19,428,754 annually.

The low estimate assumes that the same claimants that filed reimbursement claims for the initial period of reimbursement will continue to file annual reimbursement claims for Activities A.1., A.2., A.3., and B.

Activity A.1., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with Title 1 schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law).

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed during 2023-2024 per Title 1 school (costs claimed divided by the number of schools in districts claiming costs for Activity A.1.) by the number of Title 1 schools in districts not claiming costs (the difference between the number of Title 1 schools [5,852] and the number of Title 1 schools in districts that filed claims for Activity A.1. [381] = [5,471] Title 1 schools) then adding the amount claimed.

Activity A.1. actual costs claimed for 2023-2024 [\$504,300.53] / schools in
claiming districts [381] = \$1,323.62 average cost per school

Average A.1. average cost per school [\$1,323.62] * number of Title 1 schools in
districts not claiming costs 5,852 – 381 = [5,471]) = [\$7,241,525.02]

Cost of districts not filing claims [\$7,241,525.02] + amount claimed [\$504,300.53]
= Total potential Activity A.1. cost [\$7,745,826]

Activity A.2., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law (non-Title 1 schools), to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The high estimate for Activity A.2., which assumes that all eligible claimants will file claims, is calculated by multiplying the average costs claimed per non-Title 1 school (costs claimed divided by the number of non-Title 1 schools in districts claiming costs for Activity A.2.) by the number of eligible non-Title 1 schools in districts that have not

yet filed claims. (Based on the assumptions above, the statewide number of non-Title 1 schools that maintain grades six through 12 is estimated at 1,389 schools in 2023-2024.) Then add the amount claimed.

Activity A.2. average cost per non-Title 1 school, costs claimed for 2023-2024:
 $\$137,873.84 / 124 \text{ Non-Title 1 schools in districts that claimed A.2. costs} = \$1,111.89$

Activity A.2. average cost per non-Title 1 school $[\$1,111.89] * (1,389 - 124) = [1,265] \text{ Non-Title 1 schools} = [\$1,406,540.85] + [\$137,873.84 \text{ claimed}] = \text{Total potential Activity A.2. cost } [\$1,544,415]$

Activity A.3., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos. A.1. and A.2. above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

The high estimate for Activity A.3. is calculated by multiplying the average costs claimed per Non-Title 1 school in districts that claimed costs for Activity A.3., by the number of non-Title 1 schools statewide. (Based on the assumptions above, the statewide number of non-Title 1 schools that maintain grades six through 12 is estimated at 1,389 schools in 2023-2024.) Then add the amount claimed.

Activity A.3. actual costs claimed $[\$390,668.70] / \text{the number of Non-Title 1 schools in the claiming districts } [48] = \text{average Activity A.3. cost per Non-Title 1 school } [\$8,138.93]$

Average Activity A.3. cost per Non-Title 1 school $[\$8,138.93] * \text{number of non-Title 1 schools } (1,389 \text{ Non-Title 1 schools } (2023-2024) - 48 \text{ schools in districts that claimed A.3.} = 1,341 \text{ Non-Title 1 schools}) = [\$10,914,305.13]$

Activity A.3. estimated Activity A.3. costs $[\$10,914,305.13] \text{ statewide estimated costs} + [\$390,668.70] \text{ costs claimed} = \text{Total potential Activity A.3. cost } [\$11,304,974]$

The high estimate for Activity B. (purchase and install signs) is calculated by multiplying the average costs claimed per school (costs claimed divided by the number of districts that filed reimbursement claims) by the estimated number of districts that have not yet filed claims. Then add the costs claimed. The estimated number of districts that maintain any combination of grades six through 12 is 937.

Activity B. actual costs claimed $[\$6,281] / \text{the number of schools in districts that claimed costs for Activity B. } [24] = \text{average Activity B. cost per district } [\$261.708]$

Average Activity B. cost per school $[\$261.708] * \text{number of non-filing districts } 937 - 5 = 932 \text{ districts} = [\$243,911.86]$

Activity B. actual costs claimed [\$6,281] + estimated non-filer Activity B. costs that could be claimed in late claims [\$243,911.86] = Total potential Activity B. cost [\$250,193]

Indirect Costs: The low estimate is the indirect costs claimed for 2023-2024. The high estimate, in addition to indirect costs actually claimed, assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at the same average rate actually claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

Indirect Costs Actually Claimed [\$37,036.98] / Direct Costs Actually Claimed [\$1,039,123.17] = Average Indirect Cost Rate [3.56%].

Indirect Cost Rate [3.56%] * Estimated Direct Costs (sum of all estimated activity costs for the initial claim period) [\$20,845,405] = Total potential Indirect Cost [\$742,096].

Offsetting Revenues: The low estimate is \$0 because none of the initial claims compiled by the Controller reported offsetting revenues. The high estimate is also \$0 because there is no data upon which to make an estimate.

Late Filing Penalties: The low estimate is \$0 because none of the initial claims compiled by the Controller were assessed a late filing penalty. The high estimate assumes that all non-filers will file claims for the initial period of reimbursement, which will be subject to a late filing penalty, and that penalty is calculated by adding non-filer direct and indirect costs and subtracting offsets to get net costs. Then multiply the net costs by a ten percent late filing penalty to calculate estimated non-filer late filing penalties, which are added to the actual late filing penalties (as reported) to estimate the high-end late filing penalties.

Estimated Non-filer Direct and Indirect Costs [\$21,587,501] – Estimated Non-filer Offsets [\$0] = Estimated Non-filer Net Costs [\$21,587,501].

Estimated Non-filer Net Costs [\$21,587,501] x (10% late filing penalty) = Estimated Non-filer Late Filing Penalties [\$2,158,750].

Actual Late Filing Penalties [\$0] + Estimated Non-filer Late Filing Penalties [\$2,158,750] = Total potential Late Filing Penalties [\$2,158,750].

Draft Proposed Statewide Cost Estimate

On June 4, 2025, Commission staff issued the Draft Proposed Statewide Cost Estimate.³⁵ No comments were filed on it.

Staff Recommendation

Staff recommends that the Commission adopt this Statewide Cost Estimate of \$2,362,580 - \$19,759,203 for the Initial Claim Period that began on January 1, 2022 and ends on June 30, 2023.

³⁵ Exhibit C, Draft Proposed Statewide Cost Estimate.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On July 8, 2025, I served the:

- **Current Mailing List dated April 18, 2025**
- **Proposed Statewide Cost Estimate issued July 8, 2025**

Public School Restrooms: Menstrual Products, 22-TC-04

Statutes 2021, Chapter 664 (AB 367); Education Code Section 35292.6, effective January 1, 2022

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 8, 2025 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/18/25

Claim Number: 22-TC-04

Matter: Public School Restrooms: Menstrual Products

Claimant: Hesperia Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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October 9, 2025

Exhibit E

Ms. Anne Kato
State Controller's Office
Local Government Programs and
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Sacramento, CA 95816

Mr. Arthur Palkowitz
Law Offices of Arthur M. Palkowitz
12807 Calle de la Siena
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Revised Draft Proposed Statewide Cost Estimate, Schedule for Comments, and Notice of Hearing
Public School Restrooms: Menstrual Products, 22-TC-04
Statutes 2021, Chapter 664 (AB 367); Education Code Section 35292.6; effective January 1, 2022

Dear Ms. Kato and Mr. Palkowitz:

The Revised Draft Proposed Statewide Cost Estimate for the above-captioned matter is enclosed for your review and comment.

Written Comments: Written comments may be filed on the Draft Proposed Statewide Cost Estimate not later than **5:00 p.m. on October 20, 2025**. You are advised that comments filed with the Commission are required to be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, § 1181.3(c)(2).) Refer to <https://www.csm.ca.gov/dropbox.shtml> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(c)(3).)

Hearing: This matter is set for hearing on **December 5, 2025, in person at 10:00 a.m., at California Department of Food and Agriculture (CDFA), First Floor Auditorium, 1220 N Street, Sacramento, California, 95814 and via Zoom.**

The Proposed Statewide Cost Estimate will be issued on or about November 21, 2025.

This matter is proposed for the Consent Calendar. Please let us know in advance if you oppose having this item placed on the Consent Calendar.

Please also notify Commission staff not later than noon on the Tuesday prior to the hearing, December 2, 2025, that you or a witness you are bringing plan to testify and please specify the names of the people who will be speaking for inclusion on the witness list and the names and email addresses of the people who will be speaking both in person and remotely to receive a hearing panelist link in Zoom.

Ms. Kato and Mr. Palkowitz
October 9, 2025
Page 2

The last communication from Commission staff will be the Proposed Statewide Cost Estimate, which will be issued approximately 2 weeks prior to the hearing, and it is incumbent upon the participants to let Commission staff know if they wish to testify or bring witnesses.

Very truly yours,

A handwritten signature in blue ink, reading "Juliana F. Gmur". The signature is fluid and cursive, with the first name "Juliana" being more prominent and the last name "Gmur" following in a similar style.

Juliana F. Gmur
Executive Director

ITEM ____

REVISED DRAFT PROPOSED STATEWIDE COST ESTIMATE

\$3,438,686 - \$21,351,522

**Initial Claim Period, January 1, 2022 to June 30, 2022, and
Fiscal Years 2022-2023 and 2023-2024**

**\$1,069,880 - \$19,304,947 [Plus the Implicit Price Deflator]
Fiscal Year 2024-2025 and Following**

Education Code Section 35292.6

As Amended by Statutes 2021, Chapter 664, Sections 1 and 3 (AB 367)

Public School Restrooms: Menstrual Products

22-TC-04

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate by a vote of [vote count will be included in the adopted Statewide Cost Estimate] during a regularly scheduled hearing on December 5, 2025 as follows:

| Member | Vote |
|---|-------------|
| Lee Adams, County Supervisor | |
| Deborah Gallegos, Representative of the State Controller, Vice Chairperson | |
| Karen Greene Ross, Public Member | |
| Renee Nash, School District Board Member | |
| William Pahland, Representative of the State Treasurer | |
| Michele Perrault, Representative of the Director of the Department of Finance, Chairperson | |
| Alexander Powell, Representative of the Director of the Office of Land Use and Climate Innovation | |

STAFF ANALYSIS

Summary of the Mandate, Eligible Claimants, and Period of Reimbursement

This Statewide Cost Estimate addresses increased costs arising from the Menstrual Equity for All Act of 2021 (Stats. 2021, ch. 664, Ed. Code, §35292.6), effective January 1, 2022. The Act requires public schools, including a school operated by a school district, a county office of education, or a charter school, that maintain any combination of classes from grades 6 through 12, inclusive, to stock all women's restrooms, all-gender restrooms, and at least one men's restroom with menstrual products (defined as tampons and menstrual pads), free of cost, on or before the start

of the 2022-2023 school year. The Act also requires these public schools to post a notice regarding these statutory requirements in a prominent and conspicuous location in every restroom required to be stocked with menstrual products.¹

On March 22, 2024, the Commission on State Mandates (Commission) adopted the Test Claim Decision,² finding that the test claim statute (Ed. Code, § 35292.6, Stats. 2021, ch. 664), imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, beginning January 1, 2022, on school districts, including county offices of education, for their schools that maintain any combination of classes from grades six through 12, inclusive, to do the following:

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, and at least one men's restroom, *minus* 50 percent of all restrooms (which is not new because it was required by prior law).
2. For schools that did **not** meet the 40-percent pupil poverty level under prior law, to stock all women's restrooms and any all-gender restrooms, and at least one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.³

The Commission adopted the Decision and Parameters and Guidelines on July 26, 2024,⁴ approving reimbursement for school districts, including county offices of education, for their grade 6-12 schools.⁵

The initial reimbursement period is January 1, 2022 to June 30, 2022 and fiscal years 2022-2023 and 2023-2024. Eligible claimants were required to file initial claims with the

¹ The Act was amended by Statutes 2023, chapter 421 to expand the requirements to schools with pupils in grades 3 through 12, inclusive. The Commission has no jurisdiction over the amended Act because no Test Claim was filed on it.

² Exhibit A, Test Claim Decision.

³ Exhibit B, Decision and Parameters and Guidelines, pages 1-2.

⁴ Exhibit B, Decision and Parameters and Guidelines.

⁵ Exhibit B, Decision and Parameters and Guidelines, pages 7-8, 23.

State Controller's Office (Controller) by February 27, 2025, for the period beginning January 1, 2022, through June 30, 2024. Late initial reimbursement claims may be filed until February 27, 2026, but will incur a 10 percent late filing penalty of the total amount of the initial claim without limitation.⁶

Reimbursable Activities

The Commission approved the following for this program, which is reimbursable for school districts, including county offices of education, for their schools that maintain any combination of classes from grades six through 12, inclusive:

A. Stocking an Adequate Supply of Menstrual Products Free of Cost for Pupils

1. For schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687),⁷ to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in *additional* restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, **minus** 50 percent of all restrooms (which is not new because it was required by prior law).

Eligible claimants are **not** entitled to reimbursement under these Parameters and Guidelines for the activities and costs approved by the Commission in *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01, which addressed Education Code section 35292.6 (Stats. 2017, ch. 687). Those costs may be claimed under *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01.

2. For schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.
3. Purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos. 1 and 2 above.

Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate,

⁶ Government Code section 17561(d)(3).

⁷ These schools are those that are eligible for Title I, Part A funds and meet the second test identified in section 6314(a)(1)(A) of Title 20 of the United States Code, in which not less than 40 percent of the children *enrolled* in the school are from low-income families. Exhibit B, Decision and Parameters and Guidelines, pages 20, 25, footnotes 50, 53, respectively.

or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

Reimbursement is not required to stock any products other than menstrual pads and tampons for pupils, or to stock menstrual products in more than one men's restroom per school.⁸

An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of the Parameters and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.

In the reimbursement claims, claimants shall identify:

- a. The total number of schools in the claimant's jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive.
- b. For *each* school identified in a. above, provide the total enrollment of female, and estimated total enrollment of transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products required by the test claim statute.
- c. The total number of Title 1 schools in the claimant's jurisdiction identified in a. above, that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687).
- d. For *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687), please identify:
 - the total number of all restrooms in the school,
 - the total number of women's restrooms in the school,
 - the total number of all-gender restrooms in the school.
- e. For *each* school that did **not** meet the 40-percent pupil poverty level under prior law, please identify:
 - the total number of women's restrooms in the school, and
 - the total number of all-gender restrooms in the school.⁹

B. Posting a Notice

1. For all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to

⁸ Exhibit B, Decision and Parameters and Guidelines, pages 21, 25.

⁹ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.¹⁰

Offsetting Revenues and Reimbursements

As stated in the Parameters and Guidelines, any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds, shall be identified and deducted from any claim submitted for reimbursement.¹¹

The claimants did not identify offsetting revenue in the initial reimbursement claims.

Statewide Cost Estimate

Staff reviewed 121 unaudited reimbursement claims submitted by 74 school districts, as compiled by the Controller (although four of these claims were not counted because they are under the minimum claiming amount of \$1,000).¹² Staff developed the Statewide Cost Estimate based on the assumptions and methodology discussed herein.

Table 1. Initial Reimbursement Period (January 2022-June 2022 and Fiscal Years 2022-2023 and 2023-2024) Cost Estimate

| | |
|---|-------------------------|
| Activity A.1. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in <i>additional</i> restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law). | \$947,864 - \$8,350,346 |
| Activity A.2. For school districts, including county offices of education, that maintain any combination of classes | \$357,079 - \$2,126,876 |

¹⁰ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

¹¹ Exhibit B, Decision and Parameters and Guidelines, page 28.

