Hearing Date: May 24, 2019
J:\MANDATES\2018\TC\18-TC-01 Public School Restrooms Feminine Hygiene Products\TC\TOC.docx

ITEM 4

TEST CLAIM

PROPOSED DECISION

Education Code Section 35292.6

Statutes 2017, Chapter 687 (AB 10)

Public School Restrooms: Feminine Hygiene Products

18-TC-01

Desert Sands Unified School District, Claimant

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Office of Public School Construction (OPSC), Facility Inspection Tool (FIT), https://www.documents.dgs.ca.gov/opsc/Forms/Worksheets/FIT_rev.pdf (accessed on January 30, 2018).....1-6

U.S. Department of Education, Programs, Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A), https://www2.ed.gov/programs/titleiparta/index.html (accessed on January 30, 2018) 1-4

STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

For CSM Use Only
Filing Date: RECEIVED December 7, 2018 Commission on State Mandates
Test Claim #: 18-TC-01

TEST CLAIM FORM

Section 1

Proposed Test Claim Title:

Public School Restrooms: Feminine Hygiene Products

Section 2

Local Government (Local Agency/School District) Name:

Desert Sands Unified School District

Name and Title of Claimant's Authorized Official pursuant to CCR, tit.2, § 1183.1(a)(1-5):

Scott Bailey, Superintendent

Street Address, City, State, and Zip:

47-950 Dune Palms Road, La Quinta, California 92253

Telephone Number	Fax Number	Email Address
760-777-4200		slbailey@desertsands.us

Section 3

Claimant Representative: Arthur M. Palkowitz Title Attorney

Organization: Artiano Shinoff

Street Address, City, State, Zip:

2488 Historic Decatur Road, Suite 200, San Diego, California 92106

Telephone Number	Fax Number	Email Address
619-232-3122	619-232-3264	apalkowitz@as7law.com

Section 4 – Please 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 don't forget to check whether the code section has since been amended or a regulation adopted to implement it (refer to your completed WORKSHEET on page 7 of this form):

Statute 2017, Chapter 687, AB No. 10, Ed. Code 35292.6, effective date 1/1/2018

☒ Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: 12/ 7 / 2018

☒ A: Which is not later than 12 months following [insert the effective date of the test claim statute(s) or executive order(s)] 1 / 1 / 2018, the effective date of the statute(s) or executive order(s) pled; or

☐ B: Which is within 12 months of [insert the date costs were *first* incurred to implement the alleged mandate] ___/___/_____, 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 and/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) (refer to your completed WORKSHEET on page 7 of this form)***:

☒ 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: 2018 - 2019 Total Costs: $5,000,000.00

☒ Identifies all dedicated funding sources for this program; State: None

Federal: None Local agency's general purpose funds: None

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: Williams Cost Implementation

☐ Identifies a legislatively determined mandate that is on the same statute or executive order:

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 (refer to your completed WORKSHEET on page 7 of this form):

☒ 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 (refer to your completed WORKSHEET on page 7 of this form):

☒ 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 DSUSD000017 to DSUSD000019.

☐ Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages _____ to _____.

☐ 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 _____ to _____.

☒ 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 DSUSD000025 to DSUSD000033.

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.)

Scott Bailey

Name of Authorized Local Government Official pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

Superintendent

Print or Type Title

Scott Bailey

Signature of Authorized Local Government Official pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

December 7, 2018

Date

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Statute 2017, Chapter 687, AB No. 10, Ed. Code 35292.6, 1/1/2018

Activity: Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of feminine hygiene products.

Initial FY: 2017- 2018 Cost: $374.16 Following FY: 2018- 2019 Cost: $191.40

Evidence (if required): Declaration

All dedicated funding sources; State: None Federal: None

Local agency's general purpose funds: None

Other nonlocal agency funds: None

Fee authority to offset costs: None

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Statute 2017, Chapter 687, AB No. 10, Ed. Code 35292.6, 1/1/2018

Activity: Train certificated, classified and other personnel to administer the availability of feminine hygiene products in the district's restrooms.

Initial FY: 2017- 2018 Cost: $2,110.51 Following FY: 2018 - 2019 Cost: $2,132.48

Evidence (if required): Declaration

All dedicated funding sources; State: None Federal: None

Local agency's general purpose funds: None

Other nonlocal agency funds: None

Fee authority to offset costs: None

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Statute 2017, Chapter 687, AB No. 10, Ed. Code 35292.6, 1/1/2018

Activity: Purchasing and installing dispensers in the schools' restrooms.

Initial FY: 2017- 2018 Cost: $19,501.67 Following FY: 2018 - 2019 Cost: $2,034.96

Evidence (if required): Declaration / Invoices

All dedicated funding sources; State: None Federal: None

Local agency's general purpose funds: None

Other nonlocal agency funds: None

Fee authority to offset costs: None

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Statute 2017, Chapter 687, AB No. 10, Ed. Code 35292.6, 1/1/2018

Activity: Stocking the schools' restrooms with feminine hygiene products at all times.

Initial FY: 2017- 2018 Cost: $39,629.38 Following FY: 2018- 2019 Cost: $39,629.38

Evidence (if required): Declaration / Invoices

All dedicated funding sources; State: None Federal: None

Local agency's general purpose funds: None

Other nonlocal agency funds: None

Fee authority to offset costs: None

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY: ____-____ Cost: _____ Following FY: ____-____ Cost: _____

Evidence (if required): _____

All dedicated funding sources; State: _____ Federal: _____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY: ____-____ Cost: _____ Following FY: ____-____ Cost: _____

Evidence (if required): _____

All dedicated funding sources; State: _____ Federal: _____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

Test Claim of: Desert Sands Unified School District Claimants.	No. CSM _____ Public School Restrooms Feminine Hygiene Products Assembly Bill No. 10 Statutes 2017, Chapter 687 Education Code Section 35292.6

STATEMENT OF THE CLAIM

This test claim alleges reimbursable costs mandated by the State for school districts to provide Feminine Hygiene Products for a public school maintaining any combination of classes from grade 6 to grade 12, that meets the 40-percent pupil poverty threshold required to operate a school wide 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 feminine hygiene products ("Feminine Hygiene Products") at all times pursuant to the requirements in Statutes 2017 Chapter 687, A.B. No 10.

Desert Sands Unified School District ("Claimant") allege 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. It was the intent of the Legislature in enacting the test claim statutes and regulations to require school districts to provide school restrooms with feminine hygiene products at all times.

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. Under the first alternative test set forth by the California Supreme Court, a "new program or higher level of service" is established by "programs that carry out the governmental function of providing services to the public." (*San Diego Unified Sch. Dist. v. Comm'n on State Mandates*, 33 Cal. 4th 859, 874 (2004) (quoting *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56).

3. Under the second alternative test set forth by the California Supreme Court, a "new program or higher level of service" is established by "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." (*San Diego Unified Sch. Dist. v. Comm'n on State Mandates*, 33 Cal. 4th 859, 874 (2004) (quoting *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56).

4. The mandated activity is a new law when compared with the legal requirements in effect immediately before the enactment of the test claim statute, and it increases the level of service provided to the public in enforcing a state policy. (*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. <u>The new program is mandated when the schools incur increased costs.</u>

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 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 district 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 by the district.

A. Statutes 2017 Chapter 687, A.B. No 10.

Existing law, with certain exceptions, requires every public and private school, as provided, to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies.

SECTION 1, section 35292.6 is added to the Education Code, to read:

(a) Pursuant to this new legislation, a public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meets the 40-percent pupil poverty threshold required to operate a school wide 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 feminine hygiene products 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.

Activities

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.

B. A detailed description of existing activities and costs that are modified by the mandate

There were no existing activities that were modified by the test clam statute.

B. The actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate.

January 1, 2018-June 30, 2018

(i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of feminine hygiene products. (supported by declaration)

Labor Costs

Description	Qty (hours)	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
M&O Director	2	$67.71	$135.42
Purchasing Director	2	$82.23	$164.46
Purchasing Buyer	2	$37.15	$74.30
		Total	$374.16

(ii) Train certificated, classified and other personnel to administer the availability of feminine hygiene products in the district's restrooms. (supported by declaration)

Labor Costs

Description	Qty.	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Principals Custodians	34 at .5 hours 49 at .5 hours	84.46 27.13	$1,435.82 $ 664.69
		Total	$2,110.51

(iii) Purchasing and installing dispensers in the schools' restrooms. (supported by declaration and invoices)

Equipment Costs

Description	Qty	Unit Cost *(including installation)*	Total Cost
Dispensers	115	$156.74	$19,501.67

(iv) Stocking the schools' restrooms with feminine hygiene products at all times. (supported by declaration and invoices)

Equipment Costs

Description	Annual Case Qty	Unit Cost	Total Cost
Feminine Hygiene Pads	7 15 30 30	$24.62 $24.62 $22.90 $21.30	$172.34 369.30 687.00 639.00
		Feminine Hygiene Pads Total	$1,867.64
Feminine Hygiene Tampons	6 24 50	$52.50 $52.50 $54.87	$ 315.00 $1,260.00 $2,743.50
		Feminine Hygiene Tampons Total	$4,318.50
		Total	$6,186.14

Labor Costs (supported by declaration)

Description	Instructional Days	# of Custodians @ Middle/High Schools	Minutes per day to refill stock	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Refill Stock	180	49	0.13	$27.54	$32,387.04

Description	Hours	Average Hourly Rate incl. Fixed Charges	Total Cost
Order/Maintain Stock	30	$35.21	$1,056.20

(iv) Total Expenses $39, 629.38

C. **The 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.**

2018-2019

(i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of feminine hygiene products. (supported by declaration)

Labor Costs

Description	Qty	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
M&O Director Purchasing Director Purchasing Buyer	1 1 1	$71.09 $82.23 $38.08	$71.09 $82.23 $38.08
		Total	$191.40

(ii) Train certificated, classified and other personnel to administer the availability of feminine hygiene products in the district's restrooms. (supported by declaration)

Labor Costs

Description	Qty	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Principals Custodians	34 (.5 hour) 49 (.5 hour)	85.75 27.54	$1,457.75 674.73
		Total	$ 2,132.48

(iii) Purchasing and installing dispensers in the schools' restrooms. (supported by declaration)

Equipment Costs

Description	Qty	Unit Cost *(including installation)*	Total Cost
Dispensers	12	169.58	$2,034.96

(iv) Stocking the schools' restrooms with feminine hygiene products at all times. (supported by declaration and invoices)

Equipment Costs

Equipment Costs

Description	Annual Case Qty	Unit Cost	Total Cost
Feminine Hygiene Pads	7 15 30 30	$24.62 $24.62 $22.90 $21.30	$172.34 369.30 687.00 639.00
		Feminine Hygiene Pads Total	$1,867.64
Feminine Hygiene Tampons	6 24 50	$52.50 $52.50 $54.87	$ 315.00 $1,260.00 $2,743.50
		Feminine Hygiene Tampons Total	$4,318.50
		Total	$6,186.14

(DSUSD000021:#3; DSUSD000024; DSUSD000024 #1; DSUSD000026; DSUSD000027: #2; DSUSD000029)

Stocking the schools' restrooms with feminine hygiene products at all times performed by custodians in the amounts of $32,387.04 and $1,056.20.

Labor Costs

Description	Instructional Days	# of Custodians @ Middle/High Schools	Minutes per day to refill stock	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Refill Stock	180	49	0.13	$27.54	$32,387.04

Description	Hours	Average Hourly Rate incl. Fixed Charges	Total Cost
Order/Maintain Stock	30	$35.21	$1,056.20

(v) Total Expenses $39,629.38

E. 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.

$5,000,000.00.

F. Identification of all of the following funding sources available for this program:

(i) Dedicated state funds[1]

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 is unaware at this time of any other dedicated state funds 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.

[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)

G. 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

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)

Claimant is unaware at this time of any other prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.

H. Identification of a legislatively determined mandate pursuant to Government Code section 17573 that is on the same statute or executive order

Claimant is unaware at this time of any other dedicated state funds available for this program.

2017 Cal. Legis. Serv. Ch. 687 (A.B. 10) (WEST)

CALIFORNIA 2017 LEGISLATIVE SERVICE

2017 Portion of 2017-2018 Regular Session

Additions are indicated by Text; deletions by
* * * .

Vetoes are indicated by ~~Text~~ ;
stricken material by ~~Text~~ .

CHAPTER 687

A.B. No. 10

SCHOOLS AND SCHOOL DISTRICTS—RESTROOMS AND TOILETS—FEMININE HYGIENE PRODUCTS

AN ACT to add Section 35292.6 to the Education Code, relating to feminine hygiene products.

[Filed with Secretary of State October 12, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 10, Cristina Garcia. Feminine hygiene products: public school restrooms.

Existing law, with certain exceptions, requires every public and private school, as provided, to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies.

This bill would require 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, as defined. The bill would prohibit a public school from charging for any menstrual products, including feminine hygiene products, provided to pupils. By imposing additional duties on public schools, the 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.

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

SECTION 1. Section 35292.6 is added to the Education Code, to read:

<< CA EDUC § 35292.6 >>

35292.6. (a) A public school maintaining any combination of classes from grade 6 to grade 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 feminine hygiene products 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.

SEC. 2. 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.

End of Document

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West's Annotated California Codes
Education Code (Refs & Annos)
Title 2. Elementary and Secondary Education (Refs & Annos)
Division 3. Local Administration (Refs & Annos)
Part 21. Local Educational Agencies (Refs & Annos)
Chapter 2. Governing Boards (Refs & Annos)
Article 10. School Maintenance (Refs & Annos)

West's Ann.Cal.Educ.Code § 35292.6

§ 35292.6. Public school restrooms; feminine hygiene products; when required

Effective: January 1, 2018
Currentness

(a) A public school maintaining any combination of classes from grade 6 to grade 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 feminine hygiene products 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.

Credits
(Added by Stats.2017, c. 687 (A.B.10), § 1, eff. Jan. 1, 2018.)

West's Ann. Cal. Educ. Code § 35292.6, CA EDUC § 35292.6
Current with urgency legislation through Ch. 1016 of 2018 Reg.Sess, and all propositions on 2018 ballot.

End of Document

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SECTION NUMBER: 6
Heading: DECLARATION

I, Jordan Aquino, Chief Business Officer, Desert Sands Unified School District, ("District") declare as follows:

1. I am employed with the District and I have personal knowledge of the actual and estimated costs incurred by the District for the Feminine Hygiene Products program commencing on January 1, 2018. The information contained in my declaration is from reviewing District business records and my personal knowledge pertaining to the Feminine Hygiene Products program.

2. The new activities performed, or to be performed, to implement provisions of the new statute alleged to impose the reimbursable mandate, Assembly Bill No. 10; Statutes 2017, Chapter 687; Education Code Section 35292.6 include the following:

(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 schools' restrooms;

(iii) The cost of purchasing and installing dispensers in the schools' restrooms;

(iv) The cost of stocking the schools' restrooms with feminine hygiene products at all times.

3. Total Feminine Hygiene Products estimated **2017-2018** costs are as follows:

(i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of feminine hygiene products. These costs represent labor costs for Maintenance & Operations Director, Purchasing Director and Purchasing Buyer in the amount of $ 374.16.

Labor Costs

Description	Qty (hours)	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
M&O Director	2	$67.71	$135.42
Purchasing Director	2	$82.23	$164.46
Purchasing Buyer	2	$37.15	$74.30
		Total	$374.16

(ii) Train certificated, classified and other personnel to administer the availability of feminine hygiene products in the schools' restrooms. These costs represent labor costs for Principals and Custodians in the amount of $2,110.51.

Labor Costs

Description	Qty.	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Principals Custodians	34 at .5 hours 49 at .5 hours	84.46 27.13	$1,435.82 $ 664.69
		Total	$2,110.51

(iii) The cost of purchasing and installing dispensers in the schools' restrooms in the amount of $19,501.67. (DSUSD000026)

Equipment Costs

Description	Qty	Unit Cost *(including installation)*	Total Cost
Dispensers	115	$156.74	$19,501.67

(DSUSD000028)

(iv) Stocking the schools' restrooms with feminine hygiene products at all times in the amounts of the following:

Equipment Costs

Description	Annual Case Qty	Unit Cost	Total Cost
Feminine Hygiene Pads	7 15 30 30	$24.62 $24.62 $22.90 $21.30	$172.34 369.30 687.00 639.00
		Feminine Hygiene Pads Total	$1,867.64
Feminine Hygiene Tampons	6 24 50	$52.50 $52.50 $54.87	$ 315.00 $1,260.00 $2,743.50
		Feminine Hygiene Tampons Total	$4,318.50
		Total	$6,186.14

(DSUSD000025:#3; DSUSD000028; DSUSD000030; DSUSD000031; DSUSD000033)

Labor Costs

Stocking the schools' restrooms with feminine hygiene products at all times performed by custodians in the amounts of $32,387.04 and $1,056.20.

Description	Instructional Days	# of Custodians @ Middle/High Schools	Minutes per day to refill stock	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Refill Stock	180	49	0.13	$27.54	$32,387.04

Description	Hours	Average Hourly Rate incl. Fixed Charges	Total Cost
Order/Maintain Stock	30	$35.21	$1,056.20
		Total	$39,629.38

4. Total Feminine Hygiene Products estimated 2018-2019 costs are as follows:

(i) Developing and implementation of internal policies, training, procedures relating to the purchase, installation, stocking of feminine hygiene products in the amount of $191.40. The amounts are estimates based on the previous year costs.

Labor Costs

Description	Qty	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
M &O Director	1	$71.09	$71.09
Purchasing Director	1	$82.23	$82.23
Purchasing Buyer	1	$38.08	$38.08
		Total	$191.40

(ii) Train certificated, classified and other personnel to administer the availability of feminine hygiene products in the district's restrooms. (supported by declaration)

Labor Costs

Description	Qty	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Principals Custodians	34 (.5 hour) 49 (.5 hour)	85.75 27.54	$1,457.75 674.73
		Total	$2,132.48

(iii) Purchasing and installing dispensers in the schools' restrooms. (supported by declaration)

Equipment Costs

Description	Qty	Unit Cost *(including installation)*	Total Cost
Dispensers	12	169.58	$2,034.96

The amounts are estimates based on the previous year costs.

(iv) The cost of stocking the schools' restrooms with feminine hygiene products at all times in the following amounts:

Equipment Costs

Description	Annual Case Qty	Unit Cost	Total Cost
Feminine Hygiene Pads	7 15 30 30	$24.62 $24.62 $22.90 $21.30	$172.34 369.30 687.00 639.00
		Feminine Hygiene Pads Total	$1,867.64
Feminine Hygiene Tampons	6 24 50	$52.50 $52.50 $54.87	$ 315.00 $1,260.00 $2,743.50
		Feminine Hygiene Tampons Total	$4,318.50
		Total	$6,186.14

Labor Costs

Description	Instructional Days	# of Custodians @ Middle/High Schools	Minutes per day to refill stock	Avg Hrly Rate (incl. Fixed Charges)	Total Cost
Refill Stock	180	49	0.13	$27.54	$32,387.04

Description	Hours	Average Hourly Rate incl. Fixed Charges	Total Cost
Order/Maintain Stock	30	$35.21	$1,056.20
		Total	$39,629.38

The amounts are estimates based on the previous year costs.

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.

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 information and belief and I am authorized and competent to do so.

Dated: December 6, 2018

JORDAN AQUINO, CHIEF BUSINESS OFFICER
DESERT SANDS UNIFIED SCHOOL DISTRICT

COMPLETE

DESERT SANDS UNIFIED SCHOOL DISTRICT
47-950 DUNE PALMS ROAD, LA QUINTA, CA 92253

Purchase Order #: P-0069979
Fiscal Year:2017-2018
Date: 01/08/2018
Purchase Order number must appear on all packages and documents.

