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January 16, 2019
*Commission on
State Mandates*

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January 16, 2019

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Response to Test Claim 18-TC-01, Public School Restrooms: Feminine Hygiene Products

Dear Ms. Halsey:

The Department of Finance has reviewed the Test Claim 18-TC-01, submitted to the Commission on State Mandates (Commission) by the Desert Sands Unified School District (Claimant). The test claim alleges state-mandated, reimbursable costs associated with Chapter 687, Statutes of 2017 (AB 10), which requires public schools maintaining grades 6 to 12, inclusive, that meet the 40-percent pupil poverty threshold required to operate a Title 1 school wide program, to stock at least 50 percent of the school's restrooms with free feminine hygiene products, including tampons and sanitary napkins, at all times.

Several of the activities listed as mandatory by the Claimant raise questions about the accuracy of the asserted required costs. On page five, the Claimant states the following, emphasis added:

"School districts have incurred or will incur costs implementing the following activities:

- (i) **Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of feminine hygiene products.**
- (ii) **Train certificated, classified and other personnel to administer the availability of feminine hygiene products in the district's restrooms.**
- (iii) Purchasing and installing dispensers in the schools' restrooms.
- (iv) **Stocking the schools' restrooms with feminine hygiene products at all times."**

Based on their interpretation of AB 10, the Claimant asserts that a district will incur increased, ongoing labor costs to develop and implement policies related to the implementation of the measure. Furthermore, the Claimant anticipates increased labor costs to train staff on providing feminine hygiene products, as well as to stock the products in 50 percent of school restrooms at all times. Existing law (Education Code section 35292.5) requires all schools, with few exceptions, to maintain clean, fully operational restrooms, stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. Finance is unsure why the aforementioned activities related to the implementation of AB 10 may not simply be absorbed into existing activities of a school district, therefore not resulting in increased labor costs to that district.

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To the extent AB 10 establishes new responsibilities, Finance is concerned the required costs may be overstated in the test claim. Requiring 50 percent of restrooms in certain public schools to stock feminine hygiene products should not require a massive overhaul of school policies and procedures, nor should it result in significant increased labor costs to districts which already maintain sanitary, fully operational restrooms that are stocked at all times with basic school restroom supplies, as required by Education Code sections 35292.5 and 17002. We believe the Commission should require the Claimant to address these points as the analysis of the claim proceeds.

If you have any questions regarding this letter, please contact Lisa Mierczynski, Principal Program Budget Analyst at (916) 445-0328.

Sincerely,

A handwritten signature in black ink, appearing to read "JEFF BELL", written in a cursive style.

JEFF BELL
Program Budget Manager

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.

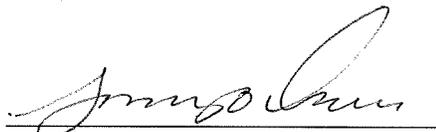
On January 17, 2019, I served the:

- **Department of Finance's (Finance's) Comments on the Test Claim filed January 16, 2019**

Public School Restrooms: Feminine Hygiene Products, 18-TC-01
Education Code Section 35292.6; Statutes 2017, Chapter 687 (AB 10)
Desert Sands 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 January 17, 2019 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/9/19

Claim Number: 18-TC-01

Matter: Public School Restrooms: Feminine Hygiene Products

Claimant: Desert Sands 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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