¹² Government Code section 17564(a). The removed claims are from the following Districts: Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024).

| | |
|---|-----------------------------------|
| from grades six through 12, inclusive, with schools that did not meet the 40-percent pupil poverty level subjecting them to the <i>Feminine Hygiene Products</i> mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils. | |
| Activity A.3. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective. | \$1,997,197 - \$11,899,295 |
| Activity B. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, for their schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. | \$9,174 - \$100,084 |
| Total Direct Costs | \$3,311,314 – \$22,476,601 |
| Indirect Costs identified | \$127,372 - \$865,236 |
| Total Direct and Indirect Costs | \$3,438,686 - \$23,341,837 |
| Offsetting Revenues or Other Reimbursements | (\$0 - \$0) |
| Late Filing Penalty | (\$0 - \$1,990,315) |
| Total Costs | \$3,438,686 - \$21,351,522 |

Table 2. Estimated Annual Costs for 2024-2025 and Following

| | |
|--|-------------------------|
| Activity A.1. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that met the 40-percent pupil poverty level that were required | \$504,300 - \$7,747,904 |
|--|-------------------------|

| | |
|---|-----------------------------------|
| to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law). | |
| Activity A.2. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did not meet the 40-percent pupil poverty level subjecting them to the <i>Feminine Hygiene Products</i> mandate under prior law, to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils. | \$137,874 - \$1,544,554 |
| Activity A.3. For school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective. | \$390,669 - \$11,305,068 |
| Total Direct Costs | \$1,032,843 - \$20,597,526 |
| Indirect Costs identified | \$37,037 - \$733,540 |
| Total Direct and Indirect Costs | \$1,069,880 - \$21,331,066 |
| Offsetting Revenue | (\$0 - \$0) |
| Late Filing Penalty | (\$0 - \$2,026,119) |
| Total Costs | \$1,069,880 - \$19,304,947 |

Assumptions

1. The total amount claimed for the initial reimbursement period may increase as a result of late or amended initial claims. Only 73 school districts (7.8 percent of eligible school districts) filed claims of an estimated 937 eligible districts

- that maintain any combination of grades 6-12, inclusive.¹³ The low filing rate is likely due to the number of districts that will choose to opt into the K-12 Mandate Block Grant rather than filing claims (see assumption 10, below).
2. Offsetting revenue is \$0 because no specific offsetting revenue was identified in the Decision and Parameters and Guidelines and none was claimed in the initial claims. Moreover, the test claim statute states the menstrual products must be provided “free of cost for pupils.”¹⁴
 3. Four Districts’ claims were removed from the cost calculations because the amount claimed in each totaled less than \$1,000, the minimum required to file a claim.¹⁵ The removed claims are from the following Districts: Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024).
 4. This mandate expands on the prior mandate, *Feminine Hygiene Products* mandate (18-TC-01), requiring menstrual products in *additional* restrooms in Title 1 schools. The calculation of the additional costs relies on the number of schools required to comply with the mandate.

The California Department of Education (CDE) annually publishes data on Student Poverty Free and Reduced Price Meals.¹⁶ Under federal law, local educational agencies can use several measures of poverty to determine a school’s eligibility for Title 1, Part A funds, one of which is the number of students enrolled and eligible for the free or reduced price lunch program.¹⁷ The CDE’s published data includes fiscal years 2021-2022, 2022-2023, and 2023-2024, by school, with the grade levels identified, and the percentage of students enrolled on Census Day (the first Wednesday in October) eligible to receive free or reduced price meals under federal law. This list was filtered to exclude ineligible schools. Based on this data, the number of schools required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) is estimated to be:

¹³ Exhibit X (6), California Department of Education, List of School Districts, <https://www.cde.ca.gov/re/lr/do/schooldistrictlist.asp> (accessed on January 22, 2025).

¹⁴ Education Code, section 35292.6 (a), (c) (Stats. 2021, ch. 664).

¹⁵ Government Code section 17564(a).

¹⁶ Exhibit X (5), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data, <https://www.cde.ca.gov/ds/ad/filesdp.asp> (accessed on January 21, 2025).

¹⁷ 20 United States Code section 6313(a)(5)(A).

- In 2021-2022, 5,530 schools;
- In 2022-2023, 5,695 schools;
- In 2023-2024, 5,852 schools.¹⁸

Thus, the average number of schools required to comply with *Feminine Hygiene Products* for the three-year period is 5692 schools.

In analyzing the costs for this program, both the Senate and Assembly Appropriations Committees used the Commission's Statewide Cost Estimate for the *Feminine Hygiene Products* (18-TC-01) mandate. But, the Assembly Committee added 10 percent because this mandate requires stocking menstrual products in any all-gender restrooms and one male restroom per school.¹⁹ The Senate Appropriations Committee merely concluded that the costs "could be higher" for this program.²⁰

5. The number of schools *not* required to comply with the prior mandate, *Feminine Hygiene Products* mandate (18-TC-01), must also be estimated. There are about 9,997 public schools in California.²¹ Of these, 7,241 estimated schools are expected to comply with the mandated program because they maintain any combination of grades 6-12, inclusive.²²

These figures were estimated by subtracting the number of schools required to comply with the *Feminine Hygiene Products* mandate (using the data under assumption 4, above) from the total number of public schools that maintain any combination of grades 6-12 (7,241):

- In 2021-2022: 1,711 schools
- In 2022-2023: 1,546 schools
- In 2023-2024: 1,389 schools.

Thus, the average number of schools that were *not* required to comply with *Feminine Hygiene Products* for the three-year period is 1549 schools.

¹⁸ Exhibit X (5), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data.

¹⁹ Exhibit X (3), Assembly Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²⁰ Exhibit X (8), Senate Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²¹ Exhibit X (4), California Department of Education, Fingertip Facts on Education in California.

²² Exhibit X (7), California Department of Education, Public Schools and Districts Data Files.

6. Statewide costs may increase if the cost of materials and supplies and labor increases. The claimant submitted receipts with the Test Claim indicating \$347.49 per dispenser purchased.²³ The average cost per dispenser for the claimants that filed initial reimbursement claims is \$384.23.²⁴ Moreover, employee salaries may increase or decrease in the future, thereby increasing or decreasing labor costs to comply with the mandate.
7. Costs are likely to be higher in the initial reimbursement period because of the requirement to install or retrofit dispensers. As dispensers are installed in the required restrooms, these initial costs would diminish and the ongoing costs would be primarily for stocking the menstrual products.
8. A sufficient number of dispensers to comply with the mandate is unknown. The Parameters and Guidelines state “An adequate supply of menstrual products and dispensers to comply with Section IV.A.1 and 2 of these Parameters and Guidelines may be determined based on the enrollment of female, transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 that may use those products each claim year, the estimated number of products those pupils may use each claim year; and the number of restrooms now required to be stocked.” Based on the requirement “to stock all women’s restrooms and all-gender restrooms, plus one men’s restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils,”²⁵ there are enough dispensers in the restrooms if they can hold enough products to make them available at all times. A school may choose to place multiple dispensers in each restroom required to be stocked if it determines they are necessary to comply with the mandate to stock the products at all times. If restrooms are stocked multiple times a day, fewer dispensers per restroom are required. However, if they are only stocked one or two times per day, more dispensers may be necessary, especially in multi-stall restrooms in larger schools.

In their reimbursement claims, the claimants must identify: 1) the total number of schools in the claimant’s jurisdiction that maintain any combination of classes from grades 6 through 12, inclusive; 2) for *each* school the claimant identified, the total enrollment of female, and the estimated total enrollment of transgender, nonbinary, and gender nonconforming pupils in grades 6 to 12 in the claim year that may use the menstrual products; 3) the total number of Title 1 schools in the claimant’s jurisdiction that met the 40 percent pupil poverty level and were required to comply with former Education Code section 35292.6 (Stats. 2017, ch. 687, i.e., *Feminine Hygiene Products*); 4) *each* Title 1 school that met the 40-percent pupil poverty level, as defined, and were required to comply with prior law (former Ed. Code, §

²³ Exhibit X (1), Test Claim, pages 13, 27, 29, 30.

²⁴ Exhibit X (2), Spreadsheet of Claimant Data.

²⁵ Exhibit B, Decision and Parameters and Guidelines, pages 20, 25.

35292.6, Stats. 2017, ch. 687), the total number of all restrooms in the school, and the total number of women's restrooms in the school, and the total number of all-gender restrooms in the school; 5) for *each* school that did **not** meet the 40-percent pupil poverty level under prior law, the total number of women's restrooms in the school, and the total number of all-gender restrooms in the school.²⁶

We assume that the Title 1 schools that were required to comply with the *Feminine Hygiene Products* mandate (18-TC-01) already had dispensers in all of their restrooms that were required to be stocked with menstrual products except for one men's restroom and any all-gender restrooms, and that all other schools maintaining any combination of grades 6-12, inclusive, have installed or retrofitted dispensers in all their restrooms required to stock menstrual products. The claims data do not identify how many dispensers were already in place in compliance with the mandate without retrofitting. As indicated in the Parameters and Guidelines, "Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective."²⁷

Accordingly, although a sufficient number of dispensers to comply with the mandate statewide is not known and will vary by school district, it is assumed that the dispensers purchased and retrofitted during the initial period of reimbursement was determined to be the number necessary and sufficient for the claiming school districts to comply with the mandate.

9. The Controller may conduct audits and reduce any claim it deems to be excessive or unreasonable.²⁸ Thus, the total amount for this program may be lower than the Statewide Cost Estimate based on the Controller's audit findings.
10. The future annual costs for this program may be lower than this estimate if this program is added to the K-12 Mandate Block Grant (as was the *Feminine Hygiene Products* mandate (18-TC-01)),²⁹ in which school districts voluntarily participate. Districts that participate in a program added to the block grant cannot claim through the state's reimbursement process.³⁰ The block grant allows school districts to receive a per pupil allocation to carry out reimbursable mandated activities. Thus, if this program is added to the block

²⁶ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

²⁷ Exhibit B, Decision and Parameters and Guidelines, pages 10, 18-19.

²⁸ Government Code section 17561.

²⁹ Government Code section 17581.6(f)(36).

³⁰ Government Code section 17581.6(c)(3).

grant, it could result in future annual costs that are lower than the Statewide Cost Estimate.

Methodology

The low estimate for all activities is the amount claimed, based on 117 unaudited reimbursement claims (20 for January 1, 2022-June 30, 2022, 56 for 2022-2023, and 41 for 2023-2024) filed by 73 school districts (7.8 percent of eligible school districts), as compiled by the Controller. These totals do not include four claims filed under the minimum \$1,000 threshold:³¹ Petaluma City Elementary (2021-2022), Roseville City Elementary (2022-2023), Gold Trail Union (2023-2024), and Roseville City Elementary (2023-2024), as stated above under assumption 3.

A. Initial Reimbursement Period (January 2022-June 2022 and Fiscal Years 2022-2023 and 2023-2024) Cost Estimate

Activity A.1., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with Title 1 schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law).

The low estimate is the costs actually claimed for Activity A.1. during the initial reimbursement period, totaling \$947,864.

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed per Title 1 school (actual costs claimed divided by the number of schools in districts that claimed costs for Activity A.1.) by the number of Title 1 schools in districts not claiming costs (the difference between the average number of Title 1 schools [5,692] and the number of Title 1 schools in districts that filed claims [646] = [5,046] Title 1 schools) then adding the amount claimed for the 2.5 years in the initial period of reimbursement.

Activity A.1. actual costs claimed [\$947,864] / schools in claiming districts [646] = \$1,467 average cost per school for the initial period of reimbursement.

Activity A.1. average cost per school [\$1,467] * number of Title 1 non-filer schools [5,046] = Cost for districts not filing claims [\$7,402,482]

Cost for districts not filing claims [\$7,402,482] + cost of claims filed [\$947,864] = Total potential Activity A.1. cost [\$8,350,346]

Activity A.2., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did *not* meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law (non-Title 1 schools), to stock all women's

³¹ Government Code section 17564(a).

restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The low estimate is the costs actually claimed for Activity A.2. during the initial reimbursement period, totaling \$357,079.

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed per non-Title 1 school (actual costs claimed divided by the number of schools in districts that claimed costs for Activity A.2.) by the number of non-Title 1 schools in districts not claiming costs (the difference between the average number of non-Title 1 schools [1,549] and the number of non-Title 1 schools in districts that filed claims [260] = [1,289] non-Title 1 schools) then adding the amount claimed for the 2.5 years in the initial period of reimbursement.

Activity A.2. actual costs claimed [\$357,079] / schools in claiming districts [260] = \$1,373 average cost per school for the initial period of reimbursement.

Activity A.2. average cost per school [\$1,373] * number of non-Title 1 non-filer schools [1,289] = Cost for districts not filing claims [\$1,769,797]

Cost for districts not filing claims [\$1,769,797] + cost of claims filed [\$357,079] = Total potential Activity A.2. cost [\$2,126,876]

Activity A.3., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos.1 and 2 above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

The low estimate is the costs actually claimed for Activity A.3. during the initial reimbursement period, totaling \$1,997,197.

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed per non-Title 1 school (actual costs claimed divided by the number of schools in districts that claimed costs for Activity A.3.) by the number of non-Title 1 schools in districts not claiming costs (the difference between the average number of non-Title 1 schools [1,549] and the number of non-Title 1 schools in districts that filed claims [260] = [1,289] non-Title 1 schools) then adding the amount claimed for the 2.5 years in the initial period of reimbursement.

Activity A.3. actual costs claimed [\$1,997,197] / schools in claiming districts [260] = \$7,682 average cost per school for the initial period of reimbursement.

Activity A.3. average cost per school [\$7,682] * number of non-Title 1 non-filer schools [1,289] = Cost for districts not filing claims [\$9,902,098]

Cost for districts not filing claims [\$9,902,098] + cost of claims filed [\$1,997,197]
= Total potential Activity A.3. cost [\$11,899,295]

Activity B requires all schools to post a notice regarding the requirements of the statutory section in a prominent and conspicuous location in every restroom required to be stocked with menstrual products, available and accessible, free of cost. The notice shall include the text of the statutory section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. This is presumed to be claimed one time.

The low estimate are the costs actually claimed for Activity B. during the initial reimbursement period, totaling \$9,174.

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed per school (actual costs claimed divided by the number of schools in districts that claimed costs for Activity B.) by the number schools in districts not claiming costs (the difference between the average number of schools [9,997] and the number of schools in districts that filed claims [906] = [9,091] non-Title 1 schools) then adding the amount claimed for the 2.5 years in the initial period of reimbursement.

Activity B. actual costs claimed [\$9,174] / schools in claiming districts [906] = \$10
average cost per school for the initial period of reimbursement.

Activity B. average cost per school [\$10] * number of non-filer schools [9,091] =
Cost for districts not filing claims [\$90,910]

Cost for districts not filing claims [\$90,910] + cost of claims filed [\$9,174] = Total
potential Activity B. cost [\$100,084]

Indirect Costs: The low estimate is the amount of indirect costs claimed. The high estimate assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at the same average rate claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

Indirect Costs Actually Claimed [\$127,372] / Direct Costs Actually Claimed
[\$3,311,314] = Average Indirect Cost Rate [3.85%].

Non-filer potential Activity A.1. cost [\$7,402,482]+ Non-filer potential Activity A.2.
cost [\$1,769,797] + Non-filer potential Activity A.3. cost [\$9,902,098] + Non-filer
potential Activity B. cost [\$90,910] = Non-filer Total Direct Costs [\$19,165,287]

Indirect Cost Rate [3.85%] *Non-filer Total Direct Costs [\$19,165,287] = Non-filer
Indirect Costs [\$737,864]

Non-filer Indirect Costs [\$737,864] + Indirect Costs Claimed [\$127,372] = Total
potential Indirect Cost [\$865,236].