Vendor: 10408 DIR#: WAXIE 905 NORTH WINEVILLE AVENUE ONTARIO, CA 91764 Phone: 760-831-7960 Fax: 760-343-4411 P.O. Send:	Buyer: ADELINE CARRASCO Phone: (760) 771-8572 Fax: (760) 771-8574 Payment Terms: NET30 Terms & Conditions: SEE PURCHASING WEB PAGE FOB: Justification: Routing: M&O/Joel Parks
Deliver on or Before: 2/7/2018 Ship To: DESERT SANDS WAREHOUSE 47950 DUNE PALMS RD. LA QUINTA, CA 92253 Fax:	Bill To: FISCAL SERVICES 47950 DUNE PALMS RD. LA QUINTA, CA 92253 Fax: 760-238-9652

FAXED 1/8/18

Originators: SYLVIA QUINTANA (R0085791)

Note: Quote per Jeff Olinger Dated 12/18/2017

VENDOR NOTE: DSUSD Warehouse will be closed for deliveries on the following dates: 01/15/2018, 2/12/2018 and 2/19/2018.

	Qty	U/M	Item Name	Unit Cost	Total
1.	115.00	EACH	88HSCMT1FREE	146.740000	16,878.10
	Description:		Maxithin/Tampax Dual Vendor w/ Free Release		
	03-843-0010-0-0000-8200-4300				
2.	115.00	EACH	638308	10.000000	1,150.00
	Description:		Installation Charge		
	03-843-0010-0-0000-8200-5800				
3.	7.00	EACH	820020	24.620000	172.34
	Description:		Maxithins #4 Feminine Hygiene Pads 250/cs		
	03-843-0010-0-0000-8200-4300				
4.	6.00	EACH	822000	52.500000	315.00
	Description:		Tampax Regular Absorbency Tampons 500/cs		
	03-843-0010-0-0000-8200-4300				

Total Line Items:	18,512.44
Discount:	.00
Sub-Total:	18,512.44
Tax:	1,519.21
Freight:	.00
Order Total:	20,031.65

PROCESSED JAN 23 2018 BY PURCHASING DEPT.

Nancy Laurusky
Authorized Signature

P0069979

1/8/2018 11:05:18 AM
ROX Version 08.31.15 07:54:12 galaxy_default

VENDOR COPY

PAGE 1 OF 1

DSUSD000025

12/27/17
Req 85741

WAXIE SANITARY SUPPLY

DESERT SANDS UNIFIED SCHOOL DIST

Attn: Gabe De La O
Sanitary Maintenance Supplies Price Proposal
December 18, 2017

WAXIE Sanitary Supply is pleased to present you with the following price proposal for your review.

Item #	Description	U/M	QTY	Unit Price	Extended Price
8MHSCMT1FREE	Dual Vendor wfree Release	EA	115	$148.74	$16,875.10
638308	Installation Charge	EA	115	$10.00	$1,150.00
				Subtotal	$18,025.10
				Sales Tax	$1,476.57
				Total	$19,501.67

Prices are valid through January 18, 2017.
Please feel free to contact me if you have any questions or concerns.

Thank You,

Jeff Olinger | Senior Account Consultant
(760) 895-7476
jolinger@waxie.com | www.waxie.com

Regional Inventory Center • 905 N. Vineville Avenue • Ontario, CA 91764-5395
(800) 443-3489 • (909)942-4100 • FAX (800) 643-3198 • www.waxie.com

WAXIE SANITARY SUPPLY
The Most Trusted Name In Clean. Since 1945.

WAXIE ONTARIO
905 N WINEVILLE AVE
ONTARIO, CA 91764-5595
TEL: (909) 942-3100

Your Order Number
EQ6ZN-00

PAGE: 1

SOLD TO: DESERT SANDS UNIFIED SCH DIST
47950 DUNE PALMS RD
LA QUINTA, CA 92253-4000

COMPLETE

SHIPPED TO: DESERT SANDS UNIFIED SCH DIST
MUST HAVE PO NUMBER-
47950 DUNE PALMS RD
LA QUINTA, CA 92253-4000

M+O (228) x.3 (J. Parks)

CUSTOMER NUMBER / SHIP TO	CLOSE	TELEPHONE NUMBER	ORDER DATE / ORDER TIME	PRINT DATE / PRINT TIME	PURCHASING SELL CONTACT
331813700-0	DE71	760.777.4200	1/08/18 15:50:37	1/19/18 0:43:50	CHEM-TEL 1-800-255-3924

CUSTOMER P.O. / ORDERED BY	SALES REP. NAME & NUMBER	WORKSTATION	SPECIAL INSTRUCTIONS
P-0069979 SYLVIA QUIN	03334 Jeff Olinger	PSMET L2	

ITEM NUMBER / HM	DESCRIPTION	ORDERED	SHIPPED	UM	BACKORDERED	WEIGHT LBS.	UNIT PRICE	EXTENDED AMOUNT
Carrier:	03W14 Carrier							
822204	MAXITHIN/TAMPAX DUAL DISPENSER	115	115	EA		2185		
	FREE VEND WHITE METAL							
	MFI#: MT1 FREE							
820020	MAXITHINS #4 FEMININE HYGIENE PADS - 250 PER CASE (CASE ONLY)	7	7	CS		87		
	MFI#: MT-4							
822000	TAMPAX REGULAR ABSORBENCY	6	6	CS		43		
	TAMPONS 500 EA PER CASE							
	MFI#: T500							
638339	3RD PARTY NON-SOAP DISP. INSTALLATION CHARGE ($10)	115	115	EA				
	MFI#: 638308							
	...							
	pls ship complete							
	...							
		243	243			2315	SUB TOTAL	
							SALES TAX	
							SHIP/HANDLING	
							TOTAL AMOUNT	

01.22.18

PURCHASE ORDER NO. P-69979
MATERIALS RECEIVED AS INVOICED
SIGNED
APPR TO PAY
PURCHASING

PROCESSED TO JAN 23 2018 BY PURCHASING DEPT.

ABOVE ITEMS RECEIVED IN GOOD ORDER. ANY CLAIM FOR SHORTAGE, DAMAGE OR ERROR MUST BE REPORTED UPON DELIVERY.

EQ6ZN00 * COMPLETE *

CUSTOMER'S SIGNATURE

PRINT CUSTOMER NAME

CUSTOMER COPY

27

TRIAL PRINT

Purchase Order: P-37831-0

Date: 07/10/2018
Time: 11:46
Page: 1 of 2

DESERT SANDS UNIFIED SCHOOL DISTRICT
47950 Dune Palms Road
La Quinta, CA 92253
760-771-8567 Fax: 760-771-8574

Vendor: 10408 WAXIE SANITARY SUPPLY 905 NORTH WINEVILLE AVENUE ONTARIO, CA 91764	Buyer: Vickie Haddox Payment Terms: NET 30 Terms and Conditions: See Attachment A FOB: Destination Routing: Warehouse Stock Items Deliver on or before:02/23/2018
Ship To: Warehouse Stores 47950 Dune Palms Rd. La Quinta, CA 92253	**Bill To:** Fiscal Services 47950 Dune Palms Rd. La Quinta, CA 92253

Quote Per Brenda Hernandez
VENDOR NOTE: DSUSD Warehouse will be closed for deliveries on the following dates: 02/12/2018 & 02/19/2018

Line Item	Item ID# / Description	Quantity Ordered	Unit Price	U/M	Total Price
1	31230 Sanitary Pads, 250/case, Maxithins #4 ***NO SUBS*** Funding: 03 000 0000 0 0000 0000 9320	15.00	$24.62	CS	$369.30
2	31231 Tampax Tampons, 500/Case Tampax #63364 ***NO SUB*** Funding: 03 000 0000 0 0000 0000 9320	24.00	$52.50	CS	$1,260.00

DSUSD000028

Total Of Line Items	$1,629.30
Discount	$0.00
Sub-Total	$1,629.30
Use Tax	
Sales Tax	
Freight	$0.00
Purchase Order Total	$1,629.30

****VOID****

By: _____

Deputy

TRIAL PRINT

TRIAL PRINT

Purchase Order: P-37872-0

Date: 07/10/2018
Time: 11:46
Page: 1 of 1

DESERT SANDS UNIFIED SCHOOL DISTRICT
47950 Dune Palms Road
La Quinta, CA 92253
760-771-8567 Fax: 760-771-8574

Vendor: 10394 SOUTHWEST SCHOOL & OFFICE SUPPLY 3790 DE FOREST CIRCLE JURUPA VALLEY, CA 91752	Buyer: Vickie Haddox Payment Terms: NET 30 Terms and Conditions: See Attachment A FOB: Destination Routing: Warehouse Stock Items Deliver on or before:04/16/2018
Ship To: Desert Sands Warehouse 47950 Dune Palms Rd. La Quinta, CA 92253	**Bill To:** Fiscal Services 47950 Dune Palms Rd. La Quinta, CA 92253

Quote Per Aja Stickler ***PLEASE EXPEDITE ORDER***

Line Item	Item ID# / Description	Quantity Ordered	Unit Price	U/M	Total Price
1	31230 Sanitary Pads, 250/case, Maxithins #4 ***NO SUBS*** Funding: 03 000 0000 0 0000 0000 9330	30.00	$22.90	CS	$687.00

Total Of Line Items	687.00
Discount	$0.00
Sub-Total	$687.00
Use Tax	
Sales Tax	$60.11
Freight	$0.00
Purchase Order Total	$747.11

****VOID****

By: _____
Deputy

TRIAL PRINT

DSUSD000030

TRIAL PRINT

Purchase Order: P-37936-0

Date: 07/10/2018
Time: 11:46
Page: 1 of 2

DESERT SANDS UNIFIED SCHOOL DISTRICT
47950 Dune Palms Road
La Quinta, CA 92253
760-771-8567 Fax: 760-771-8574

Vendor: 10394 SOUTHWEST SCHOOL & OFFICE SUPPLY 3790 DE FOREST CIRCLE JURUPA VALLEY, CA 91752	Buyer: Vickie Haddox Payment Terms: NET 30 Terms and Conditions: See Attachment A FOB: Destination Routing: Warehouse Stock Items Deliver on or before:06/22/2018
Ship To: Desert Sands Warehouse 47950 Dune Palms Rd. La Quinta, CA 92253	**Bill To:** Fiscal Services 47950 Dune Palms Rd. La Quinta, CA 92253

Quote Per Aja Stickler
Per Warehouse Inventory Bid #17/18-010
VENDOR NOTE: DSUSD Warehouse will be closed for deliveries on the following date: 05/28/2018

Line Item	Item ID# / Description	Quantity Ordered	Unit Price	U/M	Total Price
1	31170 Polishing pads, 17" white - Pioneer #GI17WHITE Funding: 03 000 0000 0 0000 0000 9320	60.00	$2.02	EA	$121.20
2	31230 Sanitary Pads, 250/case, Maxithins #4 ***NO SUBS*** Funding: 03 000 0000 0 0000 0000 9320	30.00	$21.30	CS	$639.00
3	16216 8.5x11" White Graph Paper, 1/4" grid 3-Hole Punched - Everett #44-152, Imperial #5289-1/4, SS 086667 Funding: 03 000 00000 0000 0000 9320	360.00	$3.14	RM	$1,130.40

DSUSD000031

Total Of Line Items	$1,890.60
Discount	$0.00
Sub-Total	$1,890.60
Use Tax	
Sales Tax	$165.43
Freight	$0.00
Purchase Order Total	$2,056.03

****VOID****

By: _____

Deputy

TRIAL PRINT

TRIAL PRINT

Purchase Order: P-37884-0

Date: 07/10/2018
Time: 11:47
Page: 1 of 1

DESERT SANDS UNIFIED SCHOOL DISTRICT
47950 Dune Palms Road
La Quinta, CA 92253
760-771-8567 Fax: 760-771-8574

Vendor: 39443 CENTRAL SANITARY SUPPLY Attn: *RANCHO JANITORIAL SUPPLIES 416 N NINTH ST MODESTO, CA 95350	Buyer: Vickie Hacldox Payment Terms: NET 30 Terms and Conditions: See Attachment A FOB: Destination Routing: Warehouse Stock Items Deliver on or before:04/30/2018
Ship To: Desert Sands Warehouse 47950 Dune Palms Rd. La Quinta, CA 92253	**Bill To:** Fiscal Services 47950 Dune Palms Rd. La Quinta, CA 92253

Quote Per Christopher Flores

Line Item	Item ID# / Description	Quantity Ordered	Unit Price	U/M	Total Price
1	31231 Tampax Tampons, 500/Case Tampax #63364 ***NO SUB*** Funding 03 000 0000 0 0000 0000 9320	50.00	$54.87	CS	$2,743.50

Total Of Line Items	$2,743.50
Discount	$0.00
Sub-Total	$2,743.50
Use Tax	
Sales Tax	$240.06
Freight	$0.00
Purchase Order Total	$2,983.56

****VOID****

By: _____
Deputy

TRIAL PRINT

DSUSD000033

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.

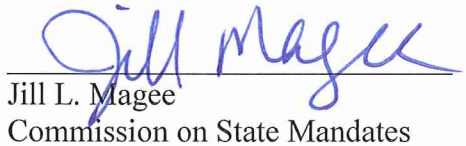
On December 17, 2018, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued December 17, 2018**
- **Test Claim filed by the Desert Sands Unified School District on December 7, 2018**

  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 December 17, 2018 at Sacramento, California.



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

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/14/18

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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RECEIVED
January 16, 2019
Commission on
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DEPARTMENT OF FINANCE
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Exhibit B

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.

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,

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.

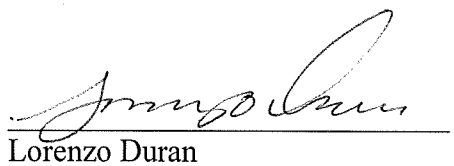
On January 17, 2019, I served the:

- **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.



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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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February 15, 2019

VIA CSM DROP BOX
https://www.csm.ca.gov/dropbox.php

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, California 95814

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

Dear Ms. Halsey:

Please be advised the following is a response to the comments submitted by the Department of Finance ("DOF") dated January 16, 2019 regarding the aforementioned Test Claim. DOF's comments questioned the validity of the claimant's ongoing labor costs claimed in the Test Claim and that the new activities implemented by the Test Claim, as it relates to labor costs, may be "absorbed into existing activities of the school district therefore not resulting in increased labor costs to that district."

Contrary to the DOF's comments, Desert Sands Unified School District ("Claimant") Test Claim does not assert "a massive overhaul of school policies and procedures. Claimant does agrees that there is not an significant increased labor costs to districts which already maintain sanitary, fully operational restrooms that are stocked at all times with basic school restroom supplies…"

Labor Costs

Claimant estimating costs for 2017-2018 is $374 and for 2018-2019, $191.40, for the developing and implementation of internal policies, training, procedures relating to the purchase, installation, and stocking of feminine hygiene products.

The estimated labor costs for developing and implementation of internal policies training procedures relating to the purchase and installation is approximately six hours for the period January 1, 2018, through June 30, 2018. During the same period, the costs for training certificated, classified and other personnel to administer the availability of feminine hygiene

products in the district restrooms is estimated for principals to be at 34.5 hours, and custodians 49.5 hours for a total of $2,110.51.

The stocking of the school's restrooms with feminine hygiene products (feminine hygiene pads; feminine hygiene tampons) at all times is estimated at $6,186.14. The labor costs affiliated with these activities are estimated at .13 minutes per day for custodians, for a total of $39,629.38.

Non-Labor Costs

DOF does not dispute that the purchasing and installing of Feminine Hygiene Products in school restrooms are new activities that provide a higher level of service; and therefore, should be approved as a reimbursable mandate. Claimant estimates the stocking of school restrooms with feminine hygiene products at all times in 2017-2018 will be $39,629.38, and in 2018-2019, $39,629.38. The purchasing and installing dispensers in the school's restrooms is estimated to be 115 dispensers, at $156.74 each, for a total of $19,501.67.

In 2018-2019, the development and implementation of internal policies, training, and procedures relating to the purchase, installation and stocking of feminine hygiene products is 3 hours, for a total of $191.40. In the same year, 2018-2019, the costs for training certificated, classified and other personnel to administer the availability of feminine hygiene products in the district's restrooms totals $2,132.48. The equipment costs relating to installing dispensers in the school restrooms totals $2,034.96.

Conclusion

Based on the above, the cost claimed by the claimant regarding labor costs are very reasonable based on the time estimated to perform the tasks. Based on the above information, claimant requests that the Test Claim activities be approved as a reimbursable mandate.

Very truly yours,

ARTIANO SHINOFF

Arthur M. Palkowitz

AMP:kaf

AS7 Law San Diego/004655/000001/CO/S0425818.DOCX

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 February 15, 2019, I served the:

- **Claimant's Rebuttal Comments filed February 15, 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 February 15, 2019 at Sacramento, California.

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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

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STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

March 5, 2019

Mr. Arthur Palkowitz
Artiano Shinoff
2488 Historic Decatur Road, Suite 200
San Diego, CA 92106

Ms. Erika Li
Department of Finance
915 L Street
Sacramento, CA 95814

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

Re: Draft Proposed Decision, Schedule for Comments, and Notice of Hearing
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

Dear Ms. Li and Mr. Palkowitz:

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

Written Comments

Written comments may be filed on the Draft Proposed Decision by **March 26, 2019**. Please note that all representations of fact submitted to the Commission must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief. (Cal. Code Regs., tit. 2, § 1187.5.) 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 an objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.[1]

You are advised that comments filed with the Commission on State Mandates (Commission) are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Refer to http://www.csm.ca.gov/dropbox_procedures.php on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3.)

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

[1] Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

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Hearing

This matter is set for hearing on **Friday, May 24, 2019** at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The Proposed Decision will be issued on or about May 10, 2019. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Sincerely,

Heather Halsey
Executive Director

ITEM _
TEST CLAIM
DRAFT PROPOSED DECISION

Education Code Section 35292.6

Statutes 2017, Chapter 687 (AB 10)

Public School Restrooms: Feminine Hygiene Products

18-TC-01

Desert Sands Unified School District, Claimant

EXECUTIVE SUMMARY

Overview

This Test Claim alleges reimbursable state-mandated activities arising from Statutes 2017, chapter 687 (AB 10), which added section 35292.6 to the Education Code. The test claim statute requires public schools maintaining any grade 6 to grade 12 classes, inclusive, that meet the 40-percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(l)(A) of Title 20 of the United States Code, to stock at least 50 percent of the school's restrooms with feminine hygiene products, defined as tampons and sanitary napkins, at all times. In addition, the test claim statute prohibits schools from charging for any menstrual products, including feminine hygiene products, provided to pupils.

Staff finds that Education Code section 35292.6, added by the test claim statute, imposes a reimbursable state-mandated program on school districts as specified herein.

Procedural History

Statutes 2017, chapter 687, became effective on January 1, 2018. The Desert Sands Unified School District (claimant) filed the Test Claim on December 7, 2018.[1] The Department of Finance (Finance) filed comments on the Test Claim on January 16, 2019.[2] The claimant filed rebuttal comments on February 15, 2019.[3] Commission staff issued the Draft Proposed Decision on March 5, 2019.[4]

1 Exhibit A, Test Claim, page 1.

2 Exhibit B, Finance's Comments on the Test Claim, page 1.

3 Exhibit C, Claimant's Rebuttal Comments, page 1.

4 Exhibit D, Draft Proposed Decision.

Commission Responsibilities

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a test claim with the Commission. "Test claim" means the first claim filed with the Commission alleging that a particular statue or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with 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. In making its decisions, the Commission must strictly construe XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[5]

Claims

The following chart provides a brief summary of the claims and issues raised and staff's recommendation:

Issue	Description	Staff Recommendation
Was the Test Claim timely filed?	Government Code section 17551(c) states: "test claims shall be filed not later than 12 months following the effective date of a statue or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later." Section 1183.1(c) of the Commission's regulations, in turn, defines "12 months" as 365 days.[6]	*Timely filed* – The test claim statute became effective on January 1, 2018, and the Test Claim was filed on December 7, 2018, within 365 days following the effective date of the statute.[7]
Does Education Code section 35292.6 as added by Statutes 2017, chapter 687 impose a	The test claim statute requires public schools maintaining any classes from grade 6 to grade 12, inclusive, that meets the 40	*Approve* – Education Code section 35292.6 imposes a state-mandated program on school districts with schools

[5] *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

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

[7] Exhibit A, Test Claim, page 1.

