



January 26, 2024

Heather Halsey
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RECEIVED
January 26, 2024
*Commission on
State Mandates*

**Response to Draft Proposed Decision Test Claim 22-TC-04, Public School Restrooms:
Menstrual Products**

Dear Heather Halsey:

As requested in your letter dated January 5, 2024, the Department of Finance has reviewed the Draft Proposed Decision for test claim 22-TC-04 titled "Public School Restrooms: Menstrual Products" and hereby submits the following comments.

Finance continues to have concerns regarding costs identified in the Draft Proposed Decision. The claimant Hesperia Union School District (Claimant) seeks reimbursement for developing and implementing policies, as well as providing training relating to the purchase, installation, stocking, and administration of menstrual products, as new activities to implement provisions of AB 367. Finance contends that these activities are included within existing activities of a school district, as shown by the fact that no costs are reflected in the test claim. 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. Furthermore, the Decision and Parameters and Guidelines for the Public School Restrooms: Feminine Hygiene Products Mandate (18-TC-01) denied the costs related to training personnel and developing school policies and procedures because there was no evidence explaining why the proposed activities were reasonably necessary to comply with the mandate. Consistent with the Decision on 18-TC-01, Finance urges the Commission to deny these activities since they are not required by the plain language of the test claim statute.

Additionally, the Claimant indicated that the funding from the K-12 Mandate Block Grant was not sufficient to cover the costs related to this test claim. Finance continues to have concerns with the costs identified because it is unclear what additional funding amount is needed to comply with this mandate that was not previously resolved in the 18-TC-01 mandate and subsequent K-12 Mandate Block Grant funding.

Finally, Finance continues to have concerns that costs may be overstated in the test claim. The Claimant seeks reimbursement for an additional 100 dispensers, and it is unclear whether the number of restrooms identified by the Claimant would all be required to install dispensers to comply with this mandate. Finance maintains that reimbursement is not required to install dispensers or other distribution devices to more than one men's restroom, in staff restrooms, in school restrooms not required by statute, or to replace, repair or retrofit dispensers already installed in the restrooms without sufficient justification. However, if the Claimant provides sufficient evidence, the purchase and installation of menstrual product dispensers, or other distribution devices, for every women's and all-gender restrooms, and at least one men's restroom, may be reasonable on a one-time basis to ensure statutory requirements set by Education Code section 35292.6 are met.

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

Sincerely,

Chris Ferguson

Chris Ferguson
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.

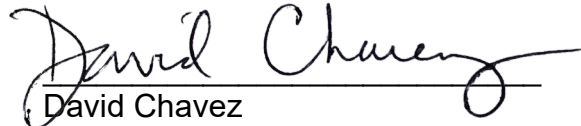
On January 26, 2024, I served the:

- **Current Mailing List dated January 19, 2024**
- **Finance's Comments on the Draft Proposed Decision filed January 26, 2024**

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

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

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



David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/19/24

**Claim
Number:** 22-TC-04

Matter: Public School Restrooms: Menstrual Products

Claimant: Hesperia Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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

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