Offsetting Revenues: The low estimate is \$0 because none of the initial claims compiled by the Controller reported offsetting revenues. The high estimate is also \$0 because there is no data upon which to make an estimate.

Late Filing Penalties: The low estimate is \$0 because none of the initial claims compiled by the Controller were assessed a late filing penalty. The high estimate assumes that all non-filers will file claims for the initial period of reimbursement, which will be subject to a late filing penalty, and that penalty is calculated by adding non-filer direct and indirect costs and subtracting offsets to get net costs. Then multiply the net costs by a ten percent late filing penalty to calculate estimated non-filer late filing penalties, which are added to the actual late filing penalties (as reported) to estimate the high-end late filing penalties.

Non-filer Total Direct Costs [\$19,165,287] + Non-filer Indirect Costs [\$737,864] = Estimated Non-filer Net Costs [\$19,903,151].

Estimated Non-filer Net Costs [\$19,903,151] * (10% late filing penalty) = Estimated Non-filer Late Filing Penalties [\$1,990,315].

Actual Late Filing Penalties [\$0] + Estimated Non-filer Late Filing Penalties [\$1,990,315] = Total potential Late Filing Penalties [\$1,990,315].

B. Projected Annual Costs for Fiscal Year 2024-2025 and Following

The low estimate for all activities is the amount claimed, based on 41 unaudited reimbursement claims for 2023-2024 as compiled by the Controller and assumes that the same claimants that filed reimbursement claims for 2023-2024 will continue to file annual reimbursement claims for Activities A.1., A.2., and A.3. The costs for Activity B. are presumed one-time costs and are excluded from this projection.

Activity A.1., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with Title 1 schools that met the 40-percent pupil poverty level that were required to comply with prior law (former Ed. Code, § 35292.6, Stats. 2017, ch. 687), to stock an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils, in additional restrooms, defined as the sum of all women's restrooms and all-gender restrooms, plus one men's restroom, minus 50 percent of all restrooms (which is not new because it was required by prior law).

The high estimate, which assumes all eligible claimants will file claims, is calculated by multiplying the average costs claimed during 2023-2024 per Title 1 school (actual costs claimed divided by the number of schools in districts that claimed costs for Activity A.1.) by the number of Title 1 schools in districts not claiming costs (the difference between the number of Title 1 schools [5,852] and the number of Title 1 schools in districts that filed claims for 2023-2024 for Activity A.1. [381] = [5,471] Title 1 schools) then adding the amount claimed.

Activity A.1. actual costs claimed for 2023-2024 [\$504,300] / schools in claiming districts [381] = \$1,324 average cost per school

Average A.1. average cost per school [\$1,324] * number of Title 1 schools in districts not claiming costs [5,471] = Cost for districts not filing claims [\$7,243,604]

Cost of districts not filing claims [\$7,243,604] + amount claimed [\$504,300] =
Total potential Activity A.1. cost [\$7,747,904]

Activity A.2., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, with schools that did **not** meet the 40-percent pupil poverty level subjecting them to the *Feminine Hygiene Products* mandate under prior law (non-Title 1 schools), to stock all women's restrooms and all-gender restrooms, plus one men's restroom, at all times with an adequate supply of menstrual products (defined as menstrual pads and tampons), available and accessible, free of cost for pupils.

The high estimate, which assumes that all eligible claimants will file claims, is calculated by multiplying the average costs claimed during 2023-2024 per non-Title 1 school (actual costs claimed divided by the number of non-Title 1 schools in districts claiming costs for Activity A.2.) by the number of eligible non-Title 1 schools in districts not claiming costs (the difference between the number of non-Title1 schools [1,389] and the number of non-Title 1 schools in districts that filed claims for 2023-2024 for Activity A.2. [124] = [1,265] non-title 1 schools) then add the amount claimed.

Activity A.2. average cost per non-Title 1 school, costs claimed for 2023-2024:
\$137,874 / Non-Title 1 schools in districts that claimed A.2. costs [124] = Average cost per non-Title 1 school [\$1,112].

Average cost per non-Title 1 school [\$1,112] * [1,265] Non-Title 1 schools = Cost for districts not filing claims [\$1,406,680]

Cost for districts not filing claims [\$1,406,680] + amount claimed [\$137,874] =
Total potential Activity A.2. cost [\$1,544,554]

Activity A.3., requires school districts, including county offices of education, that maintain any combination of classes from grades six through 12, inclusive, to purchase and install (or retrofit or repair) a sufficient number of suitable dispensers for menstrual products (defined only as tampons and sanitary napkins) in the new or additional restrooms identified in nos. A.1. and A.2. above. Reimbursement to purchase and install new dispensers is required to the extent that a school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate, or cannot repair or retrofit a sufficient number of existing dispensers to comply with the mandate, whichever is more cost effective.

The high estimate, which assumes that all eligible claimants will file claims, is calculated by multiplying the average costs claimed during 2023-2024 per non-Title 1 school (actual costs claimed divided by the number of non-Title 1 schools in districts claiming costs for Activity A.3.) by the number of eligible non-Title 1 schools in districts not claiming costs (the difference between the number of non-Title1 schools [1,389] and the number of non-Title 1 schools in districts that filed claims for 2023-2024 for Activity A.3. [48] = [1,341] non-title 1 schools) then add the amount claimed.

Activity A.3. actual costs claimed [\$390,669] / the number of non-Title 1 schools in the claiming districts [48] = average Activity A.3. cost per non-Title 1 school [\$8,139]

Average Activity A.3. cost per Non-Title 1 school [\$8,139] * number of non-Title 1 schools [1,341] = Cost for districts not filing claims [\$10,914,399]

Cost for districts not filing claims [\$10,914,399] + [\$390,669] costs claimed = Total potential Activity A.3. cost [\$11,305,068]

Indirect Costs: The low estimate is the indirect costs actually claimed for 2023-2024. The high estimate assumes that all eligible claimants who have not yet filed claims will file claims for indirect costs at the same average rate actually claimed, which is calculated by dividing indirect costs claimed by direct costs claimed equals average indirect cost rate (as a percentage). Then multiply the average indirect cost rate by the estimated direct costs.

Indirect Costs Actually Claimed [\$37,037] / Direct Costs Actually Claimed [\$1,039,123] = Average Indirect Cost Rate [3.56%].

Non-filer potential Activity A.1. cost [\$7,243,604] + Non-filer potential Activity A.2. cost [\$1,406,680] + Non-filer potential Activity A.3. cost [\$10,914,399] = Non-filer Total Direct Costs [\$19,564,683]

Indirect Cost Rate [3.56%] * Non-filer Total Direct Costs [\$19,564,683] = Non-filer Indirect Costs [\$696,503]

Non-filer Indirect Costs [\$696,503] + Indirect Costs Claimed [\$37,037] = Total potential Indirect Cost [\$733,540].

Offsetting Revenues: The low estimate is \$0 because none of the initial claims compiled by the Controller reported offsetting revenues. The high estimate is also \$0 because there is no data upon which to make an estimate.

Late Filing Penalties: The low estimate is \$0 because none of the initial claims compiled by the Controller were assessed a late filing penalty. The high estimate assumes that all non-filers will file claims for the initial period of reimbursement, which will be subject to a late filing penalty, and that penalty is calculated by adding non-filer direct and indirect costs and subtracting offsets to get net costs. Then multiply the net costs by a ten percent late filing penalty to calculate estimated non-filer late filing penalties, which are added to the actual late filing penalties (as reported) to estimate the high-end late filing penalties.

Non-filer Total Direct Costs [\$19,564,683] + Non-filer Indirect Costs [\$696,503] = Estimated Non-filer Net Costs [\$20,261,186].

Estimated Non-filer Net Costs [\$20,261,186] * (10% late filing penalty) = Estimated Non-filer Late Filing Penalties [\$2,026,119].

Actual Late Filing Penalties [\$0] + Estimated Non-filer Late Filing Penalties [\$2,026,119] = Total potential Late Filing Penalties [\$2,026,119].

Draft Proposed Statewide Cost Estimate

On June 4, 2025, Commission staff issued the Draft Proposed Statewide Cost Estimate.³² No comments were filed on it. On July 8, 2025, Commission staff issued the Proposed Statewide Cost Estimate.³³ No comments were filed on it. On July 11, 2025, Commission staff issued a Notice of Postponement of Hearing. On September 26, 2025, Commission staff issued a second Notice of Postponement of Hearing. On October 9, 2025, Commission staff issued the Revised Draft Proposed Statewide Cost Estimate.³⁴

Staff Recommendation

Staff recommends that the Commission adopt this Statewide Cost Estimate of \$3,438,686 - \$21,351,522 for the Initial Claim Period that began on January 1, 2022 and ends on June 30, 2024.

³² Exhibit C, Draft Proposed Statewide Cost Estimate.

³³ Exhibit D, Proposed Statewide Cost Estimate.

³⁴ Exhibit E, Revised Draft Proposed Statewide Cost Estimate.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 9, 2025, I served the:

- **Current Mailing List dated September 30, 2025**
- **Revised Draft Proposed Statewide Cost Estimate, Schedule for Comments, and Notice of Hearing issued October 9, 2025**

Public School Restrooms: Menstrual Products, 22-TC-04

Statutes 2021, Chapter 664 (AB 367); Education Code Section 35292.6, effective January 1, 2022

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 9, 2025 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/30/25

Claim Number: 22-TC-04

Matter: Public School Restrooms: Menstrual Products

Claimant: Hesperia Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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STATE of CALIFORNIA
**COMMISSION ON STATE
MANDATES**



| | |
|------------------|--|
| For CSM Use Only | |
| Filing Date: | RECEIVED May 12, 2023 Commission on State Mandates |
| TC #: | 22-TC-04 |

TEST CLAIM FORM AND TEST CLAIM AMENDMENT FORM (Pursuant to Government Code section 17500 et seq. and Title 2, California Code of Regulations, section 1181.1 et seq.)

Section 1

Proposed Test Claim Title:

Public School Restrooms-Menstrual Products

Section 2

Local Government (Local Agency/School District) Name:

Hesperia Unified School District

Name and Title of Claimant's Authorized Official pursuant to [CCR, tit.2, § 1183.1\(a\)\(1-5\)](#):

David Olney, Superintendent

Street Address, City, State, and Zip:

15576 Main Street, Hesperia, CA 92345

Telephone Number

760-244-4411

Email Address

david.olney@hesperiausd.org

Section 3 – Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be sent to this representative. Any change in representation must be authorized by the claimant in writing, and e-filed with the Commission on State Mandates. ([CCR, tit.2, § 1183.1\(b\)\(1-5\)](#).)

Name and Title of Claimant Representative:

Arthur Palkowitz

Organization: Law Offices of Arthur Palkowitz

Street Address, City, State, Zip:

12807 Calle de la Siena

Telephone Number

858-259-1055

Email Address

law@artpalk.onmicrosoft.com

Section 4 – Identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to [Government Code section 17553](#) and check for amendments to the section or regulations adopted to implement it:

Assembly Bill No. 367

Statutes 2021, Chapter 664, Sections 1, 3

Education Code Section 35292.6

Effective Date: January 1, 2022

☒ Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: 05 / 12 / 2023

☐ A: Which is not later than 12 months (365 days) following [insert effective date] / / , the effective date of the statute(s) or executive order(s) pled; or

☒ B: Which is within 12 months (365 days) of [insert the date costs were *first* incurred to implement the alleged mandate] 07 / 01 / 2022, which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

([Gov. Code § 17551\(c\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\)](#) and [1187.5.](#))

Section 5 – Written Narrative:

☒ Includes a statement that actual or estimated costs exceed one thousand dollars (\$1,000). ([Gov. Code § 17564.](#))

☒ Includes all of the following elements for each statute or executive order alleged **pursuant to [Government Code section 17553\(b\)\(1\)](#)**:

☒ Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate;

☒ Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate;

☒ Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

☒ Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

Following FY: 2023 - 2024 Total Costs: \$5,000,000.00

☒ Identifies all dedicated funding sources for this program;

State: California

Federal: None

Local agency's general purpose funds: Yes. General Funds

Other nonlocal agency funds: None

Fee authority to offset costs: None

☒ Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: _____

Test Claim 18-TC-01, Public School Restrooms Feminine Hygiene Products was approved by the Commission on State Mandates as a reimbursable mandate. Williams Cost Implementation I, II, III; 05-TC-04; 07-TC-06; 08-TC-01.

☒ Identifies any legislatively determined mandates that are on, or that may be related to, the same statute or executive order: None

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to [Government Code Section 17553\(b\)\(2\)](#) and [California Code of Regulations, title 2, section 1187.5](#), as follows:

☒ Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.

☒ Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

☒ Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).

☐ If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to [Government Code section 17573](#), and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of [Government Code section 17574](#).

☒ The declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to [Government Code section 17553\(b\)\(3\)](#) and [California Code of Regulations, title 2, § 1187.5](#):

☒ The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate.
Pages PSR Menstrual 026 to PSR Menstrual 029.

☐ Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages N/A to N/A.

- ☐ Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages N/A to N/A.
- ☒ Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.)*
Pages PSR Menstrua to PSR Menstrual 25.

Section 8 – TEST CLAIM CERTIFICATION Pursuant to [Government Code section 17553](#)

- ☒ The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to [California Code of Regulations, title 2, section 1183.1\(a\)\(1-5\)](#) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in [section 1183.1\(a\)\(1-5\)](#) of the Commission's regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of [article XIII B, section 6 of the California Constitution](#) and [Government Code section 17514](#). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations.
([Cal. Code Regs., tit.2, §§ 1183.1](#) and [1187.5](#).)

David Olney

Superintendent

Name of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)

Print or Type Title

David A. Olney
David A. Olney (Jun 8, 2023 16:25 PDT)

Signature of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)










Test Claim Form

Final Audit Report

2023-06-08

| | |
|-----------------|---|
| Created: | 2023-06-08 |
| By: | CSM Sign (csmsign@csm.ca.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAA_fYHBwz1mMX6CbKNaWj2QJJJeUPTTTnli |

"Test Claim Form" History

-  Document created by CSM Sign (csmsign@csm.ca.gov)
2023-06-08 - 3:11:36 PM GMT
-  Document emailed to Arthur Palkowitz (law@artpalk.onmicrosoft.com) for filling
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-  Email viewed by Arthur Palkowitz (law@artpalk.onmicrosoft.com)
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-  Form filled by Arthur Palkowitz (law@artpalk.onmicrosoft.com)
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-  Document emailed to david.olney@hesperiausd.org for signature
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-  Email viewed by david.olney@hesperiausd.org
2023-06-08 - 10:18:31 PM GMT
-  Signer david.olney@hesperiausd.org entered name at signing as David A. Olney
2023-06-08 - 11:25:22 PM GMT
-  Document e-signed by David A. Olney (david.olney@hesperiausd.org)
Signature Date: 2023-06-08 - 11:25:24 PM GMT - Time Source: server
-  Agreement completed.
2023-06-08 - 11:25:24 PM GMT

Test Claim: Public School Restrooms
Menstrual Products
Claimant: Hesperia Unified School District
5. Written Narrative

**BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA**

Test Claim of:

Hesperia Unified School District

Claimant

No. CSM _____

Public School Restrooms

Menstrual Products

Assembly Bill No. 367

Statutes 2021, Chapter 664, Sections 1, 3

Education Code Section 35292.6

Effective Date: January 1, 2022

STATEMENT OF THE CLAIM

This test claim filed by claimant Hesperia Unified School District (“Claimant”) alleges reimbursable costs mandated by the State for school districts to stock the school's restrooms with free menstrual (“feminine hygiene”) products at all times pursuant to the requirements in Statutes 2021 Chapter 664, A.B. No. 367, Section 3 and Education Code Section 35292.6.