Issue	Description	Staff Recommendation
reimbursable state-mandated program on school districts?	percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(l)(A) of Title 20 of the United States Code, to stock at all times at least 50 percent of the school's restrooms with feminine hygiene products, defined as tampons and sanitary napkins, at all times at no cost to students. Finance argues that the implementation of the test claim statute may "simply be absorbed into existing activities of a school district, therefore not resulting in increased labor costs to that district," because "[e]xisting 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."[8]	identified below to stock 50 percent of the school restrooms with feminine hygiene products (defined as tampons and sanitary napkins) at all times at no cost to pupils. This mandate applies to districts for schools that • Maintain any classes from grade 6 to grade 12, inclusive; *and* • Meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(l)(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. This mandated activity is new. Prior state law requires schools to have restrooms open during school hours, and kept in good repair and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.[9] In addition, prior law requires that school restroom facilities be evaluated as to whether they meet the "good repair" standard.[10]

[8] Exhibit B, Finance's Comments on the Test Claim, page 1.

[9] Education Code section 17002; Education Code section 35292.5.

[10] Education Code section 17002(d)(1).

Issue	Description	Staff Recommendation
		Schools are also required by prior law to permit students use facilities consistent with their gender identity, irrespective of the gender listed on the pupil's records.[11] No prior law requires schools to stock restrooms with feminine hygiene products. In addition, this activity is unique to local government, since it is imposed only on public schools, and it provides a service to the public. According to the test claim statute's sponsor, the test claim statute is needed because "[n]ot having access to these vital medical necessities creates an additional barrier to a young girl's education."[12] The provision of public education is an essential governmental function.[13] Finally, the evidence in the record supports a finding of increased costs mandated by the state.

Staff Analysis

A. The Test Claim Was Timely Filed.

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."[14]

[11] Education Code section 221.5.

[12] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 2.

[13] *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 172.

[14] Government Code section 17551(c).

Section 1183.1(c) of the Commission's regulations, in turn, defines "12 months" for purposes of filing a test claim as "365 days" and specifically provides:

> Except as provided in Government Code sections 17573 and 17574, any test claim or amendment filed with the Commission must be filed not later than 12 months (365 days) following the effective date of a statute or executive order, or within 12 months (365 days) of first incurring increased costs as a result of a statute or executive order, whichever is later.[15]

The test claim statute became effective on January 1, 2018, and the Test Claim was filed on December 7, 2018, within 365 days following the effective date of the statute.[16] The Test Claim is therefore timely pursuant to Government Code section 17551(c) and California Code of Regulations, title 2, section 1183.1(c).[17]

B. Education Code Section 35292.6 as Added by Statutes 2017, Chapter 687, Imposes a Reimbursable State-Mandated Program on School Districts with Specified Schools Within the Meaning of Article XIII B, Section 6 of the California Constitution.

Education Code section 35292.6, as added by Statutes 2017, chapter 687, constitutes a reimbursable state-mandated program under article XIII B, section 6 of the California Constitution, beginning January 1, 2018, for school districts with schools identified below to stock 50 percent of the school restrooms with feminine hygiene products (defined as tampons and sanitary napkins) at all times at no cost to pupils. This mandate applies to those public schools that

- Maintain any combination of classes from grade 6 to grade 12, inclusive; *and*
- Meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(l)(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.

The claimant also requests reimbursement for the costs of training, updating policies and procedures, and for purchasing and installing dispensers in the schools' restrooms. Legislative history acknowledges that the mandate would result in school districts incurring costs to purchase and install dispensers and the claimant has filed evidence supporting that cost.[18] These

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

[16] Exhibit A, Test Claim, page 1.

[17] Based on the filing date of December 7, 2018, the potential period of reimbursement would begin July 1, 2017. (Gov. Code, § 17557(e).) However, since the test claim statute did not become effective and operative until January 1, 2018, then the period of reimbursement begins January 1, 2018.

[18] Exhibit X, Assembly Concurrence in Senate Amendments Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 1; Exhibit A, Test Claim, pages 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2), and 26 (Invoice).

activities and costs, however, are not mandated by the plain language of the test claim statute. Nevertheless, these activities and costs may be proposed for inclusion in the Parameters and Guidelines pursuant to Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

The mandated activity to stock 50 percent of the school restrooms with feminine hygiene products (defined as tampons and sanitary napkins) at all times at no cost to pupils is new. Prior to the enactment of the test claim statute, school districts were required to comply with existing standards of cleanliness and maintenance for school restrooms to ensure that every school restroom is maintained and cleaned regularly, and is fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.[19] In addition, prior law requires that school restroom facilities be evaluated as to whether they meet the "good repair" standard.[20] Schools are also required by prior law to permit students to use facilities consistent with their gender identity, irrespective of the gender listed on the pupil's records.[21] However, there is no requirement in prior law to stock 50 percent of the school's restrooms with feminine hygiene products at all times at no cost to students. In addition, the mandated activity is uniquely imposed on school districts, as specified in the test claim statute, and provides a service to the public. According to the legislative history, the test claim statute is needed to remove a barrier to girls' educations because "[n]ot having access to these vital medical necessities creates an additional barrier to a young girl's education. Young girls sometimes miss school because of a lack of access to these products."[22] Thus, the test claim statute imposes a new program or higher level of service.

Finally, based on evidence in the record, staff finds that the test claim statute imposes increased actual costs mandated by the state within the meaning of Government Code section 17514, and that none of the exceptions in Government Code section 17556 apply to deny this Test Claim. The claimant has filed evidence showing $61,615.72 in costs incurred to comply with the test claim statute in fiscal year 2017-2018. The claimant supports its costs with invoices[23] and a declaration from Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, as follows:[24]

- $374.16 to develop and implement policies and procedures.[25]

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[19] Education Code section 35292.5; Education Code section 17002(d)(1); Education Code section 33126(b)(8).

[20] Education Code section 17002(d)(1).

[21] Education Code section 221.5.

[22] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 2.

[23] Exhibit A. Test Claim, pages 25-33.

[24] Exhibit A, Test Claim, pages 20-24 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, pages 1-5).

[25] Exhibit A, Test Claim, pages 11 (Narrative, page 4), 20 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 1).

- $2,110.51 to train certificated and classified staff.[26]
- $19,501.67 to purchase and install dispensers.[27]
- $6,186.14 in purchase price for feminine hygiene products—pads and tampons.[28]
- $32,387.04 in labor costs for school custodians to refill dispensers (based on $27.54 hourly rate X 13 minutes per day X 80 instructional days).[29]
- $1,056.20 in labor costs to order and maintain stock for feminine hygiene products (based on $35.21 hourly rate X 30 hours).[30]

The total estimated costs alleged for the 2018-2019 fiscal year, based on the 2017-2018 costs, amounted to $43,988.22, including the $39,629.38 for stocking the restrooms with feminine hygiene products.[31] The claimant also asserts that the statewide cost to implement the alleged mandate is estimated at $5,000,000.[32]

The claimant has not identified the number of schools in its district required to comply with the mandate or the number of restrooms in each school. However, based on the information contained on the claimant's website,[33] and in the publically available SARC reports for the middle and high schools operated by the claimant, the Commission can take notice that the claimant has a number of Title I schools, serving grade 6 to grade 8 for middle schools, and grade 9 to grade 12 for high schools, that receive Title I funds and meet the 40 percent pupil poverty threshold under Section 6314(a)(l)(A) of Title 20 of the United States Code to operate a

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[26] Exhibit A, Test Claim, pages 11-12 (Narrative, page 4), 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2).

[27] Exhibit A, Test Claim, pages 12 (Narrative, page 4), 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2), 26 (Invoice).

[28] Exhibit A, Test Claim, page 12 (Narrative, page 4); 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2), 27-33 (Invoices).

[29] Exhibit A, Test Claim, page 13 (Narrative, page 5), 22 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 3).

[30] Exhibit A, Test Claim, page 13 (Narrative, page 5), 22 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 3).

[31] Exhibit A, Test Claim, pages 13-15 (Narrative, pages 7-9).

[32] Exhibit A, Test Claim, page 15 (Narrative, page 9).

[33] Exhibit X, Desert Sands Unified School District, State and Federal Programs https://www.dsusd.us/SFP (accessed on February 4, 2019), page 1 (stating that Title I funds support district's programs for five (5) middle schools, and two (2) high schools).

schoolwide program, which are, therefore, mandated by the state to comply with the test claim statute.[34]

Conclusion

Accordingly, staff finds that Education Code section 35292.6, as added by Statutes 2017, chapter 687, constitutes a reimbursable state-mandated program under article XIII B, section 6 of the California Constitution, beginning January 1, 2018, for school districts with schools identified below 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. This mandate applies to those schools that meet the following criteria:

- Maintain any combination of classes from grade 6 to grade 12, inclusive; *and*
- Meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(l)(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.

All other activities and costs alleged in the Test Claim are not mandated by the plain language of the test claim statute, but can be proposed for inclusion in the Parameters and Guidelines pursuant to Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

Staff Recommendation

Staff recommends that the Commission adopt the Proposed Decision to approve the Test Claim and authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

[34] Exhibit X, Indio High School 2016-17 SARC, published January 2018 (stating that in 2016-17, Indio High School, serving grades 9 through 12, qualified for Schoolwide Title I funding, and at the beginning of the 2016-17 the school year, the school enrolled 2024 students, including 90.8% socioeconomically disadvantaged —students qualifying for free and reduced price lunch).

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM Education Code Section 35292.6 Statutes 2017, Chapter 687 (AB 10) Filed on December 7, 2018 Desert Sands Unified School District, Claimant	Case No.: 18-TC-01 *Public School Restrooms: Feminine Hygiene Products* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted May 24, 2019*)

DECISION

The Commission on State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing on May 24, 2019. [Witness list will be included in the adopted Decision.]

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/modified] the Proposed Decision to [approve/partially approve/deny] the Test Claim by a vote of [vote will be included in the adopted Decision], as follows:

Member	**Vote**
Lee Adams, County Supervisor	
Mark Hariri, Representative of the State Treasurer, Vice Chairperson	
Jeannie Lee, Representative of the Director of the Office of Planning and Research	
Sarah Olsen, Public Member	
Carmen Ramirez, City Council Member	
Yvette Stowers, Representative of the State Controller, Vice Chairperson	
Jacqueline Wong-Hernandez, Representative of the Director of the Department of Finance, Chairperson	

Summary of the Findings

This Test Claim alleges that Statutes 2017, chapter 687, which added section 35292.6 to the Education Code, effective January 1, 2018, constitutes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution. The test claim statute requires any public school maintaining any classes from grade 6 to grade 12, inclusive, that meets the 40 percent pupil poverty threshold required to operate a Title I, Part A schoolwide program pursuant to Section 6314(a)(l)(A) of Title 20 of the United States Code, to stock at least 50 percent of the school's restrooms with feminine hygiene products, defined as "tampons and sanitary napkins," at all times. In addition, the test claim statute prohibits schools from charging for any menstrual products, including feminine hygiene products, provided to pupils.

This Test Claim was filed on December 7, 2018, which is within 365 days of the date the test claim statute became effective on January 1, 2018, and is therefore timely filed pursuant to Government Code section 17551 and California Code of Regulations, title 2, section 1183.1(c).[35]

The Commission finds that Education Code section 35292.6, as added by Statutes 2017, chapter 687, constitutes a reimbursable state-mandated program under article XIII B, section 6 of the California Constitution, beginning January 1, 2018, for school districts with schools identified below to stock 50 percent of the school restrooms with feminine hygiene products (defined as tampons and sanitary napkins) at all times at no cost to pupils. This mandate applies to those schools that

- Maintain any combination of classes from grade 6 to grade 12, inclusive; *and*
- Meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(l)(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.

The mandated activity is new. Prior to the enactment of the test claim statute, school districts were required to ensure that every school restroom is maintained and cleaned regularly, and is fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.[36] In addition, prior law requires that school restroom facilities be evaluated as to whether they meet the "good repair" standard.[37] Schools are also required by prior law to permit students to use facilities consistent with their gender identity, irrespective of the gender listed on the pupil's records.[38] However, there is no requirement in prior law to stock 50 percent of the school's restrooms with feminine hygiene products at all times at no cost to students.

In addition, the mandated activity is uniquely imposed on school districts, as specified in the test claim statute, and provides a service to the public. According to the legislative history, the test claim statute is needed to remove a barrier to girls' educations because "[n]ot having access to

[35] Exhibit A, Test Claim, page 1.

[36] Education Code section 35292.5; Education Code section 17002(d)(1); Education Code section 33126(b)(8).

[37] Education Code section 17002(d)(1).

[38] Education Code section 221.5.

these vital medical necessities creates an additional barrier to a young girl's education. Young girls sometimes miss school because of a lack of access to these products."[39] Public education is an essential governmental function.[40] Thus, the test claim statute imposes a new program or higher level of service.

Finally, based on evidence in the record, the Commission finds that the test claim statute results in increased actual costs mandated by the state within the meaning of Government Code section 17514, and that no exceptions in Government Code section 17556 apply to deny this Test Claim.

COMMISSION FINDINGS

I. Chronology

01/01/2018	The effective date of the test claim statute.
12/07/2018	The claimant filed the Test Claim.[41]
12/17/2018	Commission staff issued the Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date.
01/16/2019	The Department of Finance (Finance) filed comments on the Test Claim.[42]
02/15/2019	The claimant filed rebuttal comments.[43]
03/05/2019	Commission staff issued the Draft Proposed Decision.[44]

II. Background

This Test Claim addresses Statutes 2017, chapter 687, which added section 35292.6 to the Education Code. Section 35292.6 requires 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 maintains any combination of classes from grade 6 to grade 12, inclusive, and meets a 40 percent pupil poverty threshold specified in federal law for schoolwide Title I program eligibility.

A. Prior Law Established Requirements for School Restroom Maintenance and Reporting, and Requires that School Restrooms Be Kept in Good Repair and Stocked at All Times with Toilet Paper, Soap, and Paper Towels or Functional Hand Dryers.

Prior law requires school districts to keep facilities and school restrooms in good repair, and to report any needed maintenance on those facilities as follows:

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[39] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 2.

[40] *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 172.

[41] Exhibit A, Test Claim, page 1.

[42] Exhibit B, Finance's Comments on the Test Claim, page 1.

[43] Exhibit C, Claimant's Rebuttal Comments, page 1.

[44] Exhibit D, Draft Proposed Decision.

Restroom Maintenance: Education Code section 35292.5 requires every public and private school enrolling students from kindergarten through grade 12 to ensure that restrooms are kept open during school hours, maintained and cleaned regularly, be fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.[45]

Good Repair and the Facilities Inspection System: Education Code section 17002 defines the "Good Repair" standard for school facilities,[46] including school restrooms, to mean that they are 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.[47] The minimum evaluation criteria for the restrooms require that the restrooms and 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.[48] The FIT developed by the OPSC in 2007 includes the evaluation of 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.[49]

School Accountability Report Card (SARC): 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 SARC.[50] "Good repair" for the purpose of SARC has the same meaning as specified in Section 17002(d).[51] The SARCs must be prepared annually and disseminated to the public.[52]

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[45] Education Code section 35292.5 was pled in *Clean School Restrooms,* 04-TC-01 and was withdrawn by the claimant on March 25, 2010.

[46] 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" is only clarifying the existing law. In addition, all the activities claimed in relation to school facilities programs utilizing the section 17002 good repair definition were voluntarily assumed activities.

[47] Education Code section 17002(d)(1).

[48] Education Code section 17002(d)(1)(M).

[49] Exhibit X, OPSC, Facility Inspection Tool (FIT) https://www.documents.dgs.ca.gov/opsc/Forms/Worksheets/FIT_rev.pdf (accessed on January 30, 2018).

[50] 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 the activity to report any needed maintenance to ensure good repair on the SARC.

[51] Education Code section 17014(d).

[52] Education Code section 33126.

Local Control Accountability Plan (LCAP): As a part of the new Local Control Funding Formula (LCFF),[53] 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,"[54] and requires, to the extent practicable, that the data in the LCAP be reported in a manner consistent with how information is reported on the SARC.[55]

Use of Facilities Consistent with Gender Identity: Education Code section 221.5 requires that a pupil be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

B. The Test Claim Statute

Statutes 2017, Chapter 687, added section 35292.6 as follows:

> (a) A public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meets the 40- percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(l)(A) of Title 20 of the United States Code shall stock at least 50 percent of the school's restrooms with feminine hygiene products 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.

The schools required to comply with this statute in accordance with subdivision (a) are analyzed in the Discussion below.

The Senate Floor analysis, quoting the author of the bill, states:

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[53] Education Code section 42238.02. The formula 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 (EL), free and reduced-price meal eligible students and foster youth students.

[54] Education Code section 52060(a)-(d). The governing boards of school districts are required to adopt a three-year LCAPs, using a template adopted by the state board, describing annual goals for all pupils and each 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

[55] Education Code section 52060(f).

> This bill seeks to increase access to menstrual products to girls and young women who need it most by providing them for free in public schools grade 6 to grade 12 that receive Title 1 funding.[56]

The test claim statute is needed, according to the analysis, to remove a barrier to girls' education by providing access to feminine hygiene products, and may result, as evidenced by other jurisdictions, in increased school attendance:

> Not having access to these vital medical necessities creates an additional barrier to a young girl's education. Young girls sometimes miss school because of a lack of access to these products. A pilot project to provide menstrual products for free in New York City was done last year in 25 middle schools and high schools and the schools saw a 2.4% increase in attendance. Providing tampons and pads is about equity and social justice. We provide toilet paper in the bathrooms of schools and tampons should be no different.[57]

The analysis further notes that access to female hygiene products is vital for health, well-being, and full participation, but is limited for vulnerable populations stating:

> According to a June 20, 2016 committee report by Committee on Women's Issues for the Council of the City of New York, " . . . Feminine hygiene products are vital for the health, well-being and full participation of women and girls. Inadequate menstrual hygiene management is associated with both health and psycho-social issues, particularly among low-income women. It has been reported that a lack of access to feminine hygiene products can cause emotional duress, physical infection and disease, and can lead to cervical cancer. Access to feminine hygiene products has proven to be limited for vulnerable populations. Currently the cost of feminine hygiene products (FHP) are not included in health insurance or flexible spending accounts, nor in public benefits programs such as the Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children (WIC) benefits."[58]

The Assembly Floor Analysis, concurring in Senate amendments, and quoting the Senate Appropriations Committee analysis, indicates that the bill is expected to result in reimbursable state-mandated costs as follows:

> **FISCAL EFFECT**: According to the Senate Appropriations Committee:
>
> 1) *One-time state reimbursable mandated costs*, ranging from the millions to tens of millions of dollars in Proposition 98 General Fund, for the bill's requirement for Title I schools serving grades 6 to 12 to stock at least 50% of their

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[56] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10, (2017-2018), as amended September 1, 2017, page 3.

[57] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 2.

[58] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 3.

restrooms with feminine hygiene products. The precise cost will depend on the actual number of bathrooms that will require dispensers to be installed as well as the installation cost for each dispenser, which can vary from anywhere as low as several hundred dollars to as high as two to three thousand dollars.

2) *Ongoing state reimbursable mandated costs*, likely in the hundreds of thousands of dollars in Proposition 98 General Fund, to stock the dispensers at no charge.[59]

III. Positions of the Parties

A. Desert Sands Unified School District

The claimant alleges that the test claim statute constitutes a reimbursable state-mandated program[60] and requires the claimant to perform the following new activities to implement the test claim statute:

(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.[61]

The total increased costs alleged by the claimant to perform these activities for the 2017-2018 fiscal year amounted to $61,615.72 for the cost of labor and supplies, including $39,629.38 for stocking the schools' restrooms with feminine hygiene products at all times.[62] The total estimated costs alleged for the 2018-2019 fiscal year, based on the 2017-2018 costs, amounted to $43,988.22, including the $39,629.38 for stocking the restrooms with feminine hygiene products.[63] To support its claim, the claimant filed a declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District[64] and invoices.[65]

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[59] Exhibit X, Assembly Concurrence in Senate Amendments Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 1, emphasis added.

