

**Arthur M. Palkowitz**  
619.881-1288  
apalkowitz@as7law.com

**RECEIVED**  
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**Commission on  
State Mandates**

August 1, 2019

**VIA CSM DROP BOX**

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

***Re: Comments to Draft Proposed Parameters & Guidelines 18-TC-01, Public School Restrooms: Feminine Hygiene Products***

Dear Ms. Halsey:

Please be advised the following comments are regarding the *Draft Expedited Parameters & Guidelines* (“Parameters & Guidelines”) Decision 18-TC-01.

Claimant disagrees with the draft following comments:

4. The proposed activities to purchase and install dispensers for feminine hygiene products are not supported by substantial evidence in the record explaining why the activities are reasonably necessary to comply with the mandate and are, therefore, denied.

Substantial evidence in the record includes legislative history acknowledging 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 Commission members statements supporting the reimbursement of the dispenser costs at the Commission hearing when the test claim was approved. Furthermore, there is no evidence in the record of another method of stocking the feminine hygiene products.

Desert Sands Unified School District (“Claimant”) contends that the legislative intended to reimburse for time and costs pertaining to the 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

Artiano Shinoff

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***Re: Comments to Draft Expedited Proposed Parameters & Guidelines Decision 18-TC-01, Public School Restrooms: Feminine Hygiene Products***

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)

Reasonably necessary activities are those activities necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program. (2 CCR § 1183.7.) 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.) Claimant has submitted substantial evidence that is included in the record of the one-time related costs of purchasing and installing dispensers.

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 August 1, 2019, I served the:

- **Claimant's Comments on the Draft Proposed Decision and Parameters and Guidelines filed August 1, 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 August 1, 2019 at Sacramento, California.



Lorenzo Duran  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 7/12/19

**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.)

**Edmundo Aguilar**, Chief Counsel, *Department of Education*

1430 N Street, Sacramento, CA 95814-5901

Phone: (916) 319-0860

EAguilard@cde.ca.gov

**Amber Alexander**, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

**Michael Ambrose**, Associate General Counsel, *California School Boards Association*

3251 Beacon Boulevard, West Sacramento, CA 95691

Phone: (916) 669-3266

mambrose@csba.org

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Scott Bailey**, Superintendent, *Desert Sands Unified School District*

**Claimant Contact**

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

Phone: (760) 777-4200

slbailey@desertsands.us

**Harmeet Barkschat**, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

**Lacey Baysinger**, Fiscal Analyst, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-7876  
lbaysinger@sco.ca.gov

**Mike Brown**, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762  
Phone: (916) 669-5116  
mikeb@sia-us.com

**J. Bradley Burgess**, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864  
Phone: (916)595-2646  
Bburgess@mgtamer.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-5919  
ECalderonYee@sco.ca.gov

**Gwendolyn Carlos**, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-0706  
gcarlos@sco.ca.gov

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Andra Donovan**, *San Diego Unified School District*

Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103  
Phone: (619) 725-5630  
adonovan@sandi.net

**Donna Ferebee**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Chris Ferguson**, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Ferguson@dof.ca.gov

**Susan Geanacou**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Heather Halsey**, Executive Director, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Ed Hanson**, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

ed.hanson@dof.ca.gov

**Doug Kimberly**, *Superintendent, Lake Elsinore Unified School District*

545 Chaney Street, Lake Elsinore, CA 92530

Phone: (951) 253-7000

Doug.Kimberly@leusd.k12.ca.us

**Jennifer Kuhn**, *Deputy, Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8332

Jennifer.kuhn@lao.ca.gov

**Lisa Kurokawa**, *Bureau Chief for Audits, State Controller's Office*

Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 327-3138

lkurokawa@sco.ca.gov

**Amy Li**, *Fiscal & Policy Analyst, Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8358

Amy.Li@lao.ca.gov

**Jill Magee**, *Program Analyst, Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

Jill.Magee@csm.ca.gov

**Michelle Mendoza**, *MAXIMUS*

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403

Phone: (949) 440-0845

michellemendoza@maximus.com

**Kathryn Meola**, *General Counsel, California School Boards Association*

3251 Beacon Blvd., West Sacramento, CA 95691

Phone: (916) 669-3273

kmeola@csba.org

**Yazmin Meza**, *Department of Finance*

915 L Street, Sacramento, CA 95814

Phone: (916) 445-0328

Yazmin.meza@dof.ca.gov

**Meredith Miller**, *Director of SB90 Services, MAXIMUS*

3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670

Phone: (972) 490-9990

meredithcmiller@maximus.com

**Bruce Miller**, *MOT Director, San Miguel Joint Union School District*

1601 L Street, San Miguel, CA 93451

Phone: (805) 467-3216

bmiller@sanmiguelsschools.org

**Robert Miyashiro**, *Education Mandated Cost Network*

1121 L Street, Suite 1060, Sacramento, CA 95814

Phone: (916) 446-7517  
robertm@sscal.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**Debra Morton**, Manager, Local Reimbursements Section, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Michelle Nguyen**, *Department of Finance*  
Education Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
Michelle.Nguyen@dof.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Arthur Palkowitz**, *Artiano Shinoff*  
**Claimant Representative**  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
apalkowitz@as7law.com

**Keith Petersen**, *SixTen & Associates*  
P.O. Box 340430, Sacramento, CA 95834-0430  
Phone: (916) 419-7093  
kbsixten@aol.com

**Mark Rewolinski**, *MAXIMUS*  
808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (949) 440-0845  
markrewolinski@maximus.com

**Sandra Reynolds**, President, *Reynolds Consulting Group, Inc.*  
P.O. Box 891359, Temecula, CA 92589-1359  
Phone: (888) 202-9442  
rcginc19@gmail.com

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Carla Shelton**, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Steve Shields**, *Shields Consulting Group, Inc.*  
1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310  
steve@shieldscg.com

**Natalie Sidarous**, Chief, *State Controller's Office*

Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: 916-445-8717  
NSidarous@sco.ca.gov

**Jim Spano**, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849  
jspano@sco.ca.gov

**Dennis Speciale**, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*

California State Senate, State Capitol Room 5019, Sacramento, CA 95814

Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Amy Tang-Paterno**, Educational Fiscal Services Consultant, *California Department of Education*

Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814

Phone: (916) 322-6630  
ATangPaterno@cde.ca.gov

**Jolene Tollenaar**, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Michelle Valdivia**, *Department of Finance*

Education Systems Unit, 915 L Street, Sacramento, CA 95814

Phone: (916) 445-0328  
Michelle.valdivia@dof.ca.gov

**Marichi Valle**, *San Jose Unified School District*

855 Lenzen Avenue, San Jose, CA 95126

Phone: (408) 535-6141  
mvalle@sjusd.org

**Elena Wilson**, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: 916-323-3562  
elena.wilson@csm.ca.gov