This legislation would also require posting a designated notice. By imposing additional requirements on public schools this bill would impose a state-mandated local program due to the related increased costs that will be incurred.

Claimant alleges that the test claim statutes impose a reimbursable state mandated program for school districts under Article XIII B, section 6 and Government Code section 17514. (2 CCR § 1183.1)

AUTHORITY FOR THE CLAIM

The Commission on State Mandates has the authority, pursuant to Government Code section 17551, subdivision (a), to hear and decide upon a claim by a local agency or school district that the local agency or school district is entitled to be reimbursed by the State for costs mandated by the State, as required by section 6 of Article XIII B of the California Constitution. (*Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551 and 17552.) The determination of whether a statute or executive order imposes a reimbursable state-mandated program is a question of law. (*County of San Diego v. State of California*, (1997) 15 Cal.4th 68,109.)

Claimant is a school district as defined in Government Code Section 17519. This test claim is filed pursuant to Title 2, California Code of Regulations section 1183.1.

A. California Constitution requires the State to reimburse schools.

Article XIII B, section 6 of the California Constitution states:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service.

The purpose of Article XIII B, section 6 is to [p]reclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that article XIII A and XIII B impose. (*County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.) Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government]...” (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.) Reimbursement under Article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity. (*San Diego Unified School Dist. v. Commission on State Mandates*, (2004) 33 Cal.4th 859, 874.)

2. The mandated activity either:

- a. Carries out the governmental function of providing a service to the public; or
- b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state. (*San Diego Unified School Dist.*, *supra* 33 Cal.4th at 874-875 (reaffirming the test set out in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56).)

3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order, and it increases the level of service provided to the public. (*San Diego Unified School Dist.*, *supra* 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal 3d 830, 835.)

B. The new program is mandated when the schools incur increased costs.

Government Code section 17514 provides that [c]osts mandated by the state means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

Government Code section 17564 provides that: [n]o claim shall be made pursuant to Sections 17551, 17561, or 17573, nor shall any payment be made on claims submitted pursuant to Sections 17551, or 17561, or pursuant to a legislative determination under Section 17573, unless these claims exceed one thousand dollars.

Claimant alleges increased costs mandated by the state in the amount of \$5,000,000.00, for California schools impacted by the test claim statutes, which exceeds the \$1,000.00 minimum claim amount articulated in Government Code section 17564(a). Government Code section 17556(e) states that there are no costs mandated by the state, if additional revenue specifically intended to fund the costs of the mandated activities, in an amount sufficient to fund the cost of the state-mandated activities, has been appropriated in a Budget Act or other bill.

There is no evidence that additional on-going revenue has been appropriated, specifically to fund the costs of the mandated activities in this claim. Thus, Government Code section 17556(e) does not apply to deny this claim. Accordingly, the evidence in the record supports the finding that the claimant has incurred increased costs mandated by the state, pursuant to Government Code section 17514. However, to the extent a school receives any funding or grant funding and applies those funds to the mandated activities, those funds are required to be identified as offsetting revenue and deducted from the costs claimed.

Identify the specific sections of statutes or executive orders alleged to contain a mandate. Include a statement that actual and/or estimated costs resulting from the alleged mandate exceeds one thousand dollars (\$1,000.00), and include all of the following elements for each statute or executive order alleged:

Statutes 2021 Chapter 664, A.B. No 367 Section 1.

This act shall be known as the Menstrual Equity for All Act of 2021. California recognizes that access to menstrual products is a basic human right and is vital for ensuring the health, dignity, and full participation of all Californians in public life.

The Legislature declared that:

California has an interest in promoting gender equity, not only for women and girls, but also for transgender men, nonbinary, and gender nonconforming people who may also menstruate and experience inequities resulting from lack of access to menstrual products.

Inadequate menstrual support is associated with both health and psychosocial issues, particularly among low-income people. A lack of access to menstrual products can cause emotional distress, physical infection, and disease.

Equal opportunity to education is a fundamental right recognized by the California Constitution. Section 5 of Article IX of, subdivision (a) of Section 7 of Article I of, and subdivision (a) of Section 16 of Article IV of, the California Constitution require the state to maintain and operate the public school system in a manner that provides basic educational equity to students.

California has an interest in creating safe, welcoming, and inclusive schools for all students. Subdivision (b) of Section 201 of the Education Code, in particular, requires all preschool, elementary, and secondary schools to affirmatively combat

racism, sexism, and other forms of bias.

Research shows that students lacking access to menstrual products experience higher rates of absences and are less able to focus and engage in the classroom. Absenteeism can lead to significant performance gaps and is linked to social disengagement, feelings of alienation, and adverse outcomes even into adulthood.

The provision of menstrual products in schools helps ensure California provides equal access to education and enables students to reach their full potential, irrespective of gender.

Expanding student access to menstrual products can result in increased attendance rates. After the City of New York passed a law providing free menstrual products to students, participating schools saw a 2.4 percent increase in attendance.

Expanding student access to menstrual products can also result in cost savings due to increased funding associated with student attendance and reduced administrative costs and expenses from charging for menstrual products.

It is the intent of the Legislature that this act provide for the health, dignity, and safety of menstruating students at every socioeconomic level, normalize menstruation among all genders, and foster gender competency in California schools, colleges, and universities.

(AB 367 Assembly Floor Analysis- August 26, 2021.)

The aforementioned intent of the legislature was to require school districts to comply with the requirements of the test claim statute. Such requirements are unique to public service.

Statutes 2021 Chapter 664, A.B. No 367 Section 2; 35292.6 is amended to the Education Code, to read:

- (a) A public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, that meets the 40-percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(1)(A) of Title 20 of the United States Code shall stock at least 50 percent of the school's restrooms with menstrual products, available and accessible, free of cost, at all times.

- (b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils, including, but not limited to, feminine hygiene products.
- (c) For purposes of this section, “feminine hygiene products” means tampons and sanitary napkins for use in connection with the menstrual cycle.
- (d) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

Statutes 2021 Chapter 664, A.B. No 367 Section 3; Education Code Section 35292.6 is added to read:

Assembly Bill No. 367, Section 3 amends existing law and enacts the Menstrual Equity for All Act of 2021 requiring the following new requirements:

(a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom. ***NEW REQUIREMENTS.***

(b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils. ***NEW REQUIREMENTS.***

(c) A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products. ***NEW REQUIREMENTS.***

(d) For purposes of this section, “menstrual products” means menstrual pads and tampons for use in connection with the menstrual cycle.

(e) This section shall become operative on July 1, 2022.

SECTION 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

C. New Activities For Schools

Schools have incurred or will incur costs implementing the following new activities:

- (i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of menstrual products.
- (ii) Train certificated, classified and other personnel to administer the availability of menstrual products in the district's restrooms.
- (iii) *Purchasing and installing dispensers in the schools and campus restrooms.*
- (iv) *Purchasing and stocking the schools and campus restrooms with menstrual products at all times.*

D. A detailed description of existing activities and costs that are modified by the mandate

On May 24, 2019, the Commission on State Mandates (Commission) adopted the decision finding that Test Claim 18-TC-01 Public School Restrooms Feminine Hygiene Products the statutes imposes a reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved the Test Claim for school districts with schools that (1) maintain any combination of classes from grade 6 to grade 12, inclusive; and (2) meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(1)(A) of Title 20 of the United States Code, in that the school is eligible for Title I, Part A funds, and not less than 40 percent of the children enrolled in the school are from low-income families, for such schools to stock 50 percent of the school's restrooms with feminine hygiene products (defined only as tampons and sanitary napkins) at all times at no cost to pupils. (Ed. Code §35292.6, Stats. 2017, Ch. 687.)

E. The actual increased costs incurred by claimant Hesperia Unified School District during the fiscal year for which the claim was filed to implement the alleged mandate pertaining to Assembly Bill No. 367, Section 3, that amended Education Code Section 35292.6 to require the following new activities:

(a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, *shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom. (NEW ACTIVITIES.)*

The increased costs related to installing dispensers the claimants schools’ restrooms and stocking the claimants schools’ restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom are as follows:

Fiscal Year: 2022-2023

Equipment

| <u>Dispensers</u> | <u>Quantity</u> | <u>Unit Cost</u> | <u>Cost</u> | <u>Date of Invoice</u> |
|----------------------------------|-----------------|------------------|--------------------|------------------------|
| EVOGEN EVI- DISPENSER (59 UNITS) | | 347.49 | \$22,090.81 | August 5, 2022 |
| EVOGEN EVI- DISPENSER (41 UNITS) | | 347.49 | <u>\$15,351.24</u> | September 16, 2022 |
| Total (Dispensers) | | | \$37,442.05 | |

Cost of Installing Dispensers- Labor Cost

Director of Risk Management - Hourly Rate \$77.78 Custodial Supervisor - Hourly Rate \$49.14

Time to install for both employees - 20 hours.

Labor Hour Cost (\$77.78+\$49.14= \$126.92) @ 20 hours is \$2,538.40

plus 30% for statutory costs = \$3,299.92.

| <u>Menstrual Products</u> | <u>Cost</u> | <u>Date of Invoice</u> |
|---------------------------|-------------|------------------------|
| MAXIPADS | 79.22 | August 8, 2022 |
| MAXITHINS | 101.69 | August 8, 2022 |
| TAMPAX | 168.89 | August 12, 2022 |
| MAXITHINS | 203.40 | August 17, 2022 |
| SANITAIRE 12IN | 777.57 | September 8, 2022 |
| TAMPAX | 255.63 | September 8, 2022 |

Test Claim: Public School Restrooms
Menstrual Products
Claimant: Hesperia Unified School District
5. Written Narrative

| | | |
|--------------------------|-------------------|--------------------|
| NATURELLE MAXI ULTR THIN | 426.50 | September 8, 2022 |
| NATURELLE TAMPONS | 234.12 | September 21, 2022 |
| KOTEX ULTRA | 184.15 | November 14, 2022 |
| KLEENEX | 365.45 | November 14, 2022 |
| MAXIPADS | <u>87.15</u> | December 14, 2022 |
| Total Menstrual Products | <u>\$2,883.76</u> | |
| TOTAL COSTS | \$43,625.73 | |

F. The actual or estimated annual increased costs that will be incurred by claimant Hesperia Unified School District to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed for stocking the claimants schools' restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom are as follows:

Estimated Costs for FY 2023-2024.

| | |
|--|-------------|
| The purchasing and stocking Menstrual Products | \$ 2,883.76 |
|--|-------------|

G. A statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate for installing dispensers in the schools' restrooms and stocking the claimants schools' restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom during the fiscal year immediately following the fiscal year for which the claim was filed.

\$5,000,000.00.

H. Identification of all of the following funding sources available for this program:

(i) Dedicated state funds¹

¹ Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service. (Cal. Const. art. 13B, § 6)

Claimant is unaware at this time of any other dedicated state funds available for this program.

(ii) Dedicated federal funds

Claimant is unaware at this time of any other dedicated state funds available for this program.

(iii) Other nonlocal agency funds

Claimant is unaware at this time of any other dedicated state funds available for this program.

(iv) The local agency's general purpose funds

Claimant's general funds are available for this program.

(v) Fee authority to offset costs

Claimant is unaware at this time of any other dedicated state funds available for this program.

I. Identification of prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.

Test Claim 18-TC-01, Public School Restrooms Feminine Hygiene Products was approved by the Commission on State Mandates as a reimbursable mandate.

Education Code Sections 14501, 33126(b), 35186, 41020 and 42127.6 required students be provided with decent, clean, and safe facilities that was maintained to ensure good repair, along with providing sufficient instructional materials and qualified teachers. (Williams Cost Implementation I, II, III; 05-TC-04; 07-TC-06; 08-TC-01)

Test Claim: Public School Restrooms
Menstrual Products
Claimant: Hesperia Unified School District
5. Written Narrative

J. Identification of a legislatively determined mandate pursuant to Government Code section 17573 that is on the same statute or executive order

Claimants are unaware at this time of any legislatively determined mandates, that are on, or may be related to, the same statute or executive order.

Test Claim: Public School Restrooms
Menstrual Products
Claimants: Hesperia Unified School District
Section: 6 Declaration –Dr. George Landon, Deputy Superintendent, Business Service,
Hesperia Unified School District

SECTION NUMBER: 6
Heading: DECLARATION

I, Dr. George Landon, Deputy Superintendent, Business Service, Hesperia Unified School District (“District”) declare as follows:

1. I am currently employed with the District, and I have personal knowledge of the actual and estimated costs incurred by the District for the Public School Restrooms (“PSR”) Menstrual Products program commencing on July 1, 2022. The information contained in my declaration is from preparing and reviewing District business records my personal knowledge and information or belief pertaining to the PSR Menstrual Products program.

2. The new requirements included in the test claim statute Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d) and Education Code Section 35292.6 (a),(b),(c),(d) include the following:

a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom.

(b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.

(c) A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

(d) For purposes of this section, “menstrual products” means menstrual pads and tampons for use in connection with the menstrual cycle.

(e) This section shall become operative on July 1, 2022.

Test Claim: Public School Restrooms

Menstrual Products

Claimants: Hesperia Unified School District

**Section: 6 Declaration –Dr. George Landon, Deputy Superintendent, Business Service,
Hesperia Unified School District**

3. The new activities performed, or to be performed, to implement the specified provisions of the new test claim statute alleged to impose the reimbursable mandate, Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(c),(d) include the following:

- (i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of menstrual products; (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).)
- (ii) Train certificated, classified and other personnel to administer the availability of menstrual products in the schools' restrooms; (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).)
- (iii) The purchasing and installing dispensers in the schools' restrooms. (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).)
- (iv) The purchasing of the menstrual products and stocking the schools' restrooms with menstrual products at all times. (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).)

4. The increased costs for complying with the test claim statute Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(c),(d) for 2022-2023 are as follows:

- (i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of menstrual products. (\$ -0-.)
- (ii) Train certificated, classified and other personnel to administer the availability of menstrual products in the schools' restrooms. (\$-0-.)
- (iii) The cost of purchasing and installing dispensers in the schools' restrooms. (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).)

Test Claim: Public School Restrooms
 Menstrual Products
 Claimants: Hesperia Unified School District
 Section: 6 Declaration –Dr. George Landon, Deputy Superintendent, Business Service,
 Hesperia Unified School District

Increased cost of purchasing Dispensers

| | | |
|----------------------------------|--------------------|--------------------|
| EVOGEN EVI- DISPENSER (59 UNITS) | \$22,090.81 | August 5, 2022 |
| EVOGEN EVI- DISPENSER (41 UNITS) | <u>\$15,351.24</u> | September 16, 2022 |
| Increased cost of dispensers. | \$37,442.05 | |

Attached are documents in support of the menstrual products' dispenser costs incurred.

Increased cost of installing Dispensers- Labor Cost

Director of Risk Management - Hourly Rate \$77.78
 Custodial Supervisor - Hourly Rate \$49.14
 Time to install for both employees - 20 hours.

Labor Hour Cost (\$77.78+\$49.14= \$126.92) @ 20 hours is \$2,538.40 plus 30% for statutory costs = \$3,299.92

(iv) The cost of purchasing the menstrual products and stocking the schools' restrooms with menstrual products at all times are as follows: (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).)

