

April 16, 2024



Juliana Gmur
Acting Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Test Claim: Public School Restrooms:
Menstrual Products, (22-TC-04)
Draft Expedited Parameters and Guidelines (“P & G”).

Dear Ms. Gmur:

Please be advised claimant submits the following comments regarding the Draft Expedited Parameters and Guidelines. (“P & G) The proposed changes to the P & G are supported by evidence in the record showing that the cost of purchasing and installing dispensers 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.

A. Claimant incurred costs for the purchasing and installing of dispensers as the most efficient and cost-effective method for delivering the menstrual products.

During the test claim process “the claimant submitted a declaration signed under penalty of perjury by the District’s Deputy Superintendent of Business Services, identifying costs of \$43,625.73 for the 2022-2023 school year to comply with the test claim statute. This includes \$37,442.05 for dispensers and \$3,299.92 for installation, and \$2,883.76 for menstrual products. The claimant stated the test claim statute requires it to install dispensers in 100 additional restrooms, for which it incurred increased costs. (Public School Restrooms: Menstrual Products, 22-TC-04 Decision, pages 11-12)

In addition, claimant submitted a declaration signed under penalty of perjury by the District’s Deputy Superintendent of Business Services stating the following: “The selection of dispensers was determined by the Claimant’s Director of Risk Management and third-party vendor as the most efficient and cost-effective method for delivering the menstrual products.” (Claimant’s Rebuttal Comments, filed August 17, 2023.)

B. Claimant requests the Parameters and Guidelines include the cost of purchasing and installing dispensers in the restrooms.

Based on the aforementioned evidence in the record, Claimant requests

section IV. B. of the Parameters and Guidelines provide as follows:

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

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

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

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

C. Conclusion

The cost of purchasing and installing dispensers must be included in the Parameters and Guidelines as it is 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.

D. 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 based on information and belief and that I am authorized and competent to do so.

Thank you for your cooperation.

Arthur Palkowitz
Arthur M. Palkowitz, Esq.
Claimant Representative

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 April 16, 2024, I served the:

- **Claimant's Comments on the Draft Expedited Parameters and Guidelines filed April 16, 2024**
- **Finance's Comments on the Draft Expedited Parameters and Guidelines filed April 16, 2024**

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

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

Hesperia Unified School District, Claimant

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 April 16, 2024 at Sacramento, California.



David Chavez
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/12/24

**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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