[60] Exhibit A, Test Claim, page 7 (Narrative, page 1).

[61] Exhibit A, Test Claim, page 11 (Narrative, page 5).

[62] Exhibit A, Test Claim, pages 11-13 (Narrative, pages 5-7).

[63] Exhibit A, Test Claim, pages 13-15 (Narrative, pages 7-9).

[64] Exhibit A, Test Claim, pages 20-24 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, pages 1-5).

[65] Exhibit A, Test Claim, pages 25-33.

The claimant filed rebuttal comments on February 15, 2019 in response to Finance's argument "questioning the validity of the claimant's ongoing labor costs claimed in the Test Claim and that the new activities implemented by the Test Claim, as it relates to labor costs, may be "absorbed into existing activities of the school district therefore not resulting in increased labor costs to that district."[66] The claimant disagrees with Finance's statement that the Test Claim asserts "a massive overhaul of school policies and procedures" and states that the claimed "labor costs are very reasonable based on the time estimated to perform the tasks."[67]

B. Department of Finance

Finance argues that "[e]xisting 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", and, therefore, the activities related to implementation of the test claim statute may "simply be absorbed into existing activities of a school district, therefore not resulting in increased labor costs to that district."[68]

Alternatively, the Finance argues that, to the extent that the test claim statute establishes new responsibilities, the requirement to stock feminine hygiene products in 50 percent of certain public school's restrooms, already maintained as required by section 35292.5 and 17002, "should not require massive overhaul of school policies and procedures, nor should it result in significant increased labor costs."[69]

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."[70] Thus, the subvention requirement of section 6 is "directed to state-mandated increases in the services provided by [local government] …"[71]

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

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[66] Exhibit C, Claimant's Rebuttal Comments, page 1.

[67] Exhibit C, Claimant's Rebuttal Comments, pages 1-2.

[68] Exhibit B, Finance's Comments on the Test Claim, page 1.

[69] Exhibit B, Finance's Comments on the Test Claim, page 2.

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

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

1. A state statute or executive order requires or "mandates" local agencies or school districts to perform an activity.[72]
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.[73]
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.[74]
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.[75]

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.[76] The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.[77] In making its decisions, the Commission must strictly construe article XIII B, section 6 of the California Constitution, and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[78]

A. This Test Claim Was Timely Filed.

Government Code section 17551(c) provides that test claims "shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of

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

[73] *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).

[74] *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.

[75] *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.

[76] *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487.

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

[78] *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].

incurring increased costs as a result of a statute or executive order, whichever is later."[79] Section 1183.1(c) of the Commission's regulations, in turn, defines "12 months" as 365 days.[80]

The test claim statute became effective on January 1, 2018, and the Test Claim was filed on December 7, 2018, within 365 days following the effective date of the statute.[81] The Test Claim was therefore timely pursuant to the first prong of Government Code section 17551(c) and California Code of Regulations, title 2, section 1183.1(c).[82]

B. Education Code Section 35292.6, as Added by Statutes 2017, Chapter 687, Imposes a Reimbursable State-Mandated Program on School Districts with Specified Schools Within the Meaning of Article XIII B, Section 6 of the California Constitution.

As described below, the Commission finds that Education Code section 35292.6, added by the test claim statute (Stats. 2017, ch. 687) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

1. Education Code Section 35292.6 Imposes a State-Mandated Program on School Districts with Schools Maintaining Any Combination of Classes from Grade 6 to Grade 12, Inclusive, That Meet a 40 Percent Pupil Poverty Threshold Required to Operate a Schoolwide Title I Program Pursuant to Federal Law, to Stock 50 Percent of the School Restrooms with Feminine Hygiene Products at All Times at No Cost to Pupils.

The plain language of Education Code section 35292.6 requires specified schools maintaining any combination of classes from grade 6 to grade 12, to stock at all times at least 50 percent of the schools' restrooms with feminine hygiene products, defined as "tampons and sanitary napkins for use in connection with the menstrual cycle." In addition, the statute prohibits these schools from charging for any menstrual products provided to pupils, including, but not limited to, feminine hygiene products. Section 35292.6 states the following:

> (a) A public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meets the 40- percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(l)(A) of Title 20 of the United States Code *shall stock at least 50 percent of the school's restrooms with feminine hygiene products at all times*.

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[79] Government Code section 17551(c) (Stats. 2007, ch. 329).

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

[81] Exhibit A, Test Claim, page 1.

[82] Based on the filing date of December 7, 2018, the potential period of reimbursement would begin July 1, 2017. (Gov. Code, § 17557(e).) However, since the test claim statute did not become effective and operative until January 1, 2018, then the period of reimbursement begins January 1, 2018.

(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.

Based on the plain language of the statute, the activity to stock 50 percent of the school's restrooms with "feminine hygiene products" (defined as tampons and sanitary napkins) at all times, is mandated by the state.[83] Although the statute suggests that a school can stock more than 50 percent of the restrooms with feminine hygiene products (with the language requiring schools to stock "*at least* 50 percent of the school's restrooms"), there is no mandate to do so. It is within the discretion of a school district or the school site to stock more than 50 percent of the school's restrooms with feminine hygiene products.

In addition, the test claim statute prohibits schools from charging for any "menstrual products provided to pupils, including, but not limited to, feminine hygiene products." The term "menstrual products" is not defined. However, the phrase "menstrual products" is broader than "feminine hygiene products" (defined as tampons and sanitary napkins), since the plain language states that "menstrual products" includes, "but is not limited to," "feminine hygiene products." The test claim statute only mandates that schools stock tampons and sanitary napkins. The state has not mandated schools to provide or stock any other menstrual product. Therefore, to the extent a school stocks other menstrual products, it does so at its own discretion and cost.

Moreover, the test claim statute mandates that 50 percent of the school's restrooms be stocked with feminine hygiene products, but does not define the term "restrooms." A "restroom" is commonly understood as "*a room* or *suite of rooms* in a public space provided with lavatory, toilet, and other facilities . . ."[84] Accordingly, no matter how many lavatories or toilets are in a room or suite of rooms, the mandate is to stock with feminine hygiene products, 50 percent of the rooms provided for that purpose at a school site. Thus, for example, if a school has two sets of restrooms, one for men or boys and one for women or girls, it would be required to stock one restroom with tampons and sanitary napkins – and that would be the one for women or girls consistent with the spirit of the law.

Finally, the test claim statute provides that only "a public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(l)(A) of Title 20 of the United States Code" is mandated to comply with the test claim statute. Section 6314 of Title 20 of the United States Code is part of federal statutory scheme known as Title I, Part A, authorized under the Elementary and Secondary Education Act (ESEA) of 1965[85] and most recently

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[83] Education Code section 75 states that "'[s]hall is mandatory and 'may' is permissive."

[84] Webster's Third New International Dictionary, Merriam-Webster, Inc. Massachusetts 1993, page 1937.

[85] Public Law No. 89-10, Title I, Part A has been codified in Title 20 United State Code, Sections 6301-6339, 6571-6578.

reauthorized by the Every Student Succeeds Act (ESSA) of 2015,[86] to provide federal financial assistance to local educational agencies (LEAs) and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.[87] Any state desiring federal funds from Title I, Part A, is required to submit to the federal government a state plan that outlines the state's challenging academic standards and student academic achievement standards; establishes a single, statewide accountability system that will be effective in ensuring that all LEAs and schools make adequate yearly progress to meet the state's student academic achievement standards; and establishes statewide annual measurable objectives.[88] The Act also requires each state to produce an annual report card that summarizes student achievement data statewide, disaggregated by student subgroups, including low-income student subgroups.[89]

Local educational agencies (LEAs) allocate funds received under the federal Title I, Part A program to schools in "eligible school attendance areas" in rank order on the basis of the total number of children from low-income families in each area or school, using certain measures of poverty.[90] Section 6314(a)(1)(A) of Title 20 of the United States Code, which is referenced in the test claim statute, authorizes the LEA to consolidate and use federal Title I, Part A funds, together with other federal, state, and local funds, to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families. Federal regulations clarify that a school is eligible to operate a schoolwide program pursuant to section 6314(a)(1)(A) if it meets two requirements—(i) it is eligible to receive Title I, Part A funds, and (ii) has at least 40 percent level of poverty, ascertained with one of the two poverty tests, identified in subsections (A) and (B), as follows:

> (i) The school's LEA determines the school serves an eligible attendance area or is a participating school under section 1113 of the ESEA; *and*
>
> (ii) For the initial year of the schoolwide program -
>
> (A) The school serves a school attendance area in which not less than 40 percent of the children are from low-income families, *or*

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[86] Public Law No. 114-95, 129 Statutes 1802 (2015).

[87] Exhibit X, U.S. Department of Education, Programs, Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A) https://www2.ed.gov/programs/titleiparta/index.html (accessed on January 30, 2018).

[88] 20 United States Code, section 6311.

[89] 20 United State Code, section 6311.

[90] 20 United States Code, section 6313(c). The measures of poverty are identified in 20 United States Code, section 6313(a)(5). For an LEA with an enrollment of less than 1,000 students, the ranking and serving requirements based on poverty percentages are not applicable. 20 United States Code, section 6313(a)(5).

(B) Not less than 40 percent of the children enrolled in the school are from low-income families.[91]

The test claim statute, however, states that it applies to a school that meets the "40 percent *pupil* poverty threshold" required to operate a schoolwide program. The phrase "40 percent *pupil* poverty threshold" is not defined in the test claim statute, and is not a phrase used in federal law. Section 6314(a)(l)(A) of Title 20 of the United States Code instead uses the phrase "*children from low-income families*" and sets out two poverty tests to see if a school that qualifies for Title I, Part A funding also meets the 40 percent threshold required to operate a schoolwide program. The first test, described in subsection (A) of the federal regulation discussed above, is that "the school serves a *school attendance area* in which not less than 40 percent of the children are from low-income families."[92] This test looks at the "school attendance area," which is the geographical area in which the children who are normally served by that school reside.[93] Thus, this test looks at the income level of the families that reside in the area served by the school, regardless of whether the children from these families are actually enrolled in the school. The second test, described in subsection (B) of federal regulation discussed above, is a narrower approach, and looks at the income level of the families whose children are actually enrolled in the school. This test states that schools where "not less than 40 percent of the *children enrolled* in the school are from low-income families," are eligible to operate a schoolwide program.[94]

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)(l)(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.

The Legislature is deemed to be aware of existing laws in effect at the time legislation is enacted[95] and, thus, it presumably was aware of the two poverty tests allowed by section 6314(a)(l)(A) of Title 20 of the United States Code when it enacted the test claim statute. The Legislature did not use the phrase "40 percent poverty threshold," which would suggest that a school meeting either test identified in section 6314(a)(1)(A) (based on the income levels of the families in the school attendance area, or on the income level of the families whose children are actually enrolled in the school) is required to comply with the test claim statute.

Instead, the Legislature expressly used the word "pupil" in the phrase "40 percent *pupil* poverty threshold." Under the rules of statutory construction, "the statutes should be construed to give meaning to every word in a statute and to avoid constructions that render words, phrases, or

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[91] 34 Code of Federal Regulations section 200.25(b)(1).

[92] 20 United States Code, section 6314(a)(1)(A); 34 Code of Federal Regulations, section 200.25(b)(1)(ii)(A), emphasis added.

[93] 20 United States Code, section 6313(a)(2)(A).

[94] 20 United State Code, section 6314(a)(1)(A); 34 Code of Federal Regulations, section 200.25(b)(1)(ii)(B), emphasis added.

[95] *People v. Licas* (2007) 41 Cal.4th 362, 367, citation omitted.

clauses superfluous."[96] Webster's Third New International Dictionary defines "pupil" as "a child or young person in school or in the charge of a tutor or instructor: STUDENT . . . ."[97] Thus, the word "pupil" refers only to children enrolled in school.

Therefore, the Commission finds that the Legislature intended that a public school maintaining any combination of classes from grade 6 to grade 12, inclusive, is mandated by the state to stock 50 percent of the school's restrooms with feminine hygiene products at all times at no cost to pupils, if the school is eligible to receive Title I, Part A funds, and not less than 40 percent of the children enrolled in the school are from low-income families.

This interpretation is consistent with the legislative history of the test claim statute, which focuses on the education of girls enrolled in school. According to the Assembly floor analysis, "this bill . . . [r]equires public schools *enrolling pupils* in grades six through twelve, inclusive, *that qualify to operate a schoolwide Title I program based upon a 40% pupil poverty threshold*, to stock at least 50% of the school's restrooms with feminine hygiene products at all times."[98] The Senate floor analysis states that "[n]ot having access to these vital medical necessities creates an additional barrier to a young girl's education. Young girls sometimes miss school because of a lack of access to these products," and that as a result of a pilot project in New York City to provide menstrual products for free in schools "the schools saw a 2.4% increase in attendance." [99] Thus, "[t]his bill seeks to increase access to menstrual products to girls and young women who need it most by providing them for free in public schools grade 6 to grade 12 that receive Title 1 funding."[100] The Senate floor analysis also states that the costs are expected ". . . for the bill's requirement for Title I schools serving grades 6 to 12 to stock at least 50% of their restrooms with feminine hygiene products."[101]

Accordingly, the test claim statute imposes a state-mandated program on school districts that have the following schools required by the state to stock 50 percent of the school's restrooms with feminine hygiene products (defined as tampons and sanitary napkins) at all times at no cost to pupils:

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[96] *Klein v. United States of America* (2010) 50 Cal.4th 68, 80, citation omitted.

[97] Webster's Third New International Dictionary, Merriam-Webster, Inc. Massachusetts 1993, page 1844. The courts use the dictionary as a proper source to determine the usual and ordinary meaning of a word or phrase in a statute. "If there is no ambiguity in the language, we presume the Legislature meant what it said and the plain meaning of the statute governs." (*Murphy v. Kenneth Cole Productions, Inc.* (2007) 40 Cal.4th 1094, 1103, citation omitted).

[98] Exhibit X, Assembly Third Reading Analysis of AB 10 (2017-2018), as amended May 30, 2017, page 1, emphasis added.

[99] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10, (2017-2018), as amended September 1, 2017, page 2.

[100] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10, (2017-2018), as amended September 1, 2017, page 3.

[101] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10, (2017-2018), as amended September 1, 2017, page 1.

- Schools that maintain any combination of classes from grade 6 to grade 12, inclusive; *and*
- Schools that meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(l)(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.

In addition, the claimant requests reimbursement for the costs of training, updating policies and procedures, and for purchasing and installing dispensers in the schools' restrooms.[102] Although the legislative history of the test claim statute acknowledged that the mandate would result in school districts incurring costs to purchase and install dispensers and the claimant has filed evidence supporting that cost,[103] these activities and costs are not mandated by the plain language of the test claim statute. Nevertheless, these activities and costs 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. Education Code Section 35292.6 Imposes a New Program or Higher Level of Service.

For the test claim statute to be subject to subvention pursuant to article XIII B, section 6 of the California Constitution, the statute must impose a new program or higher level of service. First, the mandated activity must be new when compared with the legal requirements in effect immediately before the enactment of the test claim statute.[104] In addition, the program must carry out of the governmental function of providing services to the public, or, be a law which, to implement a state policy, imposes unique requirements on local government that does not apply generally to all residents and entities in the state:

> Looking at the language of section 6 then, it seems clear that by itself the term "higher level of service" is meaningless. It must be read in conjunction with the predecessor phrase "new program" to give it meaning. Thus read, it is apparent that the subvention requirement for increased or higher level of service is directed to state mandated increases in the services provided by local agencies in existing "programs." But the term "program" itself is not defined in article XIII B. What programs then did the electorate have in mind when section 6 was adopted? We conclude that the drafters and the electorate had in mind the commonly understood meanings of the term – *programs that carry out the governmental function of providing services to the public, or laws which, to implement a state*

[102] Exhibit A, Test Claim, page 11 (Narrative, page 5).

[103] Exhibit X, Assembly Concurrence in Senate Amendments Analysis of AB 10 (2017-2018), as amended September 1, 2017, page 1; Exhibit A, Test Claim, pages 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2), and 26 (Invoice).

[104] *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.

> *policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state.*[105]

The Court further held that "the intent underlying section 6 was to require reimbursement to local agencies for the costs involved in carrying out functions *peculiar to government*, not for expenses incurred by local agencies as an incidental impact of laws that apply generally to all state residents and entities."[106]

Finance argues that the implementation of the test claim statute may "simply be absorbed into existing activities of a school district, therefore not resulting in increased labor costs to that district," because "[e]xisting 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."[107]

The Commission, however, finds that the activity to stock 50 percent of the school's restrooms with feminine hygiene products (defined as tampons and sanitary napkins) at all times is new. As discussed in the Background, prior state law requires schools to have restrooms open during school hours, and kept in good repair and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.[108] In addition, prior law requires that school restroom facilities be evaluated as to whether they meet the "good repair" standard in accordance with the Facility Inspection Tool (FIT) created by the Office of Public School Construction (OPSC) or a local evaluation instrument that meets the same criteria,[109] with the findings to be annually reported on the SARCs,[110] and addressed in the LEAs' LCAPs.[111] Schools are also required by the prior law to permit students use facilities consistent with their gender identity, irrespective of the gender listed on the pupil's records.[112] No prior law, however, required schools to stock restrooms with feminine hygiene products. Thus, the requirement "to stock at least 50 percent of the school's restrooms with feminine hygiene products at all times" at no cost to pupils, is new. Although some schools may have been stocking school restrooms with feminine hygiene products prior to the test claim statute, they were not mandated by the state to do so until after the operative date of the mandate. Government Code section 17565 states that "[i]f a local agency or a school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate."

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[105] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56, emphasis added.

[106] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56-57, emphasis added.

[107] Exhibit B, Finance's Comments on the Test Claim, page 1.

[108] Education Code section 17002; Education Code section 35292.5.

[109] Education Code section 17002(d)(1).

[110] Education Code section 33126

[111] Education Code section 52060(a)-(d).

[112] Education Code section 221.5.

In addition, the activity mandated by the test claim statute is unique to government and applies only to *public* schools. Moreover, it provides a peculiarly governmental service to the public. The test claim statute "seeks to increase access to menstrual products to girls and young women who need it most by providing them for free in public schools . . . ." as not having access to these products "creates an additional barrier to a young girl's education."[113] Providing access to education is a core governmental function and mandatory and free public education is required by the California Constitution.[114]

Accordingly, the test claim statute imposes a new program or higher level of service.

3. Education Code Section 35292.6 Results in Increased Costs Mandated by the State Within the Meaning of Article XIII B, Section 6 of the California Constitution and Government Code Section 17514.

The mandated activity must also result in increased costs mandated by the state. Finance argues that the requirement to stock feminine hygiene products in 50 percent of the school restrooms, which are already maintained as required by Education Code sections 35292.5 and 17002, "should not require massive overhaul of school policies and procedures, nor should it result in significant increased labor costs."[115]

Article XIII B, section 6 of the California Constitution and Government Code section 17561(a) require reimbursement for all 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 shall be made nor shall any payment 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.

Here, the claimant alleges that it has incurred increased costs of $61,615.72 to comply with the mandate in fiscal year 2017-2018. This amount includes costs for developing and implementing policies and procedures, training, purchasing and installing dispensers, purchasing sanitary napkins and tampons, and labor to stock the products.[116] The claimant supports these assertions with invoices[117] and a declaration from Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District.[118] The claimant identifies the following actual costs incurred in

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[113] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 10, (2017-2018), as amended September 1, 2017, pages 2-3.

[114] *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 172.

[115] Exhibit B, Finance's Comments on the Test Claim, page 2.

[116] Exhibit A, Test Claim, pages 11-13 (Narrative, pages 5-7).