Increased costs for purchasing menstrual products:

| | | |
|--------------------------|--------------|--------------------|
| MAXIPADS | \$79.22 | August 8, 2022 |
| MAXITHINS | 101.69 | August 8, 2022 |
| TAMPAX | 168.89 | August 12, 2022 |
| MAXITHINS | 203.39 | August 17, 2022 |
| SANITAIRE 12IN | 777.57 | September 8, 2022 |
| TAMPAX | 255.63 | September 8, 2022 |
| NATURELLE MAXI ULTR THIN | 426.50 | September 8, 2022 |
| NATURELLE TAMPONS | 234.12 | September 21, 2022 |
| KOTEX ULTRA | 184.15 | November 14, 2022 |
| KLEENEX | 365.45 | November 14, 2022 |
| MAXIPADS | <u>87.15</u> | December 14, 2022 |

Test Claim: Public School Restrooms
Menstrual Products
Claimants: Hesperia Unified School District
Section: 6 Declaration –Dr. George Landon, Deputy Superintendent, Business Service,
Hesperia Unified School District

Total menstrual products costs incurred. \$2,883.76

Attached are documents in support of the dispensers and menstrual products costs incurred and future estimated costs.


4. The increased costs for complying with the test claim statute for 2023-2024 are as follows:

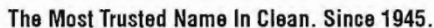
- (i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of menstrual products. (\$-0-)
- (ii) Train certificated, classified and other personnel to administer the availability of menstrual products in the schools' restrooms. (\$ -0-)
- (iii) The cost of purchasing and installing dispensers in the schools' restrooms. (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3 (a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).)
- (v) The cost of purchasing the menstrual products and stocking the schools' restrooms with menstrual products at all times are as follows: (Assembly Bill No. 367; Statutes 2021, Chapter 664 Section 3(a),(b),(c),(d); Education Code Section 35292.6 (a),(b),(d).) \$2,883.76

5. I am unaware of any local, state, or federal funds or fee authority that may be used to offset the increased costs that will be incurred by claimant to implement the alleged mandate, including direct and indirect costs. Local agency (general) funds are available for this program

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or based on information and belief and that I am authorized and competent to do so.

Dated: June 5, 2023


DECLARATION –DR. GEORGE LANDON
DEPUTY SUPERINTENDENT, BUSINESS SERVICE,
HESPERIA UNIFIED SCHOOL DISTRICT



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CA HESPERIA UNIFIED SD
DISTRICT OFFICE
15576 MAIN ST
HESPERIA, CA 92345-3482

R WAXIE SANITARY SUPPLY
E P.O. Box 748802
M Los Angeles, CA 90074-8802
I (858) 292-8111

S RANCHERO MIDDLE SCHOOL
H 17607 RANCHERO RD
I HESPERIA, CA 92345-7336

AUG 9 2022

INVOICE NUMBER

81092267

INVOICE

CUSTOMER NUMBER
32505

| | |
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| INVOICE DATE | 08/08/22 |
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PURCHASE ORDER NO.
230003

ORDER NO.
RH31L/01

Page: 1

[illegible]

DATE DUE

9/07/22

T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES
S AND ALL OTHER COSTS INCURRED IN THE COLLECTION OR ENFORCEMENT OF THE AMOUNT DUE.
CUSTOM ORDERS CANNOT BE ACCEPTED FOR RETURN WITHOUT AUTHORIZATION. RETURNS MUST
BE RETURNED IN ORIGINAL CONTAINER AND IN RESALABLE CONDITION. ALL ORDERS MAY BE
SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

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| SUB TOTAL | 94.38 |
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| SALES TAX | 7.31 |
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| SHIPPING | |
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| MINIMUM ORDER FEE | |
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| TOTAL INVOICE | 101.69 |
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| AMOUNT TENDERED | |
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CUSTOMER NUMBER

32505

INVOICE DATE

08/08/22

INVOICE NUMBER

81092267



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| TOTAL DUE BY | 9/07/22 |
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101.69

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| TOTAL DUE AFTER | 9/07/22 |
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101.69

CA HESPERIA UN FILED SD
DISTRICT OFFICE
15576 MAIN ST
HESPERIA, CA 92345-3482

REMIT TO ADDRESS BELOW

WAXIE SANITARY SUPPLY
P. O. Box 748802
Los Angeles, CA 90074-8802
(858) 292-8111

PSR Menstrual 016



The Most Trusted Name In Clean. Since 1945.

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DISTRICT OFFICE
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HESPERIA, CA 92345-3482

R WAXIE SANITARY SUPPLY
E P.O. Box 748802
M Los Angeles, CA 90074-8802
I (858) 292-8111
T
O

S SULTANA HIGH SCHOOL
H 17311 SULTANA ST
I HESPERIA, CA 92345-6598
P
T
O

INVOICE NUMBER

81196568

INVOICE

CUSTOMER NUMBER

32505 23

INVOICE DATE

09/21/22

PURCHASE ORDER NO.

230578

ORDER NO.

RU8BK/00

RECEIVED
SEP 22 2022
HUSD Accounts Payable

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|--|----------|---------|-----|----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDR | | |
| 855807 | CLEAN & SOFT SUPER MAX SINGLE | 20 | 20 | EA | | .000T | .00 |
| | 785.40 Waived for above item | | | | | | |
| 820012 | NATURELLE TAMPONS 500 PER | 2 | 2 | CS | | 108.640T | 217.28 |
| | Pack:500 | | | | | | |
| | WAXIE TRUCK ONLY | | | | | | |
| | NO UPS! PER REP RUSSELL | | | | | | |
| | SULTANA OPEN PO 190115 VALID 7/1/18-6/30/19 CUSTODIAL SUPPLIES | | | | | | |
| | **CONTACT 760-646-5698 ROCKY** | | | | | | |
| | ** Payment Terms: NET 30 DAYS | | | | | | |
| | 4890 | | | | | | |

PAID
OCT 12 2022

| | |
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| DATE DUE | 10/21/22 |
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T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES
M AND ALL OTHER COSTS INCURRED IN THE COLLECTION OR ENFORCEMENT OF THE AMOUNT DUE.
S CUSTOM ORDERS CANNOT BE ACCEPTED FOR RETURN WITHOUT AUTHORIZATION. RETURNS MUST
BE RETURNED IN ORIGINAL CONTAINER AND IN RESALABLE CONDITION. ALL ORDERS MAY BE
SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

| | |
|-------------------|--------|
| SUB TOTAL | 217.28 |
| SALES TAX | 16.84 |
| SHIPPING | |
| MINIMUM ORDER FEE | |
| TOTAL INVOICE | 234.12 |
| AMOUNT TENDERED | |

| |
|-----------------|
| CUSTOMER NUMBER |
| 32505 |

| |
|--------------|
| INVOICE DATE |
| 09/21/22 |

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| INVOICE NUMBER |
| 81196568 |



| | |
|--------------|----------|
| TOTAL DUE BY | 10/21/22 |
| | 234.12 |

| | |
|-----------------|----------|
| TOTAL DUE AFTER | 10/21/22 |
| | 234.12 |

CA HESPERIA UNIFIED SD
DISTRICT OFFICE
15576 MAIN ST
HESPERIA, CA 92345-3482

REMIT TO ADDRESS BELOW

WAXIE SANITARY SUPPLY
P.O. Box 748802
Los Angeles, CA 90074-8802
(858) 292-8111

PSR Menstrual 017



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R WAXIE SANITARY SUPPLY
E P.O. Box 748802
M Los Angeles, CA 90074-8802
I (858) 292-8111
T
O

S SULTANA HIGH SCHOOL
H 17311 SULTANA ST
I HESPERIA, CA 92345-6596
P
T
O

SEP 09 2022

INVOICE NUMBER

81075859

INVOICE

| | | |
|--------------------|----------|----|
| CUSTOMER NUMBER | 32505 | 23 |
| INVOICE DATE | 08/01/22 | |
| PURCHASE ORDER NO. | 230578 | |
| ORDER NO. | RF97C/01 | |

HUSD Accounts Payable

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|---|----------|---------|-----|----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDR | | |
| 822002 4390 | MAXITHINS COMFORT PLUS TAMPONS | 2 | | CS | 2 | 61.640T | .00 |
| 820022 4390 | 147A GARDS MAXI PADS 250 PER CS Pack:250 | 2 | 2 | CS | | 36.760T | 73.52 |
| 350310 4370 | 3M 6472 DOODLEBUG PAD HOLDER | 1 | | CS | 1 | 116.350T | .00 |
| 574824 4370 | ELE SANITAIRE SC5745D 13" WAXIE TRUCK ONLY NO UPS! PER REP RUSSELL SULTANA OPEN PO 190115 VALID 7/1/18-6/30/19 CUSTODIAL SUPPLIES **CONTACT 760-646-5698 ROCKY** ** Payment Terms: NET 30 DAYS | 1 | | EA | 1 | 266.390T | .00 |

APPROVED FOR PAYMENT

DATE

9-9-22
4390

PAID

NOV 04 2022

DATE DUE

8/31/22

T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES
M AND ALL OTHER COSTS INCURRED IN THE COLLECTION OR ENFORCEMENT OF THE AMOUNT DUE.
S CUSTOM ORDERS CANNOT BE ACCEPTED FOR RETURN WITHOUT AUTHORIZATION. RETURNS MUST
BE RETURNED IN ORIGINAL CONTAINER AND IN RESALABLE CONDITION. ALL ORDERS MAY BE
SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

| | |
|-------------------|-------|
| SUB TOTAL | 73.52 |
| SALES TAX | 5.70 |
| SHIPPING | |
| MINIMUM ORDER FEE | |
| TOTAL INVOICE | 79.22 |
| AMOUNT TENDERED | |

CUSTOMER NUMBER

32505

INVOICE DATE

08/01/22

INVOICE NUMBER

81075859



TOTAL DUE BY 8/31/22

79.22

TOTAL DUE AFTER 8/31/22

79.22

REMIT TO ADDRESS BELOW

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SHIP TO
SULTANA HIGH SCHOOL
17311 SULTANA ST
HESPERIA, CA 92345-6596

INVOICE NUMBER

81383540

INVOICE

| | | |
|--------------------|----------|----|
| CUSTOMER NUMBER | 32505 | 23 |
| INVOICE DATE | 12/14/22 | |
| PURCHASE ORDER NO. | 230578 | |
| ORDER NO. | R541G/02 | |

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|---|----------|---------|-----|----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDR | | |
| 820022 | ***** * Holiday Hours * * WAXIE will be closed * * December 23rd and December 26th * * in observance of Christmas * * WAXIE will also be closed * * December 30th and January 2nd * * in observance of New Years * ***** | | | | | | |
| | 147A GARDS MAXI PADS 250 PER CS Pack:250 WAXIE TRUCK ONLY NO UPS! PER REP RUSSELL SULTANA OPEN PO 190115 VALID 7/1/18-6/30/19 CUSTODIAL SUPPLIES **CONTACT 760-646-5698 ROCKY** oc via phone ** Payment Terms: NET 30 DAYS | 2 | 2 | CS | | 40.440T | 80.88 |

APPROVED FOR PAYMENT
D. Stats
DATE 1-26-23

DATE DUE

1/13/23

T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES
M AND ALL OTHER COSTS INCURRED IN THE COLLECTION OR ENFORCEMENT OF THE AMOUNT DUE.
S CUSTOM ORDERS CANNOT BE ACCEPTED FOR RETURN WITHOUT AUTHORIZATION. RETURNS MUST
BE RETURNED IN ORIGINAL CONTAINER AND IN RESALABLE CONDITION. ALL ORDERS MAY BE
SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

| | |
|-------------------|-------|
| SUB TOTAL | 80.88 |
| SALES TAX | 6.27 |
| SHIPPING | |
| MINIMUM ORDER FEE | |
| TOTAL INVOICE | 87.15 |
| AMOUNT TENDERED | |

CUSTOMER NUMBER

32505

INVOICE DATE

12/14/22

INVOICE NUMBER

81383540



TOTAL DUE BY 1/13/23

87.15

TOTAL DUE AFTER 1/13/23

87.15

REMIT TO ADDRESS BELOW

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(858) 292-8111

SHIP TO
OAK HILLS HIGH SCHOOL
7625 CATABA RD
HESPERIA, CA 92344-8713

INVOICE NUMBER

81320420

INVOICE

CUSTOMER NUMBER

32505 4

INVOICE DATE

11/14/22

PURCHASE ORDER NO.

~~230003~~ 231260

ORDER NO.

RW187/02

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|--------------------------------|----------|---------|-----|-----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDER | | |
| 822008 | U BY KOTEX ULTRA-THIN FLEXIBLE | 5 | 5 | CS | | 36.830T | 184.15 |
| 380338 | 91552 KLEENEX LUXURY FOAM SKIN | 5 | 5 | CS | | 65.110T | 325.55 |
| | Pack:6/1000M | | | | | | |
| | WAXIE TRUCK ONLY | | | | | | |
| | NO UPS! PER REP RUSSELL | | | | | | |
| | AM DELIVERY | | | | | | |
| | CONTACT 760-244-2283 | | | | | | |
| | ** Payment Terms: NET 30 DAYS | | | | | | |
| | 4370: \$350.76 | | | | | | |
| | 4390: \$198.42 | | | | | | |
| | APPROVED FOR PAYMENT | | | | | | |
| | DATE _____ | | | | | | |

DATE DUE

12/14/22

T 1 1/2% PER MONTH (18%A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES
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BE RETURNED IN ORIGINAL CONTAINER AND IN RESALABLE CONDITION. ALL ORDERS MAY BE
SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

SUB TOTAL 509.70

SALES TAX 39.50

SHIPPING

MINIMUM ORDER FEE

TOTAL INVOICE 549.20

AMOUNT TENDERED

CUSTOMER NUMBER

32505

INVOICE DATE

11/14/22

INVOICE NUMBER

81320420



TOTAL DUE BY 12/14/22

549.20

TOTAL DUE AFTER 12/14/22

549.20

REMIT TO ADDRESS BELOW

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R WAXIE SANITARY SUPPLY
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M Los Angeles, CA 90074-8802
I (858) 292-8111
T
O

S MISSION CREST ELEMENTARY
H 13065 MUSCATEL ST
I HESPERIA, CA 92344-5572
T
O

INVOICE NUMBER

81166062

INVOICE

CUSTOMER NUMBER

32505 18

INVOICE DATE

09/08/22

PURCHASE ORDER NO.

230061

ORDER NO.

