

THE MENSTRUAL EQUITY FOR ALL ACT:

**A Handbook for California
Public School Districts**

January 2023

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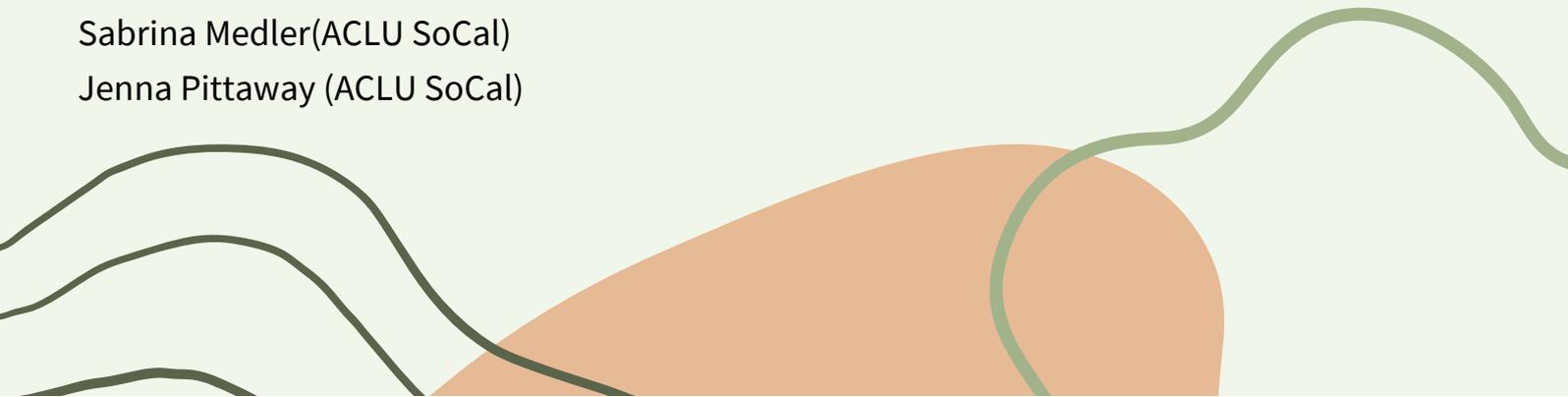


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I. WELCOME



I. WELCOME

Dear Reader,

I am a student who has had to deal with the hardship, pain, embarrassment, and anxiety around having to find menstrual products during school hours. I know firsthand the experience of getting an infection and having to miss several days of school and go to urgent care for antibiotics after having to use toilet paper instead of pads because I couldn't access products at school.

I also know that many students have similar stories. The unexpectedness of periods means they can happen anywhere, at any time, and for students this may take away from class time by having to go to the nurse to ask for products, and sometimes even having to pay.

This is why so many students across California support the Menstrual Equity for All Act of 2021 (AB 367 [[Ch. 664, Stas. 2021](#)]; Cal. Educ. Code § 35292.6), which was signed into law in October 2021. This law requires all public schools serving any grade 6-12 to provide free menstrual products in school bathrooms by the start of the 2022-2023 school year.¹

Now, we as students need your leadership to implement the California Menstrual Equity for All Act. This is incredibly important for all students because otherwise many of us will keep suffering from the shame, discomfort, and frustration that comes from not having immediate access to these products at school. There should not be shame around periods and the Menstrual Equity for All Act gives us an opportunity to make that a reality.

Making sure the Menstrual Equity for All Act is strongly implemented would not only help students like me and my friends, but also help make sure that all students across California have equal access to education and are encouraged to reach their full potential, no matter their gender or family income. I hope this district handbook helps answer questions on how to get started on achieving the goals of the Menstrual Equity for All Act. On behalf of California's students, thank you for all of your leadership.

**Thank you,
Kimberly Sockwell
Youth Liberty
Squad Student**



¹ Cal. Educ. Code § 35292.6(a).

Dear Reader,

AB 10 (2017)* came from three young high school students in Stockton who approached me and were aware of my work to eliminate the sales tax on menstrual products. They said that was good and were appreciative, but also shared with me that they should have free menstrual products in school. Then they shared how they struggled to afford products and how that affected their education. One said she missed school whenever she had no products. One said she used socks with toilet paper and newspapers and one memorized where all the fancy hotels were because they usually had free menstrual products.

These scenarios are simply unacceptable. My work on both AB 10 (2017) and now the Menstrual Equity for All Act (AB 367 of 2021) has expanded access to menstrual products in schools to ensure our students can focus on their education instead of worrying about access to menstrual products. I appreciate the ACLU, CASC, PERIOD and others that helped advocate alongside me to increase menstrual equity in California.