[117] Exhibit A, Test Claim, pages 25-33.

[118] Exhibit A, Test Claim, pages 20-24 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, pages 1-5).

fiscal year 2017-2018 to stock middle and high schools' restrooms with feminine hygiene products:

- $374.16 to develop and implement policies and procedures.[119]
- $2,110.51 to train certificated and classified staff.[120]
- $19,501.67 to purchase and install dispensers.[121]
- $6,186.14 in purchase price for feminine hygiene products—pads and tampons.[122]
- $32,387.04 in labor costs for school custodians to refill dispensers (based on $27.54 hourly rate X 13 minutes per day X 80 instructional days).[123]
- $1,056.20 in labor costs to order and maintain stock for feminine hygiene products (based on $35.21 hourly rate X 30 hours).[124]

The total estimated costs alleged for the 2018-2019 fiscal year, based on the 2017-2018 costs, amounted to $43,988.22, including the $39,629.38 for stocking the restrooms with feminine hygiene products.[125] The claimant also asserts that the statewide cost to implement the alleged mandate is estimated at $5,000,000.[126]

The claimant has not identified the number of schools in its district required to comply with the mandate or the number of restrooms in each school. However, based on the information contained on the claimant's website,[127] and in the publically available SARC reports for the

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[119] Exhibit A, Test Claim, pages 11 (Narrative, page 4), 20 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 1).

[120] Exhibit A, Test Claim, pages 11-12 (Narrative, page 4), 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2).

[121] Exhibit A, Test Claim, pages 12 (Narrative, page 4), 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2), 26 (Invoice).

[122] Exhibit A, Test Claim, page 12 (Narrative, page 4); 21 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 2), 27-33 (Invoices).

[123] Exhibit A, Test Claim, page 13 (Narrative, page 5), 22 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 3).

[124] Exhibit A, Test Claim, page 13 (Narrative, page 5), 22 (Declaration of Jordan Aquino, Chief Business Officer for the Desert Sands Unified School District, December 6, 2018, page 3).

[125] Exhibit A, Test Claim, pages 13-15 (Narrative, pages 7-9).

[126] Exhibit A, Test Claim, page 15 (Narrative, page 9).

[127] Exhibit X, Desert Sands Unified School District, State and Federal Programs, https://www.dsusd.us/SFP (accessed on February 4, 2019), page 1 (stating that Title I funds support district's programs for five (5) middle schools, and two (2) high schools).

middle and high schools operated by the claimant, the Commission takes notice that the claimant has a number of Title I schools, serving grade 6 to grade 8 for middle schools, and grade 9 to grade 12 for high schools, that receive Title I funds and meet the 40 percent pupil poverty threshold under Section 6314(a)(l)(A) of Title 20 of the United States Code to operate Title I, Part A schoolwide programs, which are, therefore, required to perform the activity mandated by the test claim statute.[128] Thus, the record contains sufficient evidence that the claimant's cost to comply with the mandate in fiscal year 2017-2018 exceeded $1,000.

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, for example, no law or evidence in the record that additional funds have been made available for the new state-mandated activity.[129] In addition, school districts have no fee authority to pay the costs of the alleged mandate since the statute expressly prohibits schools from charging pupils for feminine hygiene products.[130]

Based on the foregoing, the Commission finds that the test claim statute results in increased actual costs mandated by the state within the meaning of article XIII B, section 6 and Government Code section 17514.

V. Conclusion

Accordingly, the Commission approves this Test Claim and finds that Education Code section 35292.6, as added by Statutes 2017, chapter 687, constitutes a reimbursable state-mandated program under article XIII B, section 6 of the California Constitution, beginning January 1, 2018, for school districts with schools identified below 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. This mandate applies to those schools that

- Maintain any combination of classes from grade 6 to grade 12, inclusive; *and*
- Meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(l)(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.

All other activities and costs alleged in the Test Claim are not mandated by the plain language of the test claim statute, but can be proposed for inclusion in the Parameters and Guidelines pursuant to Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

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[128] Exhibit X, Indio High School 2016-17 SARC, published January 2018 (stating that in 2016-17, Indio High School, serving grades 9 through 12, qualified for Schoolwide Title I funding, and at the beginning of the 2016-17 the school year, the school enrolled 2024 students, including 90.8% socioeconomically disadvantaged —students qualifying for free and reduced price lunch).

[129] Government Code section 17556(e).

[130] Government Code section 17556(d).

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 5, 2019, I served the:

- **Draft Proposed Decision, Schedule for Comments, and Notice of Hearing issued March 5, 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 March 5, 2019 at Sacramento, California.

Jill Magee

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

Mailing List

Last Updated: 3/5/19

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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March 26, 2019

VIA CSM DROP BOX
https://www.csm.ca.gov/dropbox.php

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Executive Director
Commission on State Mandates
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Re: Response to Draft Proposed Decision 18-TC-01, Public School Restrooms: Feminine Hygiene Products

Dear Ms. Halsey:

Please be advised the following is a response to the Draft Proposed Decision dated March 5, 2019 regarding the aforementioned Test Claim.

Commission staff has concluded that Education Code section 35292.6, as added by Statutes 2017, chapter 687, constitutes a reimbursable state-mandated program under article XIII B, section 6 of the California Constitution, beginning January 1, 2018, for school districts with schools identified below 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. This mandate applies to those schools that meet the following criteria:

- Maintain any combination of classes from grade 6 to grade 12, inclusive; *and*
- Meet the 40 percent pupil poverty threshold required to operate a schoolwide program pursuant to section 6314(a)(l)(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.

(Draft Proposed Decision ("DPD"; page 8)

However, Commission Staff has rejected the Test Claim requesting reimbursement of the new activities that included costs related to the purchase and installation of dispensers as well as school policies and procedures. Section 35292.6 states the following:

> (a) A public school maintaining any combination of classes from grade 6 to grade 12, inclusive, that meets the 40- percent pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(l)(A) of Title 20 of the United States Code *shall stock at least 50 percent of the school's*

restrooms with feminine hygiene products at all times. (DPD 18)

Legislative history acknowledges that the mandate would result in school districts incurring costs to purchase and install dispensers and the claimant has filed evidence supporting that cost. Commission staff has ignored the legislative intent in recommending that these activities and costs are not reimbursable. (DPD p. 6) Nor does the DPD decision state any method or means for students to access the feminine hygiene products that are to be stocked at all times.

Desert Sands Unified School District ("Claimant") contends that the legislative intended to reimburse for installation of dispensers. serving grades 6 to 12 to stock at least 50% of their restrooms with feminine hygiene products. "*The precise cost will depend on the actual number of bathrooms that will require dispensers to be installed as well as the installation cost for each dispenser*, which can vary from anywhere as low as several hundred dollars to as high as two to three thousand dollars. (emphasis added; Assembly Analysis September 6, 2017) The precise cost can vary from anywhere as low as several hundred dollars to as high as two to three thousand dollars. (Senate Rules Committee; September 1, 2017)

Installing dispensers is a reasonable, healthy, safe and effective method to satisfy the statute's requirement "to stock at least 50 percent of the school's restrooms with feminine hygiene products at all times." (Education Code Section 35292.6.)

CERTIFICATION

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 information and belief.

Arthur M. Palkowitz

Attorney for Claimant

Desert Sands Unified School District

AMP:kaf

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 28, 2019, I served the:

- **Finance's Comments on the Draft Proposed Decision filed March 26, 2019**
- **Claimant's Comments on the Draft Proposed Decision filed March 26, 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 March 28, 2019 at Sacramento, California.

Lorenzo Duran
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/22/19

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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RECEIVED
March 26, 2019
Commission on
State Mandates

DEPARTMENT OF FINANCE
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Exhibit F

March 26, 2019

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

Dear Ms. Halsey:

As requested in your letter dated March 5, 2019, the Department of Finance (Finance) has reviewed the Draft Proposed Decision for test claim 18-TC-01 titled "Public School Restrooms: Feminine Hygiene Products" and hereby submits the following comments.

We continue to have concerns regarding some of the costs in the Draft Proposed Decision. For example, the claimant Desert Sands Unified School District (Claimant) does not outline whether all costs will be ongoing or one-time. Finance contends that certain costs, such as development and implementation of policies, and purchase and installation of dispensers, are one-time costs which should not need to be repeated in ongoing years.

Additionally, the labor costs in the Draft Proposed Decision do not support the actual costs identified by Claimant in the test claim. On page 7 and page 26 of the Proposed Decision, estimated labor costs for school custodians to refill dispensers total $32,387.04, based on an hourly rate of $27.54 for 13 minutes per day of labor over 80 instructional days. However, on page 7 of the test claim, the Claimant declares 0.13 minutes per day to refill stock, as well as 180 total instructional days. Given the significant difference in the resulting calculation, Finance would like further clarification on the Claimant's identified costs. Finally, we continue to dispute the significant custodial cost to refill dispensers, as the Claimant has not identified the number of schools in its district required to comply with the measure or the number of restrooms in each school.

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

Sincerely,

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 March 28, 2019, I served the:

- **Finance's Comments on the Draft Proposed Decision filed March 26, 2019**
- **Claimant's Comments on the Draft Proposed Decision filed March 26, 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 March 28, 2019 at Sacramento, California.

Lorenzo Duran
Commission on State Mandates
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COMMISSION ON STATE MANDATES

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CONCURRENCE IN SENATE AMENDMENTS
AB 10 (Cristina Garcia)
As Amended September 1, 2017
Majority vote

ASSEMBLY: 68-6 (May 31, 2017) SENATE: 39-0 (September 6, 2017)

Original Committee Reference: **ED.**

SUMMARY: Requires a public school serving students in any of grades 6 to 12, that meets the 40% pupil poverty threshold required to operate a federal Title I schoolwide program, to stock at least 50% of the school's restrooms with feminine hygiene products at all times and to provide those products at no charge.

The Senate amendments specify that schools may not charge students for menstrual products and add co-authors.

FISCAL EFFECT: According to the Senate Appropriations Committee:

1) One-time state reimbursable mandated costs, ranging from the millions to tens of millions of dollars in Proposition 98 General Fund, for the bill's requirement for Title I schools serving grades 6 to 12 to stock at least 50% of their restrooms with feminine hygiene products. The precise cost will depend on the actual number of bathrooms that will require dispensers to be installed as well as the installation cost for each dispenser, which can vary from anywhere as low as several hundred dollars to as high as two to three thousand dollars.

2) Ongoing state reimbursable mandated costs, likely in the hundreds of thousands of dollars in Proposition 98 General Fund, to stock the dispensers at no charge.

COMMENTS: According to the author, "Feminine hygiene products are a necessity for the health, well-being, and full participation for those who menstruate. No person who menstruates should ever need to worry about access to tampons or sanitary pads. These products are medical necessities for half of our population and as a state California should not wait to lead the country to increase access to these products."

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087 FN: 0001774

ASSEMBLY THIRD READING
AB 10 (Cristina Garcia)
As Amended May 30, 2017
Majority vote

Committee	Votes	Ayes	Noes
Education	6-1	O'Donnell, Chávez, Gloria, McCarty, Thurmond, Weber	Kiley
Housing	7-0	Chiu, Steinorth, Bocanegra, Chau, Choi, Kalra, Limón	
Appropriations	13-4	Gonzalez Fletcher, Bloom, Bocanegra, Bonta, Calderon, McCarty, Quirk, Fong, Friedman, Eduardo Garcia, Gray, Muratsuchi, Reyes	Bigelow, Brough, Gallagher, Obernolte

SUMMARY: Requires public schools serving pupils in grades six through twelve which enroll at least 40% of pupils from low income families to stock restrooms with feminine hygiene products. Specifically, **this bill**:

1) Requires public schools enrolling pupils in grades six through twelve, inclusive, that qualify to operate a schoolwide Title I program based upon a 40% pupil poverty threshold, to stock at least 50% of the school's restrooms with feminine hygiene products at all times.

2) Specifies that the feminine hygiene products must be provided at no charge.

3) Defines feminine hygiene products for purposes of this section as tampons and sanitary napkins for use in connection with the menstrual cycle.

FISCAL EFFECT: According to the Assembly Appropriations Committee:

1) Minor and absorbable costs to California Department of Education to update the Office of Public School Construction Facility Inspection Tool.

2) Cost pressures in the hundreds of millions annually, due to reimbursable mandate costs to schools. There are approximately 3,093 schools that will need to stock at least 50 percent of restrooms with free feminine hygiene products.

EXISTING LAW:

1) Requires that public and private schools enrolling students from Kindergarten through 12th grade 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

COMMENTS:

Arguments in support. According to the author, "Feminine hygiene products are a necessity for the health, well-being, and full participation for those who menstruate. No person who menstruates should ever need to worry about access to tampons or sanitary pads. These products

are medical necessities for half of our population and as a state California should not wait to lead the country to increase access to these products."

Supporters note that the provision of feminine hygiene products in schools would support all pupils who menstruate in reaching their full potential, irrespective of their socio-economic status. Lack of access to these products can keep pupils from attending school, distract them from their studies or keep them from participating in sports activities.

Arguments in opposition. One organization notes that feminine hygiene products should be the responsibility of the individual to provide, rather than the taxpayers.

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087 FN: 0000702

SENATE RULES COMMITTEE AB 10
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 10
Author: Cristina Garcia (D), et al.
Amended: 9/1/17 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 6/28/17
AYES: Allen, Wilk, Galgiani, Leyva, Mendoza, Pan, Vidak

SENATE APPROPRIATIONS COMMITTEE: 7-0, 9/1/17
AYES: Lara, Bates, Beall, Bradford, Hill, Nielsen, Wiener

ASSEMBLY FLOOR: 68-6, 5/31/17 - See last page for vote

SUBJECT: Feminine hygiene products: public school restrooms

SOURCE: Author

DIGEST: This bill 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 (FHPs) at all times and prohibits those schools from charging for any menstrual products provided to pupils, including FHPs.

ANALYSIS:

Existing law:

1) 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. (EC § 35292.5)

2) Requires school districts, as a condition of participation in the school facilities program, to establish a facilities inspection system to ensure that each of its schools is maintained in good repair, as defined, through the use of the Facility Inspection Tool created by the Office of Public School Construction or a local evaluation instrument that meets the same criteria. (EC § 17002)

3) Defines "Good Repair" for school facilities to mean that, among other items, restrooms and restroom fixtures are functional and appear to be maintained and stocked with supplies regularly. (EC § 17002)

4) Requires that the safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair, be reported on the School Accountability Report Card. (EC § 33126)

5) Requires that a pupil be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (EC § 221.5)

This bill 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 FHPs at all times and prohibits those schools from charging for any menstrual products provided to pupils, including FHPs. The bill defines FHP to mean tampons and sanitary napkins for use in connection with the menstrual cycle.

Comments

1) *Need for the bill.* According to the author, "Menstrual products, tampons and pads, are a medical necessity for all people that menstruate. There is no other set of products that one gender has no choice, but to use once a month for forty years of their life. Menstrual products are legally recognized in a court case in Illinois in 1989. In recognition of their necessity, the state of California provides menstrual products for free in correctional facilities. As a state we need to do more. Not having access to these vital medical necessities creates an additional barrier to a young girl's education. Young girls sometimes miss school because of a lack of access to these products. A pilot project to provide menstrual products for free in New York City was done last year in 25 middle schools and high schools and the schools saw a 2.4% increase in attendance. Providing tampons and pads is about equity and social justice. We provide toilet paper in the bathrooms of schools and tampons should be no different.

This bill seeks to increase access to menstrual products to girls and young women who need it most by providing them for free in public schools grade 6 to grade 12 that receive Title 1 funding."

2) *Access to female hygiene products for vulnerable populations.* According to a June 20, 2016 committee report by Committee on Women's Issues for the Council of the City of New York, "Globally, approximately 52% of the female population (26% of the total population) is of reproductive age. Most of these women and girls will menstruate each month for between two and seven days. Menstruation is a natural part of the reproductive cycle, in which blood is lost through the vagina. However, in most parts of the world, it remains taboo and is rarely addressed. As a result of the stigmas associated with menstruation, the practical challenges of menstrual hygiene are made even more difficult by various socio-cultural factors. To manage menstruation hygienically, it is essential that women and girls have access to feminine hygiene products. Feminine hygiene products are vital for the health, well-being and full participation of women and girls. Inadequate menstrual hygiene management is associated with both health and psycho-social issues, particularly among low-income women. It has been reported that a lack of access to feminine hygiene products can cause emotional duress, physical infection and disease, and can lead to cervical cancer. Access to feminine hygiene products has proven to be limited for vulnerable populations. Currently the cost of feminine hygiene products (FHP) are not included in health insurance or flexible spending accounts, nor in public benefits programs such as the Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children (WIC) benefits."

3) *Dangers of toxic shock syndrome.* While some pupils who menstruate may choose to reduce the cost of FHPs by reducing the time between changing the product, this choice can have deathly health consequences caused by Toxic Shock Syndrome. In 1980 the Center for Disease Control established a close association between incidents of Toxic Shock Syndrome (TSS) and tampon use. The potentially fatal disease causes fever, shock, low blood pressure, skin rashes and liver and kidney abnormalities. In 1982 the Federal Drug Administration (FDA) required that menstrual tampon packages contain a brief statement alerting consumers to the dangers of TSS, including the risk to all women using tampons during their menstrual period, especially the reported higher risks to women under 30 years of age and teenage girls. The package warnings were also to include information on the incidence of TSS of 6 to 17 per 100,000 menstruating women and girls per year and the risk of death from contracting TSS.

4) *Other jurisdictions.* New York City adopted legislation in July 2016 requiring the Department of Education to make free feminine hygiene products (FHPS) available to students in the bathrooms of school buildings, in which there are female students in grades 6 to 12. The intent of the legislation was to ensure that students have the support they need to focus on learning and feel comfortable in the classroom. Supporters also pointed out that increasing access to basic FHPs demonstrates a commitment to advancing gender equity. This legislation followed a successful pilot program during the 2015-16 school year, in which the City placed 380 dispensers in 25 middle and high schools. The City reported a 2.4 percent increase in school attendance during the pilot program year.
   Other jurisdictions have proposed legislation to provide free menstrual hygiene products in public buildings and/or schools, including New York State in 2015 and Wisconsin in 2015. Neither of these bills was successful. Five states currently have similar measures pending before their legislative bodies, including Illinois, Maryland, Connecticut, Tennessee, and South Carolina.

Related/Prior Legislation

AB 9 (C. Garcia, 2017) would have exempted the sale of tampons, sanitary napkins, menstrual sponges, and menstrual cups from sales taxes. AB 9 was held in the Assembly Appropriations Committee.

AB 1561 (C. Garcia, 2015-2016 Regular Session) would have exempted the sale of tampons, sanitary napkins, menstrual sponges, and menstrual cups from sales taxes during the period from 2017 through 2022, but was vetoed by the Governor.

SB 971 (Huff, Chapter 923, Statutes of 2004) eliminated the requirement, established by SB 892 in 2003, for schools to submit reports to the Office of Public School Construction on the responses to restroom maintenance complaint forms.

SB 550 (Vasconcellos, Chapter 900, Statutes of 2004) authorized school districts to use the uniform complaint process to help identify and resolve any deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

SB 892 (Murray, Chapter 909, Statutes of 2003) established the requirement that every public and private school have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, one-time state reimbursable mandated costs, ranging from the millions to the tens of millions of dollars in Proposition 98 General Fund, for the bill's requirement for Title I schools serving grades 6 to 12, to stock at least 50 percent of their restrooms with feminine hygiene products. The precise cost will depend on the actual number of bathrooms that will require dispensers to be installed as well as the installation cost for each dispenser, which can vary from anywhere as lost as several hundred dollars to as high as two to three thousand dollars. Ongoing state reimbursable mandated costs, likely in the hundreds of thousands of dollars in Proposition 98 General Fund, to stock the dispensers at no charge.