RN87A/00

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|---|---|----------|---------|-----|----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDR | | |
| 574820 4370 | SANITAIRE SC886G 12IN 7 AMP SN: 2212956882H 2213057281H 2213057291H | 3 | 3 | EA | | 259.190T | 777.57 |
| 822000 4340 | TAMPAX REGULAR ABSORBENCY Pack:500 | 3 | 3 | CS | | 85.210T | 255.63 |
| 822003 4340 | NATURELLE MAXI ULTRA THIN #8 Pack:250 WAXIE TRUCK ONLY NO UPS! PER REP RUSSELL | 3 | 3 | CS | | 107.170T | 321.51 |
| <p>** Payment Terms: NET 30 DAYS</p> <p>4370: 4340: \$837.83 \$621.87</p> <p>APPROVED FOR PAYMENT</p> <p>DATE 11/7/22</p> <p>PAID JAN 31 2023</p> | | | | | | | |

DATE DUE

10/08/22

T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES
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BE RETURNED IN ORIGINAL CONTAINER AND IN RESALABLE CONDITION. ALL ORDERS MAY BE
SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

SUB TOTAL 1,354.71

SALES TAX 104.99

SHIPPING

MINIMUM ORDER FEE

TOTAL INVOICE 1,459.70

AMOUNT TENDERED

CUSTOMER NUMBER

32505

INVOICE DATE

09/08/22

INVOICE NUMBER

81166062



TOTAL DUE BY 10/08/22

1,459.70

TOTAL DUE AFTER 10/08/22

1,459.70

REMIT TO ADDRESS BELOW

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H. U. S. D. WAREHOUSE
17575 EUCALYPTUS ST
HESPERIA, CA 92345-5119

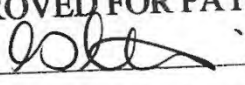
INVOICE NUMBER

81088661

INVOICE

| | |
|-------------------|----------|
| CUSTOMER NUMBER | 32505 11 |
| INVOICE DATE | 08/05/22 |
| PURCHASE ORDER NO | 231088 |
| ORDER NO. | Q43TR/00 |

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|---|----------|---------|-----|----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDR | | |
| 822202 | EVOGEN EV1 FREE VEND DUAL WHITE | 100 | 59 | EA | 41 | 347.490T | 20501.91 |
| 822000 | TAMPAX REGULAR ABSORBENCY Pack:500 | 2 | | CS | 2 | 78.370T | .00 |
| 820020 | MAXITHINS #4 FEMININE HYGIENE Pack:250 WAXIE TRUCK ONLY NO UPS! PER REP RUSSELL ** Payment Terms: NET 30 DAYS APPROVED FOR PAYMENT  DATE 10/7/2022 4390 | 4 | | CS | 4 | 47.190T | .00 |

PAID
OCT 24 2022

| | | | | |
|----------|---------|--|-------------------|-----------|
| DATE DUE | 9/04/22 | <p>T 1 1/2% PER MONTH (18%A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES M AND ALL OTHER COSTS INCURRED IN THE COLLECTION OR ENFORCEMENT OF THE AMOUNT DUE. S CUSTOM ORDERS CANNOT BE ACCEPTED FOR RETURN WITHOUT AUTHORIZATION. RETURNS MUST BE RETURNED IN ORIGINAL CONTAINER AND IN RESALABLE CONDITION. ALL ORDERS MAY BE SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.</p> | SUB TOTAL | 20,501.91 |
| | | | SALES TAX | 1,588.90 |
| | | | SHIPPING | |
| | | | MINIMUM ORDER FEE | |
| | | | TOTAL INVOICE | 22,090.81 |
| | | | AMOUNT TENDERED | |

| |
|-----------------|
| CUSTOMER NUMBER |
| 32505 |

| |
|--------------|
| INVOICE DATE |
| 08/05/22 |

| |
|----------------|
| INVOICE NUMBER |
| 81088661 |



| | |
|-----------------|-----------|
| TOTAL DUE BY | 9/04/22 |
| | 22,090.81 |
| TOTAL DUE AFTER | 9/04/22 |
| | 22,090.81 |

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H. U. S. D. WAREHOUSE
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HESPERIA, CA 92345-5119

INVOICE NUMBER

81115205

INVOICE

CUSTOMER NUMBER

32505 11

INVOICE DATE

08/17/22

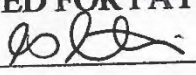
PURCHASE ORDER NO.

231038

ORDER NO.

Q43TR/02

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|---|----------|---------|-----|-----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDER | | |
| 822202 | EVOGEN EV1 FREE VEND DUAL WHITE | 41 | | EA | 41 | 347.490T | .00 |
| 820020 | MAXITHINS #4 FEMININE HYGIENE | 4 | 4 | CS | | 47.190T | 188.76 |
| | Pack:250 | | | | | | |
| | WAXIE TRUCK ONLY | | | | | | |
| | NO UPS! PER REP RUSSELL | | | | | | |
| | ** Payment Terms: NET 30 DAYS | | | | | | |
| | APPROVED FOR PAYMENT | | | | | | |
| |  | | | | | | |
| | DATE 10/11/2022 | | | | | | |

PAID
OCT 24 2022

| | |
|----------|---------|
| DATE DUE | 9/16/22 |
|----------|---------|

T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
R DELIVERY OF THE MERCHANDISE DESCRIBED ABOVE TO PAY SERVICE CHARGES, ATTORNEYS' FEES
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SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

| | |
|-------------------|--------|
| SUB TOTAL | 188.76 |
| SALES TAX | 14.63 |
| SHIPPING | |
| MINIMUM ORDER FEE | |
| TOTAL INVOICE | 203.39 |
| AMOUNT TENDERED | |

| |
|-----------------|
| CUSTOMER NUMBER |
| 32505 |

| |
|--------------|
| INVOICE DATE |
| 08/17/22 |

| |
|----------------|
| INVOICE NUMBER |
| 81115205 |



| |
|-------------------------|
| TOTAL DUE BY 9/16/22 |
| 203.39 |
| TOTAL DUE AFTER 9/16/22 |
| 203.39 |

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H. U. S. D. WAREHOUSE
17575 EUCALYPTUS ST
HESPERIA, CA 92345-5119

INVOICE NUMBER

81186862

INVOICE

CUSTOMER NUMBER

32505 11

INVOICE DATE

09/16/22

PURCHASE ORDER NO.

231038

ORDER NO.

Q43TR/03

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|---|----------|---------|-----|----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDR | | |
| 822202 | EVOGEN EV1 FREE VEND DUAL WHITE WAXIE TRUCK ONLY NO UPS! PER REP RUSSELL ** Payment Terms: NET 30 DAYS 4870 | 41 | 41 | EA | | 347.490T | 14247.09 |

DATE DUE

10/16/22

T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
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SUBJECT TO A RESTOCKING CHARGE, PLUS ANY FREIGHT CHARGES INCURRED.

SUB TOTAL 14,247.09

SALES TAX 1,104.15

SHIPPING

MINIMUM ORDER FEE

TOTAL INVOICE 15,351.24

AMOUNT TENDERED

CUSTOMER NUMBER

32505

INVOICE DATE

09/16/22

INVOICE NUMBER

81186862



TOTAL DUE BY 10/16/22

15,351.24

TOTAL DUE AFTER 10/16/22

15,351.24

REMIT TO ADDRESS BELOW

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Los Angeles, CA 90074-8802
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HESPERIA, CA 92345-3482

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(858) 292-8111

SHIP TO
CA HESPERIA UNIFIED SD
H. U. S. D. WAREHOUSE
17575 EUCALYPTUS ST
HESPERIA, CA 92345-5119

INVOICE NUMBER

81105130

INVOICE

CUSTOMER NUMBER

32505 11

INVOICE DATE

08/12/22

PURCHASE ORDER NO.

~~220031~~ 231038

ORDER NO.

Q43TR/01

Page: 1

| ITEM NUMBER | DESCRIPTION | QUANTITY | | | | UNIT PRICE | EXTENDED AMOUNT |
|-------------|---|----------|---------|-----|-----------|------------|-----------------|
| | | ORDERED | SHIPPED | U/M | BACKORDER | | |
| 822202 | EVOGEN EV1 FREE VEND DUAL WHITE | 41 | | EA | 41 | 347.490T | .00 |
| 822000 | TAMPAX REGULAR ABSORBENCY Pack:500 | 2 | 2 | CS | | 78.370T | 156.74 |
| 820020 | MAXITHINS #4 FEMININE HYGIENE Pack:250 WAXIE TRUCK ONLY NO UPS! PER REP RUSSELL ** Payment Terms: NET 30 DAYS | 4 | | CS | 4 | 47.190T | .00 |

APPROVED FOR PAYMENT

DATE 11/3/2022

T 1 1/2% PER MONTH (18% A.P.R.) SERVICE CHARGE MAY BE APPLIED ON ALL PAST DUE BALANCES. IF
E PAYMENT IS NOT MADE ON THE DUE DATE, BUYER AGREES BY SIGNING THIS INVOICE OR TAKING
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DATE DUE

9/11/22

SUB TOTAL 156.74

SALES TAX 12.15

SHIPPING

MINIMUM ORDER FEE

TOTAL INVOICE 168.89

AMOUNT TENDERED

CUSTOMER NUMBER

32505

INVOICE DATE

08/12/22

INVOICE NUMBER

81105130



TOTAL DUE BY 9/11/22

168.89

TOTAL DUE AFTER 9/11/22

168.89

CA HESPERIA UNIFIED SD
DISTRICT OFFICE
15576 MAIN ST
HESPERIA, CA 92345-3482

REMIT TO ADDRESS BELOW

WAXIE SANITARY SUPPLY
P. O. Box 748802
Los Angeles, CA 90074-8802
(858) 292-8111

PSR Menstrual 025

Assembly Bill No. 367
CHAPTER 664

An act to amend, repeal, and add Section 35292.6 of, and to add Section 66027.7 to, the Education Code, relating to menstrual products.

[Approved by Governor October 08, 2021. Filed with Secretary of
State October 08, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 367, Cristina Garcia. Menstrual products.

Existing law requires a public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meets a 40% pupil poverty threshold specified in federal law, to stock 50% of the school's restrooms with feminine hygiene products, and prohibits a public school from charging for any menstrual products provided to pupils.

This bill would enact the Menstrual Equity for All Act of 2021, which would require a public school, as provided, maintaining any combination of classes from grades 6 to 12, inclusive, to stock the school's restrooms with an adequate supply of free menstrual products, as defined, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom, at all times, and to post a designated notice, on or before the start of the 2022-23 school year, as prescribed.

This bill would require the California State University and each community college district, and would encourage the Regents of the University of California and private universities, colleges, and institutions of higher learning, to stock an adequate supply of menstrual products, available and accessible, free of cost, at no fewer than one designated and accessible central location on each campus and to post a designated notice, as provided. By imposing additional requirements on public schools and community college districts, this bill would impose a state-mandated local program.

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.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

(a) This act shall be known, and may be cited, as the Menstrual Equity for All Act of 2021.

(b) The Legislature finds and declares all of the following:

(1) California recognizes that access to menstrual products is a basic human right and is vital for ensuring the health, dignity, and full participation of all Californians in public life.

(2) California has an interest in promoting gender equity, not only for women and girls, but also for transgender men, nonbinary, and gender nonconforming people who may also menstruate and experience inequities resulting from lack of access to menstrual products.

(3) Inadequate menstrual support is associated with both health and psychosocial issues, particularly among low-income people. A lack of access to menstrual products can cause emotional distress, physical infection, and disease.

(4) Equal opportunity to education is a fundamental right recognized by the California Constitution. Section 5 of Article IX of, subdivision (a) of Section 7 of Article I of, and subdivision (a) of Section 16 of Article IV of, the California Constitution require the state to maintain and operate the public school system in a manner that provides basic educational equity to students.

(5) California has an interest in creating safe, welcoming, and inclusive schools for all students. Subdivision (b) of Section 201 of the Education Code, in particular, requires all preschool, elementary, and secondary schools to affirmatively combat racism, sexism, and other forms of bias.

(6) Research shows that students lacking access to menstrual products experience higher rates of absences and are less able to focus and engage in the classroom. Absenteeism can lead to significant performance gaps and is linked to social disengagement, feelings of alienation, and adverse outcomes even into adulthood.

(7) The provision of menstrual products in schools helps ensure California provides equal access to education and enables students to reach their full potential, irrespective of gender.

(8) Expanding student access to menstrual products can result in increased attendance rates. After the City of New York passed a law providing free menstrual products to students, participating schools saw a 2.4 percent increase in attendance.

(9) Expanding student access to menstrual products can also result in cost savings due to increased funding associated with student attendance and reduced administrative costs and expenses from charging for menstrual products.

(c) It is the intent of the Legislature that this act provide for the health, dignity, and safety of menstruating students at every socioeconomic level, normalize menstruation among all genders, and foster gender competency in California schools, colleges, and universities.

SEC. 2.

Section 35292.6 of the Education Code is amended to read:

35292.6.

(a) A public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, that meets the 40-percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(1)(A) of Title 20 of the United States Code shall stock at least 50 percent of the school's restrooms with menstrual products, available and accessible, free of cost, at all times.

(b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.

(c) For purposes of this section, "menstrual products" means menstrual pads and tampons for use in connection with the menstrual cycle.

(d) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 3.

Section 35292.6 is added to the Education Code, to read:

35292.6.

(a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom.

(b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.

(c) A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

(d) For purposes of this section, "menstrual products" means menstrual pads and tampons for use in connection with the menstrual cycle.

(e) **This section shall become operative on July 1, 2022.**

SEC. 4.

Section 66027.7 is added to the Education Code, to read:

66027.7.

(a)(1) The California State University and each community college district shall stock an adequate supply of menstrual products, available and accessible, free of cost, at no fewer than one designated and accessible central location on each campus.

(2) (A) A location's accessibility shall be determined by considering all of, but not limited to, the following factors:

- (i) Hours of operation, relative to hours that students are on campus.
- (ii) Proximity to high-traffic areas on campus.
- (iii) Accessibility by students of all genders and regardless of physical ability.
- (iv) Privacy, including whether accessing products would require interaction with staff or other students.
- (v) Safety.

(B) Locations described in this paragraph may include student centers, libraries, wellness or health centers, pantries, and study rooms.

(b) The California State University and each community college district shall post a notice regarding the requirements of subdivision (a) in a prominent and conspicuous location in all women's restrooms and all-gender restrooms and in at least one men's restroom.

(c) The Regents of the University of California, independent institutions of higher education, as defined in Section 66010, and private postsecondary educational institutions, as defined in Section 94858, are encouraged to stock an adequate supply of menstrual products, available and accessible, free of cost, at no fewer than one designated and accessible central location on each campus.

(d) If the Regents of the University of California, independent institutions of higher education, as defined in Section 66010, and private postsecondary educational institutions, as defined in Section 94858, implement subdivision (c), the campuses are further encouraged to post a notice regarding the requirements of subdivision (c) in a prominent and conspicuous location in all women's restrooms and all-gender restrooms and in at least one men's restroom.

(e) This section does not prevent a campus from providing more than one location where persons may access menstrual products.

(f) For purposes of this section, "menstrual products" means menstrual pads and tampons for use in connection with the menstrual cycle.

SEC. 5.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

CONCURRENCE IN SENATE AMENDMENTS
AB 367 (Cristina Garcia)
As Amended August 26, 2021
Majority vote

SUMMARY

Requires all public schools serving students in grades 6 to 12 to stock specified restrooms with an adequate supply of free menstrual products, commencing in the 2022-23 school year; and requires the California State University (CSU) and each community college district, and encourages the Regents of the University of California (UC), independent institutions of higher education, and private postsecondary educational institutions, to stock an adequate supply of free menstrual products at no fewer than one designated and accessible central location on each campus.

Senate Amendments

- 1) Require that menstrual products, in all settings required by the measure, be provided free of cost and in an available and accessible manner.
- 2) Require that accessibility of the location at which menstrual products must be made available at postsecondary institutions be determined based on the following factors:
 - a) Hours of operation, relative to hours that students are on campus;
 - b) Proximity to high-traffic areas on campus;
 - c) Accessibility by students of all genders and regardless of physical ability;
 - d) Privacy, including whether accessing products would require interaction with staff or other students; and
 - e) Safety.
- 3) State that these locations at postsecondary institutions may include student centers, libraries, wellness or health centers, pantries, and study rooms.
- 4) State that a campus of a postsecondary institution is not prevented from providing more than one location where persons may access menstrual products.
- 5) Add findings and declarations.

COMMENTS

Adolescents' experience relating to menstruation and school. A 2019 Harris Interactive poll of 2,000 United States teens aged 13 to 19 commissioned by the nonprofit organization PERIOD and a menstrual products company found:

- 1) Two-thirds of teens have felt stress due to lack of access to period products.
- 2) 20% have struggled to afford period products or were not able to purchase them at all.

