



June 14, 2019

RECEIVED
June 18, 2019
**Commission on
State Mandates**

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

LATE FILING

Comments to Parameters and Guidelines: Public School Restrooms: Feminine Hygiene Products, 18-TC-01

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed the Draft Expedited Parameters and Guidelines (Ps & Gs) prepared by the Commission on State Mandates (Commission) on May 24, 2019, and respectfully submits the following comments and concerns in response to the draft parameters and guidelines.

According to the Commissions draft Ps & Gs, the claimant is only allowed to claim and be reimbursed for increased costs for the following reimbursable activity:

1. Stock 50 percent of the school's pupil's restrooms with feminine hygiene products (defined only as tampons and sanitary napkins) at all times at no cost to pupil.

All other activities and costs alleged in the Test Claim are not mandated by the plain language of the test claim statute, but may be proposed for inclusion in the Ps & Gs pursuant to current law.

Contrary to the assertion made by the claimant's attorney in the *Response to Test Claim 18-TC-01, Public School Restrooms: Feminine Hygiene Products*, dated February 15, 2019, Finance only supports the cost of the feminine hygiene products as reimbursable costs, based on the plain language of the test claim statute. All other activities such as the cost and installation of dispensers, training of personnel, and developing policies and procedures must be supported by evidence showing that they are "reasonably necessary for the performance of the state-mandated program".

For instance, as noted by the Commission in the Draft Ps & Gs, the activities and costs incurred by the school district to purchase and install dispensers are "not mandated by the plain language of the test claim statute". Furthermore, based on the plain language of the test claim statute, Finance continues to maintain that training of personnel and the development of policies are not reasonably necessary to implement the mandate.

Additionally, as noted in the Draft Ps & Gs, only actual costs—those incurred to implement the mandated activity—are eligible for mandated cost reimbursement. Actual costs must be

traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities.

We continue to dispute the cost estimate submitted by the claimant and note the following additional concerns:

- As stated in the Senate Floor analysis, and emphasized in the Commission's decision, the intent of the test claim statute is to provide female pupils with access to free feminine hygiene products (defined only as tampons and sanitary napkins). The reimbursable activities should specify pupil restrooms, not all restrooms, in line with the intent of the test claim statute.
- The claimant purchased 115 dispensers for seven eligible schools and purchased an additional 12 in the second year of the mandate. To determine the reasonableness of the cost estimate, Finance has requested the number of restrooms at each eligible school. The test claim statute states "50 percent of the school's restrooms" shall be stocked with feminine hygiene products, which necessitates information on the number of restrooms at each eligible school to determine whether the claimant is meeting or exceeding the mandated program. The number of restrooms is not available on the school's websites.

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



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 June 18, 2019, I served the:

- **Finance's Late Comments on the Draft Expedited Parameters and Guidelines filed June 18, 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 June 18, 2019 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 6/11/19

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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