SUPPORT: (Verified 8/31/17)

9 to 5 California
ACT for Women and Girls
Alliance of Californians for Community Empowerment
All Rise Alameda
American Academy of Pediatrics
American Association of University Women
American Civil Liberties Union of California
American Congress of Obstetricians and Gynecologists
American Federation of State, County and Municipal Employees
A Stronger California: Securing Economic Opportunity for all Women
California Asset Building Coalition
California Child Care Resource and Referral Network
California Domestic Workers Coalition
California Employment Lawyers Association
California Health+ Advocates
California Immigrant Policy Center
California Latinas for Reproductive Justice
California League of United Latin American Citizens
California Partnership
California School Nurses Organization
California State PTA
California Teachers Association
California Women's Law Center
California Women's List at UC Davis
California Work and Family Coalition
Center for Popular Democracy

Child Care Law Center
Children's Defense Fund – California
City and County of San Francisco, Department on the Status of Women
Common Sense Kids Action
Conscious Period
Courage Campaign
Downtown Women's Action Coalition
Equal Rights Advocates
Latino Coalition for Healthy California
Legal Aid Society Employment Law Center
Mujeres Unidas y Activas
NARAL Pro-Choice California
National Association of Social Workers, California Chapter
National Council of Jewish Women, Los Angeles
Opportunity Institute
Parent Revolution
Parent Voices
Planned Parenthood Affiliates of California
Raising California Together
San Francisco Living Wage Coalition
Tradeswomen, Inc.
Voices of Progress
Western Center on Law & Poverty
Women's Foundation of California
Several individuals

OPPOSITION: (Verified 8/31/17)

California Right to Life Committee, Inc.

ASSEMBLY FLOOR: 68-6, 5/31/17
AYES: Acosta, Aguiar-Curry, Arambula, Baker, Berman, Bloom, Bocanegra, Bonta, Burke, Caballero, Calderon, Cervantes, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Cunningham, Dababneh, Dahle, Daly, Flora, Fong, Frazier, Friedman, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gomez, Gonzalez Fletcher, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Reyes, Ridley-Thomas, Rodriguez, Rubio, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, Wood, Rendon
NOES: Bigelow, Brough, Gallagher, Harper, Mayes, Obernolte

NO VOTE RECORDED: Travis Allen, Chen, Choi, Eggman, Melendez, Patterson

Prepared by: Brandon Darnell / ED. /
9/4/17 12:33:26

****** END ******

Desert Sands Unified School District

Indio High School

Grades 9 through 12
Derrick Lawson, Principal
DerrickLawson@desertsands.us

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2016-17 School Accountability Report Card

Published January 2018

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Educational Services

James Novak, Ed.D.
Assistant Superintendent,
Business Services

Laura Fisher
Assistant Superintendent,
Student Support Services

Donna Salazar, Ed.D.
Assistant Superintendent,
Personnel Services

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Professional Staff
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SARC Data

Principal's Message

Indio High School--home of the Rajahs- a dynamic educational community for adolescents--opened its doors for the first time in 1958 and proudly serves as a hallmark of tradition and celebration of a legacy of pride in our community. Launching our fifty ninth year to welcome students, we had the wonderful opportunity to welcome over 1,900 students from all across the District. In 2015 Indio High School once again was named as one of America's most challenging High Schools by U.S. News and World Report. We take pride in promoting a rigorous learning environment for our students and prepare them to compete and succeed in a global economy and ever changing world.

Indio High School provides a warm, stimulating environment where students are actively involved in learning academics as well as positive values. Students receive a standards-based, challenging curriculum by dedicated professional staff and based on the individual needs of the students. Ongoing evaluation of student progress and achievement helps us refine the instructional program so students can achieve academic proficiency. We have made a commitment to provide the best educational program possible for Indio High School's students, and welcome any suggestions or questions you may have about the information contained in this report or about the school. Our teachers use a variety of methods to keep in close contact with home, including extensive teacher Web pages, Home Access Center, conferences (phone and personal), e-mail, and newsletters. This, coupled with community and parent support, is the foundation of our dynamic learning community. Together, through our hard work, our students will be challenged to reach their maximum potential.

Mission Statement

Indio High School is a comprehensive school that bridges the rich tradition of the Indio community to the challenges of the twenty-first century by providing its diverse student population with rigorous academics, complimented by athletics, the arts and activities. The school offers its students a safe and inclusive environment in which they can pursue courses of study in a supportive, intellectual, social, emotional, and physical environment that cultivates each student's individuality and talents. Indio High School utilizes best instructional practices supplemented by effective assessment and timely intervention. Highly qualified and caring professional educators, in concert with its parents and community are committed to the goal of preparing all students to successfully meet future educational challenges. As a cornerstone of the city, Indio High School is committed to building relationships among students, parents, staff, alumni, and the Indio community.

School Profile

Indio High School is located in the central region of Indio and serves students in grades nine through twelve following a traditional calendar. At the beginning of the 2016-17 school year, 2024 students were enrolled, including 13.5% in special education, 23.3% qualifying for English Language Learner support, and 90.8% qualifying for free or reduced price lunch.

Student Enrollment by Ethnicity / Grade Level 2016-17

Ethnic Group	%	Grade Level	#
African-Amer.	1.40%	Grade 9	528
Amer. Indian or Alaskan Native	0.10%	Grade 10	589
Asian	0.50%	Grade 11	428
Filipino	0.10%	Grade 12	479
Hisp. or Latino	94.80%	Ungraded	0
Pacific Islander	0.00%		
Caucasian	2.30%		
Multi-Racial	0.00%		
Students with Disabilities	13.50%		
Socioeconomically Disadvantaged	90.80%		
English Learners	23.30%		
Foster Youth	0.20%		
		Total Enrollment	2,024

Student Achievement

Physical Fitness

In the spring of each year, Indio High School is required by the state to administer a physical fitness test to all students in grade nine. The physical fitness test measures each student's ability to complete fitness tasks in six major areas. Students who either meet or exceed the standards in all six fitness areas are considered to be in the "healthy fitness zone." The chart reported in this document reports only the percentage in each category, not a cumulative total of the results for categories 4 of 6 and 5 of 6. Comparative district and state results can be found at the CDE's website.

Physical Fitness Test Percentage of Students Meeting California Fitness Standards 2016-17			
	Number of Standards Met:		
Grade Tested	Four of Six	Five of Six	Six of Six
Ninth	21.7	16.7	18.3

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Federal Intervention Program

The passage of the Every Student Succeeds Act (ESSA), reauthorizing the Elementary and Secondary Education Act (ESEA) in December 2015, is part of the Federal Title I funding program designed to support additional staffing and programs to meet the needs of low-income, low achieving students, and other designated students with special needs. Schools may apply, based upon their student demographics, for one of two types of Title I funding: Title I Schoolwide or Title I Targeted Assistance. Title I Schoolwide schools use federal funds for schoolwide improvement of student achievement. Title I Targeted Assistance schools use federal funds to help those students who meet specific program criteria. In 2016-17, Indio High School qualified for Schoolwide Title I funding and is subject to comply with Title I program participation requirements.

Any school receiving Title I funds is required to comply with respective program testing and reporting activities, achieve specific levels of student proficiency, and monitor school progress towards meeting established goals. Most of the new provisions under ESSA do not take effect until the 2017-18 school year making 2016-17 a transition year. More information about Title I and Program Improvement can be located on the CDE's website www.cde.ca.gov/ta/ac/ti/.

Federal Intervention Program Status 2017-18		
	IHS	DSUSD
Program Improvement Status	In PI	In PI
First Year of Program Improvement	2014-2015	2004-2005
Year in Program Improvement	Year 1	Year 3
No. of Schools Currently in Program Improvement		20
% of Schools Currently in Program Improvement		95.2%

Note: Cells with N/A values do not require data.

California Assessment of Student Performance and Progress

The California Assessment of Student Performance and Progress (CAASPP) System includes the Smarter Balanced Summative Assessments (SBAC) for students in the general education population, and the California Alternate Assessments (CAAs) for students with the most significant cognitive disabilities. Only eligible students may participate in the administration of the CAAs. CAAs items are aligned with alternative achievement standards, which are linked with the Common Core State Standards (CCSS). CAASPP results are a measure of how well students are mastering California's standards in English language arts/literacy (ELA) and mathematics, and are given to grades three through eight and grade eleven. SBAC tests assess student performance in ELA/Literacy and mathematics utilizing computer-adaptive tests and performance tasks, and CAAs test items are aligned with alternative achievement standards which are linked with the Common Core State Standards (CCSS).

The CAASPP results shown in this report include overall results comparing the school, district and state scores as well as the school's overall score in each applicable subgroup. Results are shown only for subgroups with ten students or more taking the exam. For those categories that are blank in the tables, no students met subgroup criteria. More information on CAASPP can be found on the CDE's website www.cde.ca.gov/ta/tg/ca/.

CAASPP Test Results in ELA and Mathematics - All Students						
	Percent of Students Scoring at Proficient or Advanced (meeting or exceeding the state standards)					
	Indio High School		District		California	
	15-16	16-17	15-16	16-17	15-16	16-17
English-Language Arts/Literacy (grades 3-8 and 11)	48	48	49	49	48	48
Mathematics (grades 3-8 and 11)	12	17	33	35	36	37

Note: Percentages are not calculated when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy. Double dashes (--) appear in the table when the number of students tested is ten or less.

CAASPP Test Results in ELA by Student Group (2016-17)				
Student Groups	Total Enrollment	# Tested	% Tested	% Meeting or Exceeding State Standards
All Students	371	364	98.11	48.21
Male	186	182	97.85	43.41
Female	185	182	98.38	53.04
African-Amer.	--	--	--	--
Asian	--	--	--	--
Filipino	--	--	--	--
Hisp. or Latino	344	339	98.55	47.93
Caucasian	--	--	--	--
Multi-Racial	--	--	--	--
English Learners	106	101	95.28	20.00
Socioeconomically Disadvantaged	331	325	98.19	48.15
Students with Disabilities	48	45	93.75	4.44

CAASPP Test Results in Mathematics by Student Group (2016-17)				
Student Groups	Total Enrollment	# Tested	% Tested	% Meeting or Exceeding State Standards
All Students	369	355	96.21	17.18
Male	185	176	95.14	18.75
Female	184	179	97.28	15.64
African-Amer.	--	--	--	--
Asian	--	--	--	--
Filipino	--	--	--	--
Hisp. or Latino	342	330	96.49	16.06
Caucasian	--	--	--	--
Multi-Racial	--	--	--	--
English Learners	104	96	92.31	4.17
Socioeconomically Disadvantaged	329	316	96.05	16.77
Students with Disabilities	48	43	89.58	0.00

CAASPP Test Results in Science for All Students						
	Percent of Students Scoring at Proficient or Advanced (meeting or exceeding the state standards)					
	Indio High School		District		California	
	14-15	15-16	14-15	15-16	14-15	15-16
Science (grades 5, 8, and 10)	30	23	62	58	56	54

Note: Science test results include California Standards Tests (CSTs), California Modified Assessment (CMA), and California Alternate Performance Assessment (CAPA) in grades five, eight, and ten. Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy. Note: The 2016-17 data are not available. The California Department of Education is developing a new science assessment based on the Next Generation Science Standards for California Public Schools (CA NGSS). The new California Science Test (CAST) was piloted in spring 2017. The CST and CMA for Science will no longer be administered.

Note: Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

The number of students tested includes students that did not receive a score; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using students with scores.

Local Control Accountability Plan (LCAP)

As part of the new Local Control Funding Formula, school districts are required to develop, adopt, and annually update a three-year Local Control and Accountability Plan (LCAP). The following components of this SARC address some of the priorities identified in the District's LCAP:

Conditions of Learning (Basic Services) – State Priority 1: Degree to which teachers are appropriately assigned and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned Instructional materials and school facilities are maintained in good repair. Covered in Teacher Assignment, including the Teacher Credentials & Misassignments chart; Instructional Materials, including the Textbooks chart; and School Facilities & Maintenance, including the Campus Description and School Facility Good Repair Status charts.

Conditions of Learning (Implementation of State Standards) – State Priority 2: Implementation of academic content and performance standards adopted by the state board for all pupils. Not covered in the School Accountability Report Card.

Parental Involvement – State Priority 3: Efforts to seek parent input in decision making, promotion of parent participation in programs for unduplicated pupils and special need subgroups. Covered in Parent Involvement.

Pupil Achievement – State Priority 4: Performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with a 3 or higher, and share of pupils determined prepared for college by the Early Assessment Program. Covered in California Assessment of Student Performance and Progress, including the CAASPP charts.

Engagement (Pupil Engagement) – State Priority 5: School attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates. Covered in Dropout Rates, including the Dropout chart; and Graduation Rates, including the Graduation Rate chart for high schools only.

School Climate – State Priority 6: Pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, and parents and teachers on the sense of safety and school connectedness. Covered in Discipline & Climate for Learning, including Suspension & Expulsion chart; and School Site Safety Plan.

Conditions of Learning (Course Access) – State Priority 7: Pupil enrollment in a broad course of study that includes all of the subject areas. Not covered in the School Accountability Report Card.

Other Pupil Outcomes – State Priority 8: Pupil outcomes in the subject areas. Covered in Physical Fitness, including the Physical Fitness Test chart.

Parent Involvement

Parents are encouraged to get involved in their child's learning environment either by volunteering in the classroom, participating in a decision-making group, or simply attending school events.

Parents stay informed on upcoming events and school activities through the school marquee, school newsletters, the school website, and School Messenger (automated telephone message delivery system). Contact the school office at (760) 775-3550 for more information on how to become involved in your child's learning environment.

Opportunities to Volunteer
Classroom Helper

Committees
English Learner Advisory Council
School Site Council
Tutoring
Parent Club
Booster Clubs

School Activities
Freshman Orientation
Back to School Night
AP Parent Night
Reportcard Distribution Night
Senior Studies
Honor Roll Night
Dance Productions
Academic Awards and Scholarship Programs
Sports Awards Banquets
College and University Nights
College Application Workshops
Performing Arts Programs
Renaissance Pep Rallies
Financial Aide / Scholarship Meetings

School Facilities & Maintenance

The district takes great efforts to ensure that all schools are clean, safe, and functional through proper facilities maintenance and campus supervision. Indio High School's original facilities were built in 1956; ongoing maintenance and campus improvements ensure facilities remain up to date and provide adequate space for students and staff. District maintenance and site custodial staff ensure that the repairs necessary to keep the school in good condition are completed in a timely manner. A work order process is used by school and district staff to communicate non-routine maintenance requests.

Every morning before school begins, the custodians inspect facilities for safety hazards or other conditions that need attention prior to students and staff entering school grounds. A team of day and evening custodians are assigned to Indio High School and responsible for keeping the campus grounds, classrooms, and facilities clean, safe, and in good working condition.

The school has completed phase 2 of a complete reconstruction/modernization project as of January 2017, and phase 3 is now in process.

Campus Description	
Year Built	1956
Acreage	40.7
Square Footage	234376
	Quantity
Permanent Classrooms	76
Portable Classrooms	34
Restrooms (sets)	1
Gymnasium(s)	2
Library/Media Center(s)	1
Swimming Pool(s)	1

Facilities Inspection

The district's maintenance department inspects Indio High School on an annual basis in accordance with Education Code §17592.72(c)(1). Indio High School uses a school site inspection survey to identify unsafe or hazardous conditions and facility improvement needs. The most recent school inspection took place on Tuesday, November 07, 2017. Deficiencies noted in the school inspection survey were corrected immediately by the

district's maintenance department. During fiscal year 2017-18, all restrooms were fully functional and available for student use at the time of the inspection.

School Facility Good Repair Status Most Recent Inspection: Tuesday, November 07, 2017			
Item Inspected	Repair Status		
	Good	Fair	Poor
A. Systems	✔		
B. Interior	✔		
C. Cleanliness	✔		
D. Electrical	✔		
E. Restrooms / Fountains	✔		
F. Safety	✔		
G. Structural	✔		
H. External	✔		

Repair Needed and Action Taken or Planned	
Section Number	Comment
(C)	7110 - Classroom dirty, trash on ground; 4163 - Classroom dirty
(D)	812 - Power cords need to be replaced and secured

Overall Summary of School Facility Good Repair Status			
Exemplary	Good	Fair	Poor
✔			

Rating Description
Exemplary: The school meets most or all standards of good repair. Deficiencies noted, if any, are not signifcant and/or impact a very small area of the school.

Campus Supervision

School administration and teaching staff place a high priority on providing adequate adult supervision on campus before, during, and after school. Administrators, counselors, security officers, and a school resource officer monitor student behavior and activities before school, during passing periods, during lunch, and during dismissal times to ensure a safe and orderly environment.

Indio High School is a closed campus. During school hours, all visitors must sign in at the school's office and wear identification badges while on school grounds. There are no food or flower deliveries to students during school time.

School Site Safety Plan

The Comprehensive School Site Safety Plan was developed for Indio High School in collaboration with local agencies and the district office to fulfill Senate Bill 187 requirements. Components of this plan include child abuse reporting procedures, teacher notification of dangerous pupil procedures, disaster response procedures, procedures for safe arrival and departure from school, sexual harassment policy, and dress code policy. The school's most recent school safety plan will be reviewed, updated, and discussed with school staff in March 2018.

Classroom Environment

Discipline & Climate for Learning

Indio High School's discipline practices and behavior management strategies comply with approved board policies and are designed to create effective learning environments and minimize classroom disruptions. Progressive discipline and proactive measures are employed in the classroom for those students experiencing difficulty following school rules and demonstrating positive behavior. Disciplinary intervention is managed by school administrators in a fair, firm, and consistent manner based upon the nature of each situation.

Suspensions & Expulsions			
	14-15	15-16	16-17
	IHS		
% Students Suspended	10.2	4.2	6.8
% Students Expelled	0.4	0.2	0.5
	DSUSD		
% Students Suspended	4.9	3.9	4.8
% Students Expelled	0.2	0.1	0.1
	California		
% Students Suspended	33.0	32.5	30.7
% Students Expelled	0.1	0.1	0.1

Teaching Load

The Teaching Load Distribution table in this report illustrates the distribution of class sizes by subject area, the average class size, and the number of classes that contain 1-22 students, 23-32 students, and 33 or more students. Calculations exclude classrooms of 50 or more students.

Teaching Load Distribution Departmentalized Instruction				
	2014-15			
	Avg. Class	Number of Classrooms		
Subject	**Size**	**1-22**	**23-32**	**33+**
English	18.0	99	15	38
Mathematics	24.0	12	5	14
Science	23.0	28	10	16
Social Science	22.0	40	8	28
	2015-16			
	Avg. Class	Number of Classrooms		
Subject	**Size**	**1-22**	**23-32**	**33+**
English	17.0	100	15	37
Mathematics	28.0	25	8	34
Science	26.0	22	10	21
Social Science	23.0	39	9	28
	2016-17			
	Avg. Class	Number of Classrooms		
Subject	**Size**	**1-22**	**23-32**	**33+**
English	23.0	49	20	42
Mathematics	22.0	9	3	6
Science	25.0	24	16	20
Social Science	28.0	24	5	36

**Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary level, this information is reported by subject area rather than grade level.*

Dropouts

Indio High School's teachers and administrative staff practice the early identification of and intervention on behalf of students who exhibit warning signs and/or behavioral traits that may lead to dropping out of school. Intervention strategies used to promote attendance and reduce dropout rates include parent conferences and counseling. Understanding that the needs of each student are different, administrators, counselors, and teaching staff continue their efforts to discover successful solutions to help students complete their high school program.

In the following Dropout & Graduation Rates table, 2015-16 data is the most current information available, since state certification/release dates for dropout data occur too late for inclusion in this report. Detailed information about dropout rates and graduation rates can be found on the DataQuest Web page at http://dq.cde.ca.gov/dataquest/.