- 3) 61% have worn a tampon or pad for more than four hours because they did not have enough access to period products (which puts them at risk of infection and TSS).
- 4) 84% have either missed class time or know someone who missed class time because they did not have access to period products.
- 5) 25% have missed class because of lack of access to period products.
- 6) 83% think lack of access to period products is an issue that is not talked about enough.
- 7) 66% do not want to be at school when they are on their period.
- 8) 69% feel embarrassed when they have to bring period products to the bathroom.
- 9) The majority (51%) of students feel like their school does not care about them if they do not provide free period products in their bathrooms.
- 10) 51% have missed at least part of a class or class period due to menstruation symptoms such as cramps.

According to the Author

"Our biology doesn't always send an advance warning when we're about to start menstruating, which often means we need to stop whatever we're doing and deal with a period. Often periods arrive at inconvenient times. They can surprise us during an important midterm, while playing with our children at a park, sitting in a lobby waiting to interview for a job, shopping at the grocery store, or even standing on the Assembly Floor presenting an important piece of legislation. Having convenient and free access to these products means our period will not prevent us from being productive members of society, and would alleviate the anxiety of trying to find a product when out in public."

Arguments in Support

California Latinas for Reproductive Justice writes, "By providing menstrual products in schools, California helps ensure its students have equal access to education and are empowered to reach their full potential, irrespective of their gender or economic status. Research shows that students lacking access to menstrual products experience higher rates of absence and are less able to focus and engage in the classroom. For example, one study found that one in four girls missed class due to a lack of access to menstrual products and that one in five reported not being able to afford menstrual products. A campus chapter of PERIOD at UC Davis surveyed students and reported that 52% of student respondents said they missed class or work in the last school year because they could not access a tampon or pad. Absenteeism can lead to significant performance gaps and is linked to social disengagement, feelings of alienation, and adverse outcomes even into adulthood. Significantly, after New York City passed a law providing free menstrual products to students, participating schools saw a 2.4% increase in attendance. AB 367 is a critical step toward removing barriers to equity for all Californians who menstruate, especially those who have struggled to access menstrual products due to gender or income."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) This bill could result in one-time Proposition 98 General Fund costs of approximately \$2 million for school districts to install or modify menstrual product dispensers, and additional ongoing Proposition 98 General Fund costs of about \$1.3 million each year to provide free menstrual products. School districts may also incur additional, unknown costs to comply with the bill's restroom noticing requirements. These costs are likely to be deemed reimbursable by the Commission on State Mandates.
- 2) The Chancellor's Office estimates Proposition 98 General Fund costs of between \$57,500 and \$115,000 annually to provide free menstrual products at a centralized location on the 115 community college campuses. There could also be additional one-time costs, likely to be minor, for campuses to comply with the bill's noticing requirements.
- 3) The UC estimates General Fund costs in the low tens of thousands of dollars annually to comply with the bill's requirements, while the CSU indicates General Fund costs of between \$750,000 and \$800,000 each year to provide additional menstrual products for its health centers.

VOTES:

ASM EDUCATION: 7-0-0

YES: O'Donnell, Kiley, Bennett, Megan Dahle, Lee, McCarty, Quirk-Silva

ASM HIGHER EDUCATION: 11-0-1

YES: Medina, Arambula, Bloom, Gabriel, Irwin, Kiley, Levine, Low, Blanca Rubio, Santiago, Valladares

ABS, ABST OR NV: Choi

ASM APPROPRIATIONS: 15-1-0

YES: Lorena Gonzalez, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

NO: Bigelow

ASSEMBLY FLOOR: 77-0-2

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Bigelow, Voepel

SENATE FLOOR: 38-0-2

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk
ABS, ABST OR NV: Eggman, Stern

SENATE FLOOR: 38-0-2

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk
ABS, ABST OR NV: Eggman, Stern

SENATE FLOOR: 34-2-4

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dodd, Durazo, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk
NO: Grove, Melendez
ABS, ABST OR NV: Dahle, Eggman, Jones, Stern

UPDATED

VERSION: August 26, 2021

CONSULTANT: Tanya Lieberman / ED. / (916) 319-2087

FN: 0001602

State of California

EDUCATION CODE

Section 35292.6

35292.6. (a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom.

(b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.

(c) A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

(d) For purposes of this section, “menstrual products” means menstrual pads and tampons for use in connection with the menstrual cycle.

(e) This section shall become operative on July 1, 2022.

(Repealed (in Sec. 2) and added by Stats. 2021, Ch. 664, Sec. 3. (AB 367) Effective January 1, 2022. Operative July 1, 2022, by its own provisions.)

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On June 20, 2023, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued June 20, 2023**
- **Test Claim filed by the Hesperia Unified School District on May 12, 2023**
Public School Restrooms: Feminine Hygiene Products II, 22-TC-04
Statutes 2021, Chapter 664, Sections 1, 3 (AB 367); Education Code Section 35292.6; effective January 1, 2022
Hesperia Unified School District, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 20, 2023 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 6/13/23

Claim Number: 22-TC-04

Matter: Public School Restrooms: Feminine Hygiene Products II

Claimant: Hesperia Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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Date of Hearing: May 12, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 367 (Cristina Garcia) – As Amended April 27, 2021

| | | | |
|-------------------|------------------|-------|--------|
| Policy Committee: | Education | Vote: | 7 - 0 |
| | Higher Education | | 11 - 0 |

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires various public entities to stock an adequate supply of free menstrual products in all its women's restrooms and all-gender restrooms and at least one men's restroom.

Specifically, the bill:

- a) Requires each public school serving students in grades six through twelve to stock an adequate supply of free menstrual products in all women's restrooms and all-gender restrooms and at least one men's restroom. The bill also requires the school to post a notice in every restroom required to provide free menstrual products with the requirements of this bill and contact information for the individual responsible for maintaining an adequate supply of menstrual products. The bill specifies these actions must begin with start of the 2022-23 school year.
- b) Requires each California State University (CSU) campuses and each California Community College (CCC) campus to stock an adequate supply of free menstrual products in all women's restrooms and all-gender restrooms and at least one men's restroom at times when the campus is open to the general public. The bill also requires the CSU and CCC campuses to post a notice in every restroom required to provide free menstrual products with the requirements of this bill and contact information for the individual responsible for maintaining an adequate supply of menstrual products.
- c) Encourages each University of California (UC) campus and private university and college campus to stock an adequate supply of free menstrual products in all women's restrooms and all-gender restrooms and at least one men's restroom at times when the campus is open to the general public. The bill also encourages UC campuses and private university and college campuses to post a notice in every restroom required to provide free menstrual products with the requirements of this bill and contact information for the individual responsible for maintaining an adequate supply of menstrual products.
- d) Requires each public agency maintaining restroom facilities that are open to the public to stock an adequate supply of free menstrual products in all women's restrooms and all-gender restrooms and at least one men's restroom at all times. Defines public agency as any agency of the state, a city, a county or a city and county.

FISCAL EFFECT:

- 1) One-time Proposition 98 GF costs of about \$2 million to LEAs to install or modify menstrual product dispensers and ongoing Proposition 98 GF costs of about \$1.3 million to provide free menstrual products. This estimate uses assumptions from the Commission on State Mandates (CSM) evaluation of the cost per female student at certain K-12 schools to provide free menstrual products in 50% of restrooms, as required by current law (described in more detail below). According to that evaluation, costs are \$3.70 per female student one-time to install or retrofit menstrual product dispensers and about \$2.36 per female student annually to provide free menstrual products. However, the costs of this bill would likely be slightly higher because it requires all gender restrooms and one men's restroom to supply free menstrual products. Accordingly, this analysis increases by 10% the amount of one-time and ongoing costs, though there may be additional costs of an unknown amount.

According to data from the California Department of Education, about 1.2 million females enrolled in grades 6-12 in the 2018-19 school year. Subtracting the number of students already receiving free menstrual products through existing law, about 500,000 female students remain.

If the CSM determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to schools or provide funding through the K-12 Mandate Block Grant.

- 2) One-time Proposition 98 GF costs of about \$5.3 million to CCC campuses to install or modify menstrual product dispensers and ongoing Proposition 98 GF costs of about \$3.4 million to provide free menstrual products. This estimate uses assumptions from the CSM evaluation of costs for certain K-12 schools adjusted by 10%, as described in comment #1, immediately above.

According to data collected by the CCC chancellor's office, in the 2018-19 academic year, about 1.3 million women attended CCCs.

The state would need to reimburse these costs to CCC, if the CSM determines the bill's requirements to be a reimbursable state mandate.

- 3) One-time GF costs of about \$1.2 million to CSU to install or modify menstrual product dispensers and ongoing GF costs of about \$765,000 to provide free menstrual products. This estimate uses assumptions from the CSM evaluation of costs for certain K-12 schools adjusted by 10%, as described in comment #1, above. This estimate is further adjusted by an additional 10% to account for providing free menstrual products at CSU housing when the campus is open to the general public, though the amount of costs to provide products in these locations is unknown.

According to data collected by the CSU chancellor's office, in the 2018-19 academic year, about 270,000 women attended a CSU.

- 4) One-time GF costs of about \$700,000 to UC to install or modify menstrual product dispensers and ongoing GF costs of about \$450,000 to provide free menstrual products. This estimate uses assumptions from the CSM evaluation of costs for certain K-12 schools adjusted by 10%, as described in Fiscal Effect comment #1. This estimate is further adjusted by an additional 15% to account for providing free menstrual products at UC housing and

medical centers when the campus is open to the general public, though costs to provide products in these locations are unknown.

According to data collected by the UC, in the 2018-19 academic year, about 150,000 women attended a UC.

- 5) One-time GF, SF and local costs, of an unknown but significant amount, to public agencies to install or modify menstrual product dispensers. Ongoing GF, SF and local costs, of an unknown but significant amount, to public agencies to provide free menstrual products.

California has 58 counties and 482 cities and many buildings at the state, county and city levels that maintain restroom facilities. These include state department buildings, city halls, county courts, libraries, city parks and many others.

The state would need to reimburse these costs to local agencies, if the CSM determines the bill's requirements to be a reimbursable state mandate.

COMMENTS:

Background. AB 10 (C. Garcia), Chapter 687, Statutes of 2017, requires a school that enrolls any students from grades six through twelve and has a student body where more than 40% of students are low income to stock 50% of restrooms with menstrual products at all times at no cost to students. In May 2019, the CSM found that requirements added by AB 10 impose a reimbursable state-mandated program, beginning January 1, 2018. Specifically, schools could file reimbursement claims for costs related to stocking 50% of restrooms with menstrual products, and purchasing and installing or retrofitting dispensers for menstrual products, to the extent that the school is not already equipped with a sufficient number of dispensers in their restrooms to comply with the mandate.

In December 2020, the CSM published a statewide cost estimate that projects the ongoing costs of the mandate using mandate claim data. The CSM estimates ongoing costs to be \$2.36 per female student in grades six through twelve. Of this, (a) ongoing costs of \$1.90 per female student in grades six through twelve to stock restrooms with menstrual products; (b) one-time cost of \$3.70 per female student in grades six through twelve to purchase and install dispensers for menstrual products for the first year of the mandate's implementation. (The CSM determined that, in future years, these costs fell by 90%, to \$0.37 in ongoing costs); and (c) ongoing costs of \$0.09 per female student as indirect cost associated with complying with the mandate.

To develop a statewide estimate for ongoing costs, starting in the 2019-20 academic year, the CSM applied the \$2.36 rate to its estimate of female students in grades 6-12 at schools with 40% or more low-income students (about 919,000), for total statewide costs of \$2.2 million.

This bill would repeal the requirements of AB 10 for school districts and replace it with a requirement that, by the start of the 2022-23 school year, public schools serving students in grades six through twelve stock an adequate supply of menstrual products in all women's restrooms and all-gender restrooms and at least one men's restroom. The bill places this new requirement on CCCs, CSUs and public agencies with restrooms, and encourages UC to adopt this new requirement.

Analysis Prepared by: Natasha Collins / APPR. / (916) 319-2081



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Fingertip Facts on Education in California

This content is part of California Department of Education's information and media guide about education in the State of California. For similar information on other topics, visit the full CalEdFacts.

Report of various data about California's public schools and districts for the 2023–24 school year or most recently available year.

Source: The student enrollment and teacher data are derived from data collected through the California Longitudinal Pupil Achievement Data System (CALPADS). Enrollment data come from the annual CALPADS Fall 1 submission and teacher data come from the annual CALPADS Fall 2 submission.

Enrollment and number of school districts by type: 2023–24

| District Type | Enrollment | Number of Districts |
|---------------|------------------|---------------------|
| Unified | 3,979,023 | 345 |
| Elementary | 1,159,834 | 517 |
| High | 565,351 | 76 |
| Other | 133,482 | 81 |
| Total | 5,837,690 | 1,019 |

Enrollment and number of public schools by type: 2023–24

| School Type | Enrollment | Number of Schools |
|---------------------|------------|-------------------|
| Elementary | 2,770,657 | 5,856 |
| K-12 | 318,772 | 371 |
| Intermediate/Middle | 862,237 | 1,261 |
| Junior high | 29,872 | 52 |

| | | |
|--------------------------------|------------------|--------------|
| High | 1,663,443 | 1,297 |
| Alternative | 88,789 | 336 |
| Continuation | 48,822 | 418 |
| Community Day | 2,499 | 122 |
| County Community | 13,947 | 71 |
| Juvenile Court | 2,290 | 49 |
| Opportunity Schools | 1,909 | 18 |
| Special Education ¹ | 20,467 | 137 |
| Other School Locations | 271 | 9 |
| District Offices ² | 5,278 | N/A |
| Non-Public Sectarian (NPS) | 8,437 | N/A |
| Total* | 5,837,690 | 9,997 |

¹ Includes State Special Schools.

² "District Offices" do not have a unique school code (0000000) but have reported TK/K-12 enrollment at the district-level.

*The total enrollment count includes students enrolled in charter schools.

Enrollment and number of charter schools by type: 2023–24

| School Type | Enrollment | Number of Schools |
|---------------------|------------|-------------------|
| Elementary | 227,740 | 548 |
| K-12 | 291,995 | 328 |
| Intermediate/Middle | 50,077 | 123 |
| Junior High | 622 | 4 |
| High | 133,251 | 259 |
| Other | 5,945 | 19 |

| | | |
|--------------|----------------|--------------|
| Total | 709,630 | 1,281 |
|--------------|----------------|--------------|

Number of students in public schools by grade range: 2023–24

| Grade Level | Number of Students |
|---------------|--------------------|
| Grades TK/K–5 | 2,606,287 |
| Grades 6–8 | 1,317,421 |
| Grades 9–12 | 1,913,982 |
| Total | 5,837,690 |

Racial/Ethnic distribution of public-school students: 2023–24

| Ethnicity | Number of students | Percentage |
|----------------------------------|--------------------|---------------|
| African American not Hispanic | 287,380 | 4.9% |
| American Indian or Alaska Native | 25,424 | 0.4% |
| Asian | 576,459 | 9.9% |
| Filipino | 130,095 | 2.2% |
| Hispanic or Latino | 3,275,030 | 56.1% |
| Pacific Islander | 23,765 | 0.4% |
| White not Hispanic | 1,183,450 | 20.3% |
| Two or More Races Not Hispanic | 269,631 | 4.6% |
| None Reported | 66,456 | 1.1% |
| Total | 5,837,690 | 100.0% |

Number of Regular HS Diploma Graduates: 2022–23

Total: 440,117

Number of teachers in public schools: 2018–19

2018–19 is the latest teacher data available. The CDE anticipates releasing updated teacher data later in 2024.

| School Type | Number of Teachers |
|---------------------------------------|--------------------|
| Elementary schools | 146,521 |
| Middle and junior high schools | 47,374 |
| High schools | 83,206 |
| Other (includes continuation schools) | 41,903 |
| Total | 319,004 |

*Data has duplicate count of teachers if they teach at multiple agencies.