Thank you,
Assemblymember Cristina Garcia
58th Assembly District



* Note: In 2017, Assemblymember Garcia introduced AB 10 (Ch. 687, Stats. 2017), a bill that required **Title I schools** serving any grade 6-12, inclusive, to provide free menstrual products for students. This handbook details implementation of the Menstrual Equity for All Act (AB 367 [[Ch. 664, Stats. 2021](#)]), an act introduced by Assemblymember Garcia that expands the requirement to **all public schools**, serving any grade 6-12, inclusive.

II. MENSTRUAL EQUITY FOR ALL ACT (AB 367) OVERVIEW



II. AB 367 OVERVIEW

What is the Menstrual Equity for All Act?

The Menstrual Equity for All Act (AB 367 [[Ch. 664, Stas. 2021](#)]) recognizes the critical need for expanded access to free menstrual products in California public schools in order to stem the harmful impacts period poverty has on students in the classroom.

The Menstrual Equity for All Act has two main requirements for local educational agencies:

- As of the start of the 2022-2023 school year, all public schools, including schools operated by school districts, county offices of education, and charter schools, serving any grade 6-12, inclusive, must provide free and accessible menstrual products—defined as both pads and tampons—in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom.²
- In addition, schools are required to post clear and visible notices letting students know about their right to access free menstrual products. The notice must be posted in all applicable restrooms and include the text of Education Code § 35292.6 as well as contact information, including both a telephone number and email address, for the school personnel responsible for ensuring menstrual products are stocked.³ A sample restroom notice is provided in the Appendix.

Importantly, many school districts have already begun implementing similar provisions. The Menstrual Equity for All Act builds on previous legislation to ensure that low-income students have adequate access to free menstrual products. Since 2017, California law has required Title I schools serving any grade 6-12, inclusive, to provide free menstrual products for students (AB 10 [[Ch. 687, Stats. 2017](#)]).

The Menstrual Equity for All Act also requires California State University campuses and each community college district to stock an adequate supply of menstrual products in a central location and notify students of this right.⁴

² Cal. Educ. Code § 35292.6(a).

³ Cal. Educ. Code § 35292(c)

⁴ Cal. Educ. Code § 66027(a)(1)

All California public schools are legally required to comply with the Menstrual Equity for All Act as of the start of the 2022-2023 school year.

To which schools does the Menstrual Equity for All Act apply?

All California public schools, including schools operated by a school district or the county office of education, and charter schools serving any grade 6-12, are required to comply with this law. Private schools are not required to provide free menstrual products under the Menstrual Equity for All Act but are encouraged to do so as a best practice.

Why is the Menstrual Equity for All Act necessary?

This law addresses an unmet need called to attention by students, teachers, administrators, and public health professionals. Research shows that [nearly 1 in 4](#) students struggle to access menstrual products and have missed class because they lacked access to menstrual products.⁵ The Menstrual Equity for All Act helps students stay engaged in academic classes and school activities without worrying about the economic challenge of finding or affording menstrual products throughout the school day. The need for menstrual products is no different than the need for toilet paper and soap—all are essential products that people need to be healthy and safe.

This law alleviates the experiences of shame that can accompany a lack of access to menstrual products. Lack of access to menstrual products, often referred to as "period poverty," disproportionately affects students of color and low-income students. The challenges from a lack of access to menstrual products can also disproportionately affect people living with disabilities. Importantly, this law affirms the right to menstrual dignity for transgender, intersex, nonbinary, gender non-conforming, and two spirit students by addressing the needs of students navigating experiences of gender dysphoria during menstruation while minimizing negative attention that could put them at risk of harm. For these reasons, other states have also passed similar legislation, including [Oregon](#).⁶

⁵ *State of the Period*, <https://period.org/uploads/State-of-the-Period-2021.pdf>.

⁶ *Oregon Department of Education*, "Menstrual Dignity for Students Toolkit," November 2022.

“It is important to me to have menstrual products in my school restrooms because it relieves me of some of the stress that comes with getting my period at school. Instead of worrying about whether I have pads in my backpack, I can focus more on school and my education. Also, students who come from low-income families don't have to worry about being deprived of a basic necessity.

~ Katie, 10th grade

Every school community is different, so the Menstrual Equity for All Act allows local educational agencies to have flexibility in determining which kinds of school personnel are best positioned to oversee implementation in each school site directly. Local educational agencies include school districts, county offices of education, and charters.