Dropout & Graduation Rates (Four-Year Cohort Rate)			
	IHS		
	13-14	14-15	15-16
Dropout Rate	5.9%	2.9%	3.2%
Graduation Rate	92.6%	96.0%	94.8%
	DSUSD		
	13-14	14-15	15-16
Dropout Rate	7.8%	6.2%	5.4%
Graduation Rate	87.5%	89.4%	91.0%
	California		
	13-14	14-15	15-16
Dropout Rate	11.5%	10.7%	9.7%
Graduation Rate	81.0%	82.3%	83.8%

Graduation Requirements

Students must accumulate 220 course credits to receive a high school diploma from Indio High School. Alternative methods of acquiring a diploma are available through the Continuation School and Community day school for those students who have been unsuccessful in a high school environment or have exhausted their opportunities to remain at Indio High School. The following table illustrates the percentage of students graduating from Indio High School who have met district graduation requirements.

Completion of High School Graduation Requirements Graduating Class of 2016			
	IHS	DSUSD	State
All Students	92.07%	88.43%	87.11%
African-Amer.	85.71%	88.46%	79.19%
Amer. Indian or Alaskan Native	.00%	100.00%	80.17%
Asian	66.67%	100.00%	94.42%
Filipino	100.00%	100.00%	93.76%
Hisp. or Latino	92.56%	86.11%	84.58%
Pacific Islander	.00%	100.00%	86.57%
Caucasian	84.62%	93.67%	90.99%
Multi-Racial	.00%	50.00%	90.59%
English Learners	65.52%	55.37%	55.44%
Socioeconomically Disadvantaged	94.60%	87.55%	85.45%
Students with Disabilities	64.52%	60.73%	63.90%

Curriculum & Instruction

Staff Development

All training and curriculum development activities at Indio High School revolve around the California State Standards. During the 2016-17 school year, Indio High School held staff development training devoted to:

- Common Core State Standards
- Data Analysis
- Instructional Rounds
- CAASPP Assessments & Data
- Smarter Balance Assessments
- English Language Development (ELD) Standards & Strategies
- Technology
- Depth of Knowledge (DOK)
- Interdisciplinary Close Reading & Evidence Based Writing

Decisions concerning selection of staff development activities are performed by all staff using tools such as teacher input and data analysis to determine the areas in which additional teacher training may enhance classroom instruction and increase student achievement levels. Indio High School supports ongoing professional growth throughout the year on late start days. Teachers meet in grade level teams to conduct data analysis to identify areas of need. Teaching staff are provided the opportunity to participate in district-sponsored staff development workshops or training session as 1) a supplement to site-based staff development, 2) for reinforcement of or follow-up on previous training, or 3) follow-up training for newly implemented programs/curricula.

During the 2016-17 school year, Indio High School's teachers were invited to participate in two days of Team Response through Collaboration (TRAC) in a particular subject such as English, Math, Science, and Social Studies a minimum of two times per year.

Indio High School offers support to new and veteran teachers through peer coaching and mentoring. Instructional aides are provided targeted training focused on teaching strategies and curriculum content. Substitute teachers are invited to participate in designated staff development activities. All staff are encouraged to attend professional workshops and conferences. Classified support staff receive job-related training from department supervisors and district representatives.

Staff Development Days Three-Year Trend		
2014-15	2015-16	2016-17
0	0	0

Instructional Materials

All textbooks used in the core curriculum at Indio High School are aligned to the California Content Standards and Frameworks. Standards-based instructional materials are approved by the district's Board of Education. The district follows the State Board of Education's six-year adoption cycle for core content materials and the eight-year cycle for textbook adoptions in foreign language, visual and performing arts, and health.

On Tuesday, October 17, 2017, the Desert Sands Unified School District's Board of Education held a public hearing to certify the extent to which textbooks and instructional materials have been provided to students. The Board of Education adopted Resolution No. 11/2017-2018 which certifies as required by Education Code §60119 (1) that textbooks and instructional materials were provided to all students, including English learners, in the district to the extent that each pupil has a textbook or instructional materials, or both, to use in class and to take home, (2) sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in math, science, history-social science, and English/language arts, (3) sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and (4) sufficient laboratory science equipment was available for science laboratory classes offered in grades 9-12 inclusive.

In addition to core subject areas, districts are required to disclose in their SARCs the sufficiency of instructional materials used for their visual/performing arts curricula. During the 2017-18 school year, Desert Sands Unified School District provided each student, including English learners, enrolled in a visual/performing arts class with a textbook or instructional materials to use in class and to take home. These materials complied with the state's content standards and curriculum frameworks.

Textbooks		
Adoption Year	Publisher & Series	Pupils Lacking Textbooks
English Language Arts		
2017	Bedford, *Current Issues & Enduring Questions*	0 %
2005	CSU, *Expository Reading and Writing Course*	0 %
2010	Holt, *Literature and Language Arts*	0 %
2005	Pearson, *Literature: Introduction to Fiction, Poetry & Drama*	0 %
2014	Pearson, *Writing America*	0 %
2014	Prentice, *Literature and the Writing Process*	0 %
2016	W.W. Norton, *Norton Reader*	0 %
Foreign Languages		
2012	Bolchazy, *Caesar (2nd semester) Workbook*	0 %
2012	Bolchazy, *Caesar Selections from his Commentarii De Bello Gallico*	0 %
2005	Bolchazy, *Catullus*	0 %
2015	Cambridge, *Latin Course Unit 1 Red*	0 %
2015	Cambridge, *Latin Course Unit 2 Blue*	0 %
2015	Cambridge, *Latin Course Unit 3 Green*	0 %
2015	Cambridge, *Latin Course Unit 4 Purple*	0 %
2013	Houghton, *Abriendo Puertas*	0 %
2013	Houghton Mifflin Harcourt, *Avancemos*	0 %

	(Spanish)	
2016	McGraw Hill, *Asi se dice 4*	0 %
2014	McGraw Hill, *Espanol para nosotros uno & dos*	0 %
2010	Pearson, *Latinoamerica Presente y pasado*	0 %
2015	Vista Higher Learning, *D'accord (French)*	0 %
2014	Vista Higher Learning, *Temas*	0 %
2016	Vista Higher Learning, *Themes (French)*	0 %
2007	Wiley, *Repase y escribe*	0 %
History-Social Science		
2015	Cengage Learning, *The Earth and its People*	0 %
2007	EMC Publishing, *Economics: New Ways of Thinking*	0 %
2003	Glencoe/McGraw Hill (Sopris West), *Understanding Psychology*	0 %
2006	Glencoe/McGraw-Hill, *World History: Modern Times*	0 %
2003	Holt, *Sociology: The Study of Human Relationships*	0 %
1997	Houghton Mifflin, *Conflict and Consensus in American History*	0 %
2016	Longman, *Government in America*	0 %
2006	McDougal Littell, *The Americans Reconstruction to the 21st Century*	0 %
2014	McGraw Hill, *Human Geography: Landscapes of Human Activities*	0 %
2011	Oxford University Press, *An International History*	0 %
2005	Pearson, *Anthroplogy, 11th Edition*	0 %
2015	Pearson, *By the People*	0 %
2015	Pearson, *By the People*	0 %
2011	Pearson, *Cold War*	0 %
2014	Pearson, *Development Through the Lifespan*	0 %
2015	Pearson, *Foundations of Economics*	0 %
2015	Pearson, *Psychology*	0 %
2004	Pearson, *Russia, America and the Cold War 1949-1991*	0 %
2006	Pearson Prentice Hall, *Magruder's American Government*	0 %
2004	Pronin, *Economics: In Terms of the Good, the Bad and the Economist*	0 %
2016	Worth Publishers, *Discovery Psychology*	0 %
Mathematics		
2013	Freeman, *Statistical Reasoning in Sports*	0 %
2017	Freeman, *Statistics & Probability w/Applications*	0 %
2015	Freeman, *The Practice of Statistics*	0 %
2018	McDougal Littell, *Calculus of a Single Variable*	0 %
2012	McGraw Hill, *Integrated Math 1*	0 %
2012	McGraw Hill, *Integrated Math 2*	0 %
2012	McGraw Hill, *Integrated Math 3*	0 %
2016	McGraw Hill, *Mathematics for Business & Personal Finance*	0 %
2016	Pearson Education, *Calculus Graphical, Numerical, Algebraic, 5th Edition*	0 %
2008	Prentice Hall, *Precalculus (Sullivan)*	0 %
2014	South-Western Cengage Learning, *Financial Algebra*	0 %
Science		
2014	Cengage Learning, *Chemistry (AP Edition)*	0 %
2016	Cengage Learning, *Meteorology Today*	0 %
2015	Freeman, *Environmental Science*	0 %
2006	Holt, *Modern Chemistry*	0 %
2004	McDougal, *Earth Science*	0 %
2004	McDougal, *Earth Science (Spaulding)*	0 %
2008	McDougal Littell, *Biology*	0 %
2007	Pearson, *Anatomy and Physiology*	0 %
2014	Pearson, *Biology*	0 %
2015	Pearson, *Conceptual Physics*	0 %
2015	Pearson, *Earth Science*	0 %
2014	Pearson, *IB Higher Level Biology*	0 %
2007	Prentice Hall, *Biology*	0 %
2007	Prentice Hall, *Chemistry*	0 %
2006	Thomson, *Biology Concepts and Applications*	0 %
2005	Thomson, *Chemistry*	0 %
2006	Thomson, *Foundations of Astronomy*	0 %
2014	Thomson, *Physics for Scientists and Engineers*	0 %
2002	Wiley, *Ale for Geology Today & Geoscience Lab Manual*	0 %
2015	Wiley, *Physics (Cutnell)*	0 %
2007	Wiley, *Principles of Anatomy & Physiology, 11th Edition*	0 %
	Science Laboratory Equipment	0 %

College Preparation & Work Readiness

College Preparation Courses

Students are encouraged to take required courses if they plan on attending a four-year college or university. The adjacent table illustrates the proportion of courses taken and successfully completed in relation to the number of course enrollments (sum of total enrollment in all classes).

Admission Requirements for California Public Universities

University of California

Admission requirements for the University of California (UC) follow guidelines set forth in the Master Plan, which requires that the top one-eighth of the state's high school graduates, as well as those transfer students who have successfully completed specified college work, be eligible for admission to the UC. These requirements are designed to ensure that all eligible students are adequately prepared for University-level work. For general admission requirements please visit the UC Website at www.universityofcalifornia.edu/admissions/general.html.

California State University

Admission requirements for the California State University (CSU) use three factors to determine eligibility. They are specific high school courses; grades in specified courses, and test scores; and graduation from high school. Some campuses have higher standards for particular majors or students who live outside the local campus area. Because of the number of students who apply, a few campuses have higher standards (supplementary admission criteria) for all applicants. Most CSU campuses utilize local admission guarantee policies for students who graduate or transfer from high schools and colleges that are historically served by a CSU campus in that region. For general admissions requirements, please visit the California State University Website at www.calstate.edu/admission/.

Courses for UC/CSU Admission	
	%
2016-17 Students enrolled in courses required for UC/CSU admission	97.6
2015-16 Graduates who completed all courses required for UC/CSU admission	33.4

Advanced Placement

Advanced placement (AP) programs give students an opportunity to take college-level courses and exams while still in high school. Students who receive a 3, 4, or 5 on their final AP exams qualify for college credit at most of the nation's colleges. Indio High School did not offer any advanced placement courses during the 2016-17 school year.

Workforce Preparation

Students in grades nine through twelve receive counseling from school personnel regarding career paths and courses of study. During their freshman year, students meet with the counselor to discuss their four year academic plan and are introduced to Indio High School's technical and career education programs; the counselor meets at least once a year with each student to follow-up on their progress in meeting graduation requirements and career objectives. All career and technical education (CTE) courses comply with state-adopted content standards and are

integrated into the student's four-year academic plan as elective courses. Indio High School offers the following programs that promote leadership, develop job-related skills, provide on-the-job experience, and increase interest in school:

• Work Experience
• Regional Occupational Programs
• Career Pathways

Individual student assessment of work readiness skills takes place through:

• End of course exams
• Completion of course-required projects
• On-the-job observation

Work experience students are partnered with local employers that provide on-the-job training and mentoring for students 16 years of age or older. Work experience students receive guidance and supervision designed to ensure maximum educational benefit from part-time job placement. For more information, students should contact the counselor.

Regional Occupational Programs (ROP) are offered in partnership with the County Office of Education. A variety of career technical education courses are available to help prepare high school students (16 years and older) for entry-level employment, upgrading current job skills, or obtaining more advanced levels of education. During the 2016-17 school year, Indio High School offered the following career technical education programs as elective courses:

• Paint and Soil Science
• Agricultural Business
• Environmental Horticulture
• Photographic Laboratory and Darkroom
• Health Science & Medical Technology
• Business Technology
• Animal Science
• Digital Media Production
• Floristry

Professional Staff

Counseling & Support Staff

Indio High School provides professional, highly qualified staff that provide additional services and support centered on the whole student academically, physically, and mentally. The Counseling and Support Services table in this report illustrates the availability of non-instructional support staff to Indio High School's students. Full-time equivalent (FTE) is a standard measurement used to identify an employee's regular work load on a weekly basis. For example, an FTE of 1.0 designates a full-time position and the employee is on campus and available all day every day of the week; an FTE of 0.5 indicates that the staff member is available and on campus a portion (50%) of the week.

Counselors & Support Personnel (Nonteaching Professional Staff) 2016-17		
	No. of Staff	FTE
Academic Counselor	5	5.0
Health Clerk	1	1.0
Library Media Technician	1	1.0
Nurse	1	0.5
Psychologist	1	1.0
Speech/Language/Hearing Specialist	1	0.5
Counselor-to-Student Ratio: 1:405		

Note: One Full Time Equivalent (FTE) equals one staff member working full time; one FTE could also represent two staff members who each work 50% of full time.

Teacher Assignment

During the 2016-17 school year, Indio High School had 82 teachers who met all credential requirements in accordance with state guidelines. The chart below identifies the number of teachers at both the school and district who are 1) fully credentialed; 2) without full credentials; 3) teaching outside subject area of competence; 4) misassignments for English learners; 5) total teacher misassignments; and 6) vacant teacher positions. The term "misassignments" refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.

Teacher Credentials & Assignments				
	IHS			DSUSD
	15-16	16-17	17-18	17-18
Total Teachers	75	82	79	1165
Teachers with full credentials	75	82	78	1164
Teachers without full credentials	0	0	1	1
Teachers teaching outside subject area of competence (with full credential)	2	2	1	4
Teacher misassignments for English learners	0	0	0	0
Total teacher misassignments	0	2	0	0
Vacant teacher positions	1	0	1	4

Note: "Misassignments" refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.

**Total teacher misassignments includes the number of misassignments of teachers of English learners.*

District Expenditures

Salary & Budget Comparison

State law requires comparative salary and budget information to be reported to the general public. For comparison purposes, the State Department of Education has provided average salary data from school districts having similar average daily attendance throughout the state. (Note: 2015-16 salary comparison data was the most recent data available at the time this report was published.)

Teacher and Administrative Salaries 2015-16		
	DSUSD	State Average of Districts in Same Category
Beginning Teacher Salary	$49,102	$47,808
Mid-Range Teacher Salary	$79,535	$73,555
Highest Teacher Salary	$97,557	$95,850
Superintendent Salary	$280,681	$264,457
Average Principal Salaries:		
High School	$147,144	$138,175
Percentage of Budget:		
Teacher Salaries	36%	35%
Administrative Salaries	4%	5%

For detailed information on salaries, see the CDE Certificated Salaries & Benefits Web page at http://www.cde.ca.gov/ds/fd/cs/.

Expenditures Per Student

For the 2015-16 school year, Desert Sands Unified School District spent an average of $11,166 of total general funds to educate each student (based on 2015-16 audited financial statements and in accordance with calculations defined in Education Code §41372). The table in this report 1) compares the school's per pupil expenditures from unrestricted (basic) and restricted (supplemental) sources with other schools in the district and throughout the state, and 2) compares the average teacher salary at the school site with average teacher salaries at the district and state levels. Detailed information regarding salaries can be found at the CDE website at www.cde.ca.gov/ds/fd/ec/ and www.cde.ca.gov/ds/fd/cs/. (The figures shown in the table below reflect the direct cost of educational services, per ADA, excluding food services, facilities acquisition and construction, and certain other expenditures.)

In addition to general fund state funding, Desert Sands Unified School District receives state and federal categorical funding for special programs. For the 2015-16 school year, the district received categorical, special education, and support programs funds for:

• After School Education & Safety (ASES)
• Agricultural Career Technical Education Incentive

• California Clean Energy Jobs Act
• Education Protection Account
• Governor's CTE Initiative: CA Partnership Academies
• Head Start Program
• Indian Education
• Lottery: Instructional Materials
• Medi-Cal Billing Option
• Ongoing and Major Maintenance Account
• Other Federal Funds
• Other Local: Locally defined
• Partnership Academies Program
• Special Education
• State Lottery
• STRS On-Behalf Pension Contributions
• Teacher Recruitment/Incentives
• Title I
• Title II
• Title III
• Tobacco-Use Prevention Education
• Vocational Programs

Expenditures Per Pupil and School Site Teacher Salaries 2015-16					
	Dollars Spent per Student				
	IHS	DSUSD	% Diff. School & Dist.	State Avg., Dist. Same Size & Type	% Diff. School & State
Total**	$8,305	N/A	N/A	N/A	N/A
Restricted	$1,263	N/A	N/A	N/A	N/A
Unrestricted	$7,042	$6,299	111.80	$6,574	107.11
Average Teacher Salary	$85,676	$83,664	102.40	$79,228	108.14

Note: Cells with N/A values do not require data.

SARC Data

DataQuest
DataQuest is an online data tool located at http://dq.cde.ca.gov/dataquest/ that contains additional information about Indio High School and comparisons of the school to the district, the county, and the state. DataQuest provides reports for school accountability, including but not limited to, CAASPP results, Physical Fitness results, Suspensions and Expulsions, Dropout & Graduation Rates, enrollment, and staffing statistics.

Public Internet Access Location
Parents may access Indio High School's SARC and access the internet at any of the county's public libraries. The closest public library to Indio High School is Coachella Branch Library, a branch of Riverside County Library System.

Address: 1538 Seventh St., Coachella
Phone Number: (760) 398-5148
WebSite: http://rivlib.com
Number of Computers Available: 4

Disclosure
The statistical information disclosed in this report is obtained from the California Department of Education and the Desert Sands Unified School District. At the time of publication, this report met all SARC-related state and federal requirements, using the most current data available. Data to prepare the instructional materials and school facilities sections were acquired in December 2017.

Translate

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Desert Sands Unified School District

Tel: 760-777-4200
47-950 Dune Palms RD La Quinta, CA 92253

State and Federal Programs

Categorical programs are a major component of district and site services. Federal and state categorical programs were created by the legislators to serve the special needs of students that are not covered by the general fund regular education program. Each categorical program comes with its own program intent, rules, regulations and exemplary practices.

English learners (ELs) comprise about 23 percent of the total enrollment in Desert Sands Unified School District. Each of our 34 schools provides programs and services to English learners. A Master Plan for English Learners was adopted by the Board of Education in June, 2003, with revisions adopted in June, 2007, April, 2009, and is currently under review and revision. This document provides specific guidance to all district and school staff on how to identify and serve ELs. Please visit our EL Master Plan page for more information. Desert Sands receives state (EIA) and federal (Title III) funds to support the instructional needs of our English learners at all school sites. All sites either have an English Learner Advisory Committee (ELAC), or have voted to delegate the roles and responsibilities of ELAC to their School Site Council. Each school elects representatives to serve on the District English Learner Advisory Committee (DELAC), which meets regularly throughout the year.

Title I is the largest single program for federal aid for elementary and secondary education. The program has two missions from the U.S. Department of Education: Enforcing equity and Promoting excellence in education. Title I funds support programs for fifteen (15) elementary schools, five (5) middle schools, and two (2) high schools. All sites, regardless of receiving Title I funds or not, have elected a representative to serve on the District Advisory Committee (DAC) which meets regularly throughout the year. Federal Title II funds support district-wide professional development efforts to improve teaching and learning.