Ethnic distribution of public-school teachers: 2018–19

2018–19 is the latest teacher data available. The CDE anticipates releasing updated teacher data later in 2024.

| Ethnicity | Number of Male Teachers | Number of Female Teachers | Total |
|----------------------------------|-------------------------|---------------------------|----------------|
| American Indian or Alaska Native | 476 | 1,103 | 1,579 |
| Asian | 4,203 | 13,664 | 17,867 |
| Pacific Islander | 270 | 655 | 925 |
| Filipino | 1,250 | 3,458 | 4,708 |
| Hispanic or Latino | 17,756 | 47,148 | 64,904 |
| African American | 3,705 | 8,293 | 11,998 |
| White (not Hispanic) | 49,590 | 138,639 | 188,229 |
| Two or More Races Not Hispanic | 825 | 2,160 | 2,985 |
| No Response | 3,965 | 10,310 | 14,275 |
| Total* | 82,040 | 225,430 | 307,470 |

*Some totals in the public-school Teachers table may not match due to difference in reporting strategy.

Questions: Analysis Measurement & Accountability Reporting Division | dro@cde.ca.gov

Last Reviewed: Friday, October 25, 2024



Home / Data & Statistics / Accessing Educational Data
/ Free or Reduced-Price Meal (Student Poverty) Data

Free or Reduced-Price Meal (Student Poverty) Data

Downloadable data files pertaining to students eligible for Free or Reduced-Price Meals (FRPM).

This page contains the complete data files pertaining to TK/K–12 students who are eligible for Free or Reduced-Price Meals (FRPM). FRPM data are collected annually. The data reflect Fall Census Day (first Wednesday in October) data certified by local educational agencies as part of the California Longitudinal Pupil Achievement Data System (CALPADS) Fall 1 data submission. Because the data source has changed over time, it is important to refer to the file structure for further details regarding the file content for a particular year.

Please Note: The **official** Free or Reduced-Price Meal (FRPM) count and percent for the academic year are provided in [Free or Reduced-Price Meal \(Student Poverty\) Data](#) file and DataQuest [FRPM Data](#) report. These counts represent the number TK/K-12 students who were enrolled on Census Day, the first Wednesday in October, and for whom eligibility data was effective "**as of**" Census Day. The FRPM data included in the [CALPADS Unduplicated Pupil Count \(UPC\) Data](#) files reflect a broader eligibility time range which goes through the end of October. The FRPM eligibility data included in the CALPADS UPC files are used solely to determine the Unduplicated Pupil Count for the Local Control Funding Formula (LCFF). These counts/percentages are **ONLY** applicable for LCFF purposes and should **NOT** be used in any other context or for any other purpose.

School Level Data Files

| Year of Data | Data File | Information about the File | File Structure |
|--------------|--|---|---|
| 2023–24 | Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2023–24 (XLSX; 2MB; Posted 16-May-2024) | Unduplicated Student Poverty – FRPM Data 2014 to Current Year | File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year |

| | | | |
|---------|--|--|--|
| 2022–23 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2022–23</u> (XLSX; 2MB; Posted 04-Apr-2023) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2021–22 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2021–22</u> (XLSX; 2MB; Updated 30-Jan-2023) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2020–21 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2020–21</u> (XLSX; 2MB; Posted 06-May-2021) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2019–20 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2019–20</u> (XLSX; 2MB; Posted 13-Apr-2020) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2018–19 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2018–19</u> (XLSX; 2MB; Posted 28-Mar-2019) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2017–18 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2017–18</u> (XLSX; 2MB; Revised 25-May-2018) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |

| | | | |
|---------|--|--|--|
| 2016–17 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2016–17</u> (XLS; 5MB; Revised 09-May-2017) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2015–16 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2015–16</u> (XLS; 5MB; Revised 02-Dec-2016) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2014–15 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2014–15</u> (XLS; 5MB; Posted 24-April-2015) | <u>Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2014 to Current Year</u> |
| 2013–14 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2013–14</u> (XLS; 2MB; Posted 24-June-2014) | <u>Unduplicated Student Poverty – FRPM Data 2013–14</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2013–14</u> |
| 2012–13 | <u>Unduplicated Student Poverty – Free or Reduced-Price Meals Data 2012–13</u> (XLS; 4MB; Revised 30-June-2014) | <u>Unduplicated Student Poverty – FRPM Data 2012–13</u> | <u>File Structure: Unduplicated Student Poverty – FRPM Data 2012–13</u> |
| 2011–12 | <u>Student Poverty – Free or Reduced-Price Meals Data 2011–13</u> (XLS; 1MB; Posted 10-Apr-2013) | <u>Student Poverty – FRPM Data 2011–12</u> | <u>File Structure: Student Poverty – FRPM Data 2011–12</u> |

Instructions: Select the file name you wish to download and save the file to your computer. To view the file, import and open the file in a database or spreadsheet program.

Questions:

CALPADS/CBEDS/CDS Operations Office | calpads@cde.ca.gov | 916-324-6738

Analysis Measurement & Accountability Reporting Division | dro@cde.ca.gov

Last Reviewed: Monday, October 28, 2024



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List of School Districts

Current and historical information about the number and type of school districts in California.

School districts are government entities that provide public elementary and/or secondary education to students within a specific territory. For purposes of this page, “school district” does not refer to a county office of education, a charter school, a joint powers authority, or any other entity or organizational structure in the field of education. The number of school districts change as school districts are divided or combined with their neighbors, and some school districts are terminated.

A school district typically is configured as an elementary school district (kindergarten through grade 8), a high school district (grades 9 through 12), or a unified school district (kindergarten through grade twelve). Furthermore, elementary school districts are components of either a high school district or a unified school district (*Education Code [EC] Section 35515*) with the boundaries of the high school district or the unified school district coextensive with the boundaries of its component districts (*EC Section 35540*). However, legislation, State Board of Education (SBE) approved waivers of the Education Code, or other circumstances have created exceptions to typical [configuration of school districts](#).

The table below provides information on the number of school districts in California for current fiscal year and prior fiscal years.

Other information about school district organization is available on the California Department of Education’s [School District Organization](#) web page.

Number of School Districts in California by Type

| Fiscal Year | Elementary | High School | High School with Jr. High Program | Unified | Total |
|-------------|------------|-------------|-----------------------------------|---------|-------|
| 2024-25 | 516 | 66 | 10 | 345 | 937 |
| 2023-24 | 517 | 66 | 10 | 345 | 938 |
| 2022-23 | 518 | 66 | 10 | 345 | 939 |
| 2021–22 | 519 | 66 | 10 | 345 | 940 |
| 2020–21 | 522 | 66 | 10 | 344 | 942 |

| | | | | | |
|---------|-----|----|----|-----|-----|
| 2019–20 | 523 | 66 | 10 | 344 | 943 |
| 2018–19 | 524 | 66 | 10 | 344 | 944 |
| 2017–18 | 524 | 66 | 10 | 344 | 944 |
| 2016–17 | 525 | 66 | 10 | 344 | 945 |

List of School Districts in California

Provides a list of school districts in the state of California for the current and prior fiscal years. The information on this page will be updated annually.

- [Fiscal Year 2024-25 \(XLSX\)](#)
- [Fiscal Year 2023-24 \(XLSX\)](#)
- [Fiscal Year 2022-23 \(XLSX\)](#)
- [Fiscal Year 2021–22 \(XLSX\)](#)
- [Fiscal Year 2020–21 \(XLSX\)](#)
- [Fiscal Year 2019–20 \(XLSX\)](#)
- [Fiscal Year 2018–19 \(XLSX\)](#)
- [Fiscal Year 2017–18 \(XLSX\)](#)
- [Fiscal Year 2016–17 \(XLSX\)](#)

Questions: School District Organization | sdo@cde.ca.gov | 916-322-2470

Last Reviewed: Tuesday, July 23, 2024



[Home](#) / [Data & Statistics](#) / [School & District Information](#) / [County-District-School Administration](#)

Public Schools and Districts Data Files

Downloadable files containing general information about California's public schools and districts.

Data Files

For users' convenience, the public schools and districts data files are posted in Excel and tab delimited text formats.

The data files below are dynamically driven and reflect real-time data. The Public Schools and Districts Excel (XLSX) file may take 20 or more seconds to download, so please be patient.

- **Public Schools and Districts Data Files**

Contains all active, pending, closed, and merged public schools and districts.

- ✦ [Public Schools and Districts](#) (XLSX; 4MB)
- ✦ [Public Schools and Districts](#) (TXT; 7MB)

- **Public Districts Data Files**

Contains all active and pending districts and county offices of education.

- ✦ [Public Districts](#) (XLSX)
- ✦ [Public Districts](#) (TXT)

For details on what information are contained in each file, as well as descriptions of column headings and code set values used within these files, please refer to the corresponding file structure below.

For details on modifications made to these files and to the file structures, refer to the [Changes to the Public Schools File](#) web page.

File Structure

- [File Structure: Public Schools and Districts](#) (Revised 19-Sep-2024)
Descriptions of the elements in the downloadable public schools and districts files.
- [File Structure: Public Districts](#) (Revised 19-Sep-2024)
Descriptions of the elements in the downloadable public districts files.

Data File Usage Tips

- [Schools and Districts Data Filtering Instructions](#) (Revised 28-Mar-2016)



Data Disclaimer

The California School Directory and related public school and district data files (collectively referred to as the "Directory"), contain information about California schools, districts, and school/district administrators that is voluntarily self-reported by local education agencies (LEAs) to the California Department of Education (CDE) as a public convenience. Because the information is voluntarily self-reported, the Directory does not contain information for every LEA and the information that is in the Directory may be outdated or have errors, omissions, typos and other inaccuracies. Therefore, information, or the absence of information, in the Directory should not be relied upon for any purpose and should be used only to contact the LEA. The CDE makes no representation or warranty, express or implied, with respect to Directory information.

Additional Data

Below are links to additional data that were previously included in the Public Schools Database. Because these data are not updated as regularly as County-District-School (CDS) data are updated, the CDE no longer includes these data in the Public Schools Database.


Locale Codes

Locale codes may be obtained from the National Center for Education Statistics (NCES) Education Demographic and Geographic Estimates (EDGE) Geographic Data via the [School Locations and Geoassignments](#)  web page. To learn more about locale codes, visit the [NCES EDGE Locale Boundaries](#)  web page.

Legislative Districts

[Legislative District Lookup for California Schools](#) 

This page includes an interactive mapping and reporting tool to look up state and federal legislative areas assigned to California public schools..

Note that the California legislative district boundaries are redrawn every ten years. [Congressional district maps](#)  are available from the California Citizens Redistricting Commission.

CDS Listserv

Would you like to stay up-to-date on changes being made to the CDS data, Public Schools Database, or California School Directory? Join the CDS Users listserv today!

- To **subscribe** to the CDS Users listserv:
Send a "blank" email message to join-cds-users@mlist.cde.ca.gov.
- To **unsubscribe** from the CDS Users listserv:
Send a "blank" email message to unsubscribe-cds-users@mlist.cde.ca.gov.

Questions: CDS Administration | cdsadmin@cde.ca.gov | 916-327-4014

Last Reviewed: Thursday, September 19, 2024

SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 367 (Cristina Garcia) - Menstrual products

Version: June 29, 2021

Urgency: No

Hearing Date: July 5, 2021

Policy Vote: ED. 6 - 0

Mandate: Yes

Consultant: Lenin Del Castillo

Bill Summary: This bill requires all public schools maintaining any combination of classes from grades 6 to 12, inclusive, to stock the school's restrooms with an adequate supply of free menstrual products. This bill also requires the California State University (CSU) and each community college district (CCD), and encourages the University of California (UC), independent institutions of higher education, and private postsecondary educational institutions, to stock an adequate supply of free menstrual products at no fewer than one designated and accessible central location on each campus.

Fiscal Impact:

- This bill could result in one-time Proposition 98 General Fund costs of approximately \$2 million for school districts to install or modify menstrual product dispensers, and additional ongoing Proposition 98 General Fund costs of about \$1.3 million each year to provide free menstrual products. School districts may also incur additional, unknown costs to comply with the bill's restroom noticing requirements. These costs are likely to be deemed reimbursable by the Commission on State Mandates.
- The Chancellor's Office estimates Proposition 98 General Fund costs of between \$57,500 and \$115,000 annually to provide free menstrual products at a centralized location on the 115 community college campuses. There could also be additional one-time costs, likely to be minor, for campuses to comply with the bill's noticing requirements.
- The UC estimates General Fund costs in the low tens of thousands of dollars annually to comply with the bill's requirements, while the CSU indicates General Fund costs of between \$750,000 to \$800,000 each year to provide additional menstrual products for its health centers.

Background: Existing law requires public and private schools enrolling students from Kindergarten through 12th grade to ensure that every restroom is maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap and paper towels or functional hand dryers.

Existing law requires a public school maintaining any combination of grades 6 to grade 12, inclusive, that meets the 40-percent pupil poverty threshold required to operate a federal Title I schoolwide program, to stock at least 50 percent of the school's restrooms with feminine hygiene products all times and prohibits those schools from charging for any menstrual products provided to pupils, including feminine hygiene products.

Proposed Law: This bill requires, on or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, to stock the school’s restrooms at all times with an adequate supply of free menstrual products in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom. The bill prohibits a public school from charging for any menstrual products provided to pupils.

This bill also requires a public school to post a notice regarding the requirements of this bill in a prominent and conspicuous location in every restroom required to stock menstrual products, as specified.

This bill extends the existing requirement on public schools to include a charter school and a school operated by a county superintendent of schools, and replaces references to feminine hygiene products with references to menstrual products.

This bill also requires the CSU and each CCD to stock an adequate supply of free menstrual products at no fewer than one designated and accessible central location on each campus, and post a notice regarding these requirements in a prominent and conspicuous location in all women’s restrooms and all-gender restrooms and in at least one men’s restroom.

This bill encourages the Regents of the UC, independent institutions of higher education, and private postsecondary educational institutions to stock an adequate supply of free menstrual products at no fewer than one designated and accessible central location on each campus. Further, it encourages the Regents of the UC, independent institutions of higher education, private postsecondary educational institutions, if they implement these provisions, to post a notice regarding these provisions in a prominent and conspicuous location in all women’s restrooms and all-gender restrooms and in at least one men’s restroom.

Related Legislation: AB 10 (Cristina Garcia, Chapter 687, Statutes of 2017) requires a public school serving grades 6 to grade 12 that meets the 40% pupil poverty threshold required to operate a schoolwide Title 1 program to stock at least 50% of the school’s restrooms with feminine hygiene products at all times.

Staff Comments: This bill could result in one-time Proposition 98 General Fund costs of about \$2 million for LEAs to install or modify menstrual product dispensers and ongoing Proposition 98 General Fund costs of about \$1.3 million to provide free menstrual products. This estimate is based on the Commission on State Mandates’ evaluation of the cost per female student and assumes a cost of \$3.70 to install or retrofit menstrual product dispensers and about \$2.36 annually to provide free menstrual products, as required by current law. The costs of the bill could be higher because it requires all-gender restrooms and one men’s restroom to supply free menstrual products.

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