

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

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 State Controller's Office (Controller) by February 27, 2025, for the period beginning

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.

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
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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:

- In 2021-2022, 5,530 schools;
- In 2022-2023, 5,695 schools;

¹³ Exhibit F (5), 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 F (4), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data, <https://www.cde.ca.gov/ds/ad/filespp.asp> (accessed on January 21, 2025).

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

- 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.

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

¹⁸ Exhibit F (4), California Department of Education, Free or Reduced Price Meals (Student Poverty) Data.

¹⁹ Exhibit F (2), Assembly Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²⁰ Exhibit F (7), Senate Committee on Appropriations, Analysis of AB 367 (2021-2022) page 2.

²¹ Exhibit F (3), California Department of Education, Fingertip Facts on Education in California.

²² Exhibit F (6), California Department of Education, Public Schools and Districts Data Files.

²³ Exhibit F (1), Test Claim, pages 13, 27, 29, 30.

claimants that filed initial reimbursement claims is \$384.23. 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,”²⁴ 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, § 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

²⁴ Exhibit B, Decision and Parameters and Guidelines, pages 20, 25.

women's restrooms in the school, and the total number of all-gender restrooms in the school.²⁵

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."²⁶

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.²⁷ 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)),²⁸ 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.²⁹ 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.

²⁵ Exhibit B, Decision and Parameters and Guidelines, pages 21, 26.

²⁶ Exhibit B, Decision and Parameters and Guidelines, pages 10, 18-19.

²⁷ Government Code section 17561.

²⁸ Government Code section 17581.6(f)(36).

²⁹ Government Code section 17581.6(c)(3).

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:³⁰ 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 restrooms and all-gender restrooms, plus one men's restroom, at all times with an

³⁰ Government Code section 17564(a).

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:
 $\$137,874 / \text{Non-Title 1 schools in districts that claimed A.2. costs [124]} = \text{Average cost per non-Title 1 school } \$1,112$.

Average cost per non-Title 1 school $[\$1,112] * [1,265] \text{ Non-Title 1 schools} = \text{Cost for districts not filing claims } \$1,406,680$

Cost for districts not filing claims $[\$1,406,680] + \text{amount claimed } \$137,874 =$
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 $[\$390,669] / \text{the number of non-Title 1 schools in the claiming districts [48]} = \text{average Activity A.3. cost per non-Title 1 school } \$8,139$

Average Activity A.3. cost per Non-Title 1 school $[\$8,139] * \text{number of non-Title 1 schools [1,341]} = \text{Cost for districts not filing claims } \$10,914,399$

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.³¹ No comments were filed on it. On July 8, 2025, Commission staff issued

³¹ Exhibit C, Draft Proposed Statewide Cost Estimate.

the Proposed Statewide Cost Estimate.³² No comments were filed on it. On July 11, 2025, Commission staff issued a Notice of Postponement of Hearing after staff became aware that the Proposed Statewide Cost Estimate contained incorrect fiscal year citations and errors in the calculations of initial year costs. 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.³³ No comments were filed on it.

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 D, Proposed Statewide Cost Estimate.

³³ Exhibit E, Revised Draft Proposed Statewide Cost Estimate.