Department Contacts

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Mina Shah	Office Specialist	(760) 771-8829
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English Learners
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GENERAL INFORMATION

The Facility Inspection Tool (FIT) has been developed by the Office of Public School Construction to determine if a school facility is in "good repair" as defined by Education Code (EC) Section 17002(d)(1) and to rate the facility pursuant to EC Section 17002(d)(2). The tool is designed to identify areas of a school site that are in need of repair based upon a visual inspection of the site. In addition, the EC specifies the tool should not be used to require capital enhancements beyond the standards to which the facility was designed and constructed.

Good repair is defined to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional. As part of the school accountability report card, school districts and county offices of education are required to make specified assessments of school conditions including the safety, cleanliness, and adequacy of school facilities and needed maintenance to ensure good repair. In addition, beginning with the 2005/2006 fiscal year, school districts and county offices of education must certify that a facility inspection system has been established to ensure that each of its facilities is maintained in good repair in order to participate in the School Facility Program and the Deferred Maintenance Program. This tool is intended to assist school districts and county offices of education in that determination.

County superintendents are required to annually visit the schools in the county of his or her office as determined by EC Section 1240. Further, EC Section 1240(c)(2)(I), states the priority objective of the visits made shall be to determine the status of the condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by EC Section 17592.72(c) and the accuracy of data reported on the school accountability report card with the respect to the safety, cleanliness, and adequacy of school facilities, including good repair as required by EC Sections 17014, 17032.5, 17070.75, and 17089. This tool is also intended to assist county offices of education in performing these functions.

The EC also allows individual entities to adopt a local evaluation instrument to be used in lieu of the FIT provided the local instrument meets the criteria specified in EC Section 17002(d) and as implemented in the FIT. Any evaluation instrument adopted by the local educational agency for purpose of determining whether a school facility is maintained in good repair may include any number of additional items but must minimally include the criteria and rating scheme contained in the FIT.

USER INSTRUCTIONS

The FIT is comprised of three parts as follows:

Part I, Good Repair Standard outlines the school facility systems and components, as specified in EC Section 17002(d)(1), that should be considered in the inspection of a school facility to ensure it is maintained in a manner that assures it is clean, safe and functional. Each of the 15 sections in the Good Repair Standard provides a description of a minimum standard of good repair for various school facility categories. Each section also provides examples of clean, safe and functional conditions. The list of examples is not exhaustive. If an evaluator notes a condition that is not mentioned in the examples but constitutes a deficiency, the evaluator can note such deficiency in the applicable category as "other."

Some of the conditions cited in the Good Repair Standard represent items that are critical to the health and safety of pupils and staff. Any deficiencies in these items require immediate attention and, if left unmitigated, could cause severe and immediate injury, illness or death of the occupants. They constitute extreme deficiencies and indicate that the particular building system evaluated failed to meet the standard of good repair at that school site. These critical conditions are identified with underlined text followed by an (X) on the Good Repair Standard. If the underlined statement is not true, then there is an extreme deficiency (to be marked as an "X" on the Evaluation Detail) resulting in a "poor" rating for the applicable category. It is important to note that the list of extreme deficiencies noted in the Good Repair Standard is not exhaustive. Any other deficiency not included in the criteria but meeting the definition above can be noted by the evaluator and generate a poor rating.

Part II, Evaluation Detail is a site inspection template to be used to evaluate the areas of a school on a category by category basis. The design of the inspection template allows for the determination of the scope of conditions across campus. In evaluating each area or space, the user should review each of the 15 categories identified in the Good Repair Standard and make a determination of whether a particular area is in good repair. Once the determination is made, it should be recorded on the Evaluation Detail, as follows:

✓	**No Deficiency - Good Repair:** Insert a check mark if all statements in the Good Repair Standard are true, and there is no indication of a deficiency in the specific category.
D	**Deficiency:** Mark "D" if one or more statement(s) in the Good Repair Standard for the specific category is not true, or if there is other clear evidence of the need for repair.
X	**Extreme Deficiency**: Indicate "X" if the area has a deficiency that is considered an "Extreme Deficiency" in the Good Repair Standard or there is a condition that qualifies as an extreme deficiency but is not noted in the Good Repair Standard.
NA	**Not Applicable:** If the Good Repair Standard category (building system or component) does not exist in the area evaluated, mark "NA".

Below are suggested methods for evaluating various systems and areas:

• **Gas** and **Sewer** are major building systems that may span the entire school campus but may not be evident as applicable building systems in each classroom or common areas. However, because a deficiency in either of these systems could become evident and present a health and safety threat anywhere on campus, the user should not mark "NA" and should instead include an evaluation of these systems in each building space.

• **Roofs** can be easily evaluated for stand alone areas, such as portable classrooms. For permanent buildings containing several areas to be evaluated, roofs should be considered as parts of individual areas in order to accurately account for a scope of any roofing deficiency. For example, a 10 classroom building contains damaged gutters on one side of the building, spanning across five classrooms. Therefore, an evaluator should mark five classrooms as deficient in the roof category and the other five classrooms as in good repair, assuming there are no other visible deficiencies related to roofing.

• **Overall Cleanliness** is intended to be used to evaluate the cleanliness of each space. For example, a user should note a deficiency due to dirty surfaces in Overall Cleanliness, rather than **Interior Surfaces**. At the same time, the user should note such deficiency only in Overall Cleanliness in order to avoid accounting for such deficiency twice, i.e. in two sections.

• The tool is designed to evaluate stand-alone restrooms as separate areas. However, restrooms contained within other spaces, such as a kindergarten classroom or a library, can be evaluated as part of that area under Restrooms. If the area evaluated does not contain a restroom, Restrooms should be marked "NA."

• **Drinking fountains** can exist within individual classrooms or areas, right outside of classrooms or restrooms or other areas, or as stand alone fixtures on playgrounds and sports fields. If a drinking fountain or a set of fountains is located inside a building or immediately outside the area being evaluated, it should be included in the evaluation of that area under Drinking Fountains. If a fountain is located on the school grounds, it should be evaluated as part of that outside space. If there is no drinking fountain in the area evaluated, Drinking Fountains should be marked "NA."

• **Playgrounds/School Grounds**, should be evaluated as separate areas by dividing a campus into sections with defined borders. In this case, several sections of the good repair criteria would not apply to the evaluation, as they do not exist outside of physical building areas, such as **Structural Damage** and **Fire Safety**, for example.

Part III includes the **Category Totals and Ranking**, the **Overall Rating**, and a section for **Comments and Rating Explanation**.

Once the inspector completes the site inspection, he or she must total the number of areas evaluated. The inspector must also count all of the spaces deemed in good repair, deficient, extremely deficient, or not applicable under each of the 15 sections. Next, the evaluator must determine the condition of each section by taking the ratio of the number of areas deemed in good repair to the number of areas being evaluated (after subtracting non-applicable spaces from the total number of areas evaluated). If any of the 15 sections received a rating of extreme deficiency, the ratio (i.e., the percentage of good repair) for that section and the category the section is in should default to zero. The total percent per category (A through H) is determined by the total of all percentages of systems in good repair divided by the number of sections in that category. For example, to determine the total percent for the Structural category, add the percentages for the Structural Damage and Roof sections and divide the result by two.

Next, the overall school site score is determined by computing the average percentage rating of the eight categories (i.e., the total of all percentages divided by eight). Finally, the rater should determine the overall School Rating by applying the Percentage Range in the table provided in Part III to the average percentage calculated and taking into consideration the Rating Description provided in the same table.

*Although the FIT is designed to evaluate each school site within a reasonable range of facility conditions, it is possible that an evaluator may identify critical facility conditions that result in an Overall School Rating that does not reflect the urgency and severity of those deficiencies and/or does not match the rating's Description in Part III. In such instances, the evaluator may reduce the resulting school score by one or more grade categories and describe the reasons for the reduction in the space provided for Comments and Rating Explanation.

When completing Part III of the FIT, the instructor should note the date and time of the inspection as well as weather conditions and any other pertinent inspection information in the specific areas provided and utilize the Comments and Rating Explanation Section if needed.

PART I: GOOD REPAIR STANDARD

(X): If underlined statement is not true, then this is an extreme deficiency (marked as an "X") on the Evaluation Detail resulting in a "poor" rating for the applicable category.

Gas Leaks

Gas systems and pipes appear safe, functional, and free of leaks. Examples include but are not limited to the following:

a. There is no odor that would indicate a gas leak. (X)
b. Gas pipes are not broken and appear to be in good working order. (X)
c. Other

Mechanical Systems

Heating, ventilation, and air conditioning systems (HVAC) as applicable are functional and unobstructed. Examples include but are not limited to the following:

a. The HVAC system is operable. (X)
b. The facilities are ventilated (via mechanical or natural ventilation).
c. The ventilation units are unobstructed and vents and grills are without evidence of excessive dirt or dust.
d. There appears to be an adequate air supply to all classrooms, work spaces, and facilities (i.e. no strong odor is present, air is not stuffy)
e. Interior temperatures appear to be maintained within normally accepted ranges.
f. The ventilation units are not generating any excessive noise or vibrations.
g. Other

Sewer

Sewer line stoppage is not evident. Examples include but are not limited to the following:

a. There are no obvious signs of flooding caused by sewer line back-up in the facilities or on the school grounds. (X)
b. The sanitary system controls odors as designed.
c. Other

Interior Surfaces (Floors, Ceilings, Walls, and Window Casings)

Interior surfaces appear to be clean, safe, and functional. Examples include but are not limited to the following:

a. Walls are free of hazards from tears and holes.
b. Flooring is free of hazards from torn carpeting, missing floor tiles, holes.
c. Ceiling is free of hazards from missing ceiling tiles and holes.
d. There is no evidence of water damage (e.g. no condensation, dampness, staining, warping, peeling, mineral deposits, etc.)
e. Other

Overall Cleanliness

School grounds, buildings, common areas, and individual rooms appear to have been cleaned regularly. Examples include but are not limited to the following:

a. Area(s) evaluated is free of accumulated refuse, dirt, and grime.
b. Area(s) evaluated is free of unabated graffiti.
c. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that school is in session.
d. Other

Pest/Vermin Infestation

Pest or vermin infestation are not evident. Examples include but are not limited to the following:

a. There is no evidence of a major pest or vermin infestation. (X)
b. There are no holes in the walls, floors, or ceilings.
c. Rodent droppings or insect skins are not evident.
d. Odor caused by a pest or vermin infestation is not evident.
e. There are no live rodents observed.
f. Other

Electrical (Interior and Exterior)

1. There is no evidence that any portion of the school has a power failure. (X)

2. Electrical systems, components, and equipment appear to be working properly. Examples include but are not limited to the following:

a. There are no exposed electrical wires. Electrical equipment is properly covered and secured from pupil access. (X)
b. Outlets, access panels, switch plates, junction boxes and fixtures are properly covered and secured from pupil access.
c. Other

3. Lighting appears to be adequate and working properly, including exterior lights. Examples include but are not limited to the following:

a. Lighting appears to be adequate.
b. Lighting is not flickering.
c. There is no unusual hum or noise from the light fixtures.
d. Other

Restrooms

Restrooms in the vicinity of the area being evaluated appear to be accessible during school hours, clean, functional and in compliance with SB 892 (EC Section 35292.5). The following are examples of compliance with SB 892:

a. Restrooms are maintained and cleaned regularly.
b. Restrooms are fully operational.
c. Restrooms are stocked with toilet paper, soap, and paper towels.
d. Restrooms are open during school hours.
e. Other

Sinks/Fountains (Inside and Outside)

Drinking fountains appear to be accessible and functioning as intended. Examples include but are not limited to the following:

a. Drinking fountains are accessible.
b. Water pressure is adequate.
c. A leak is not evident.
d. There is no moss, mold, or excessive staining on the fixtures.
e. The water is clear and without unusual taste or odor.
f. Other

Fire Safety

The fire equipment and emergency systems appear to be functioning properly. Examples include but are not limited to the following:

a. The fire sprinklers appear to be in working order (e.g., there are no missing or damaged sprinkler heads). (X)
b. Emergency alarms appear to be functional. (X)
c. Emergency exit signs function as designed, exits are unobstructed. (X)
d. Fire extinguishers are current and placed in all required areas.
e. Fire alarms pull stations are clearly visible.
f. Other

Hazardous Materials (Interior and Exterior)

There does not appear to be evidence of hazardous materials that may pose a threat to pupils or staff. Examples include but are not limited to the following:

a. Hazardous chemicals, chemical waste, and flammable materials are stored properly (e.g. locked and labeled properly). (X)
b. Paint is not peeling, chipping, or cracking.
c. There does not appear to be damaged tiles or other circumstances that may indicate asbestos exposure.
d. Surfaces (including floors, ceilings, walls, window casings, HVAC grills) appear to be free of mildew, mold odor and visible mold.
e. Other

Structural Damage

There does not appear to be structural damage that has created or could create hazardous or uninhabitable conditions. Examples include but are not limited to the following:

a. Severe cracks are not evident. (X)
b. Ceilings & floors are not sloping or sagging beyond their intended design. (X)
c. Posts, beams, supports for portable classrooms, ramps, and other structural building members appear to be intact, secure and functional as designed. (X)
d. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines the structural components. (X)
e. Other

Roofs (observed from the ground, inside/outside the building)

Roof systems appear to be functioning properly. Examples include but are not limited to the following:

a. Roofs, gutters, roof drains, and down spouts are free of visible damage.
b. Roofs, gutters, roof drains, and down spouts are intact.
c. Other

Playground/School Grounds

The playground equipment and school grounds in the vicinity of the area being evaluated appear to be clean, safe, and functional. Examples include but are not limited to the following:

a. Significant cracks, trip hazards, holes and deterioration are not found.
b. Open “S” hooks, protruding bolt ends, and sharp points/edges are not found in the playground equipment.
c. Seating, tables, and equipment are functional and free of significant cracks.
d. There are no signs of drainage problems, such as flooded areas, eroded soil, water damage to asphalt, or clogged storm drain inlets.
e. Other

Windows/Doors/Gates/Fences (Interior and exterior)

Conditions that pose a safety and/or security risk are not evident. Examples include but are not limited to the following:

a. There is no exposed broken glass accessible to pupils and staff. (X)
b. Exterior doors and gates are functioning and do not pose a security risk. (X)
c. Windows are intact and free of cracks.
d. Windows are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
e. Doors are intact.
f. Doors are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
g. Gates and fences appear to be functional.
h. Gates and fences are intact and free of holes and other conditions that could present a safety hazard to pupils, staff, or others.
i. Other

PART II: EVALUATION DETAIL Date of Inspection: _____ School Name: _____

CATEGORY / AREA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/S CHOOL GROUNDS	WINDOWS/ DOORS/ GATES/FENCES
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
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	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

Marks: √ = Good Repair; **D** = Deficiency; **X** = Extreme Deficiency; **NA** = Not Applicable

Use additional Area Lines as necessary.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY	
SCHOOL SITE		SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE
INSPECTOR'S NAME	INSPECTOR'S TITLE	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION		

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
↓	Number of "✓"s:															
	Number of "D"s:															
	Number of "X"s:															
	Number of N/As:															
Percent of System in Good Repair Number of "✓"s divided by (Total Areas - "NA"s)*																
Total Percent per Category (average of above)*																
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%																

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE →		SCHOOL RATING** →	

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75.%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION:

PROGRAMS (/PROGRAMS/LANDING.JHTML?SRC=LN)

Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A)

(/programs/titleiparta/index.html)
Purpose
Funding Status (/programs/titleiparta/funding.html)
Eligibility (/programs/titleiparta/eligibility.html)
Laws, Regs, & Guidance (/programs/titleiparta/legislation.html)
Applicant Info (/programs/titleiparta/applicant.html)
Resources (/programs/titleiparta/resources.html)
Awards (/programs/titleiparta/awards.html)
FAQs
Performance (/programs/titleiparta/performance.html)
Contacts (/programs/titleiparta/contacts.html)

Office of Elementary and Secondary Education Home
(/about/offices/list/oese/)

Purpose

Program Office: Office of State Support
CFDA Number: 84.010
Program Type: Formula Grants
Also Known As: Education for the Disadvantaged — Grants to Local Educational Agencies, Improving the Academic Achievement of the Disadvantaged, *Title I ESEA*, *Title I* LEA Grants

Program Description

Title I, Part A (Title I) of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESEA) provides financial assistance to local educational agencies (LEAs) and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards. Federal funds are currently allocated through four statutory formulas that are based primarily on census poverty estimates and the cost of education in each state

1. Basic Grants provide funds to LEAs in which the number of children counted in the formula (formula children) is at least 10 and exceeds 2 percent of an LEA's school-age population.
2. Concentration Grants provide funds to LEAs that are eligible for Basic Grants and in which the number of formula children exceeds 6,500 or 15 percent of an LEA's the total school-age population.
3. Targeted Grants are based on the same data used for Basic and Concentration Grants except that the data are weighted so that LEAs with higher numbers or higher percentages of children receive more funds. Targeted Grants are based on the same data used for Basic and Concentration Grants except that the data are weighted so that LEAs with higher numbers or higher percentages of formula children receive more funds. Targeted Grants provide funds to LEAs in which the number of formula children (without application of the formula weights) is at least 10 and at least 5 percent of the LEA's school-age population.
4. Education Finance Incentive Grants (EFIG) distribute funds to States based on factors that measure:
    - a State's effort to provide financial support for education compared to its relative wealth as measured by its per capita income; and
    - the degree to which education expenditures among LEAs within the State are equalized.

Once a State's EFIG allocation is determined, funds are provided (using a weighted count formula that is similar to Targeted Grants) to LEAs in which the number of children from low-income families is at least 10 and at least 5 percent of the LEA's school-age population.

An LEA's Title I allocation is the sum of the amount that the LEA receives under each formula. LEAs target the Title I funds they receive to schools with the highest percentages of children from low-income families. If a Title I school is operating a targeted assistance program, the school provides Title I services to children who are failing, or most at risk of failing, to meet challenging State academic standards. Schools in which children from low-income families make up at least 40 percent of enrollment are eligible to use Title I funds to operate schoolwide programs that serve all children in the school in order to raise the achievement of the lowest-achieving students. LEAs also must use Title I funds to provide Title I services to eligible children enrolled in private schools. More information about Title I and other ESEA programs is available at: https://www2.ed.gov/policy/elsec/leg/essa/index.html (/policy/elsec/leg/essa/index.html).

Participation

ED's most recent data on participation in the program are from school year (SY) 2015-16. In SY 2015-16 more than 55,906 public schools across the country used Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. For example, funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum.

That same year Title I served more than 26 million children. Of these students, approximately 58 percent were in kindergarten through fifth grade, 21 percent in grades 6-8, 19 percent in grades 9-12, 2 percent in preschool, and less than one percent ungraded.

Printable view
(/print/programs/titleiparta/index.html)

Last Modified: 10/24/2018

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- Student loans, forgiveness (/fund/grants-college.html?src=rn)
- College accreditation (http://www.ed.gov/accreditation?src=rn)

- Every Student Succeeds Act (ESSA) (http://www.ed.gov/essa?src=rn)
- FERPA (/policy/gen/guid/fpco/ferpa/index.html?src=rn)
- FAFSA (http://fafsa.ed.gov/?src=edgov-rn)
- 1098, tax forms (http://www.ed.gov/1098-e?src=rn)

More > (/about/top-tasks.html?src=rn)

Information About...

- Transforming Teaching (http://www.ed.gov/teaching?src=rn)
- Family and Community Engagement (http://www.ed.gov/family-and-community-engagement?src=rn)
- Early Learning (/about/inits/ed/earlylearning/index.html?src=rn)

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Loan Forgiveness (https://studentaid.ed.gov/repay-loans/forgiveness-cancellation?src=ft)

Loan Servicers (https://studentaid.ed.gov/repay-loans/understand/servicers?src=ft#who-is-my-loan-servicer)

Grants & Programs

(/fund/grants-apply.html?src=ft)

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Civil Rights (/about/offices/list/ocr/know.html?src=ft)

New IDEA Website (https://sites.ed.gov/idea/?src=ft)

Data & Research

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