As a best practice, it is recommended that local educational agencies begin implementation by updating and adopting relevant school board policies. We have developed a model policy that local educational agencies can use as a resource as they update or develop their own. *(See Appendix, B: Model School Board Policy)* Many local educational agencies in California base their policies off samples from the California School Boards Association (CSBA). The CSBA has included some of the requirements of the Menstrual Equity for All Act in its most recent update to its sample Williams Uniform Complaint Procedures (1312.4) policy. Local educational agencies that partner with CSBA should update their existing policies to reflect such changes, and should consider adopting a policy that also reflects the additional requirements of the Menstrual Equity for All Act. By adopting clear and comprehensive board policies, local educational agencies ensure a strong foundation for implementation efforts going forward.

Once the appropriate policies are updated and adopted, and as reflected in model policy 3517.1 in the Appendix, it is recommended that the Superintendent or the Superintendent's designee then assign an administrator at each school site within the agency serving any grade 6-12 to ensure menstrual products are stocked and adequate notices are posted.⁷

The Menstrual Equity for All Act requires that restroom notices regarding menstrual products provide both an email address and telephone number for the school personnel responsible for ensuring menstrual products are stocked at each school site. As a best practice, local educational agencies should also include in the notice a physical location on campus for students to seek immediate assistance such as the front office or the office of an administrator tasked with overseeing implementation of the Menstrual Equity for All Act.

Regardless, it is critical that the school personnel selected to be responsible for ensuring an adequate supply of menstrual products is someone who is regularly reachable by students and well-equipped to communicate and coordinate with janitorial staff, such as the school's operation manager or office manager.

⁷ Cal. Educ. Code § 35292.6(c).

In cases of poor implementation of the Menstrual Equity for All Act, local educational agencies may receive either a Uniform Complaint Procedure (UCP) Complaint or a Williams Complaint (another type of UCP complaint), depending on the circumstances, and should ensure compliance as needed. The CDE describes the responsibilities of local education agencies in responding to complaints on their [website](#). UCP Complaints are appropriate where discrimination or harassment has occurred, such as where restrooms for only one gender are being consistently stocked with menstrual supplies. Williams Complaints are appropriate where students are not being provided with the bare minimum necessities needed for their health and safety. However, local educational agencies should strive for robust implementation of the Menstrual Equity for All Act not only to comply with California law, but also to improve educational outcomes for menstruating students and create a more welcoming and affirming learning environment.

What are other important considerations when implementing the Menstrual Equity for All Act?

In passing the Menstrual Equity for All Act, the Legislature stated clearly that their intent was to “provide for the health, dignity, and safety of menstruating students at every socioeconomic level, normalize menstruation among all genders, and foster gender competency in California schools.”⁸ As local educational agencies implement the law, they should keep these goals in mind along with the needs of their individual school community. For example, while local educational agencies are only required to provide pads and tampons, they may also choose to provide other types of menstrual products. Some school districts may also choose to provide menstrual products for a broader range of grade levels, as many younger students begin menstruating before they reach 6th grade. Similarly, local educational agencies should also consider stocking menstrual products in more than one men’s restroom on campus. This not only helps to establish full and equitable access to menstrual products to people of all genders who menstruate across campuses, but also can reduce targeting or stigmatizing of any one particular restroom that may provide menstrual products. Overall, it is critical that, as part of their implementation processes, school districts build in opportunity for student input and feedback to ensure all students have access to the menstrual products they need whenever and wherever they need them on campus. *(See VI. Roadmap to Implementing the Menstrual Equity for All Act)*

8. Cal. Educ. Code § 35292.6(c).

“As a trans guy, seeing menstrual products in all school bathrooms would be amazing. Society is so often neglectful and cruel towards trans people; so having menstrual products in every bathroom would make me and all my trans siblings feel much safer and much more respected.

~ Jasper, 10th grade

III. MENSTRUAL PRODUCTS 101



III. MENSTRUAL PRODUCTS 101

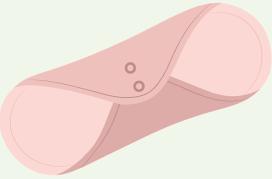
This section provides a summary of considerations to keep in mind as local educational agencies implement the Menstrual Equity for All Act at their individual school sites, including information on what types of menstrual products to provide, what quantity of products to order, how to store and dispose of products, how to make products accessible to all who need them, and language tips for discussing access to menstrual products. It is strongly encouraged that students have an opportunity to weigh in on the types, quality, and storage of products to make them most accessible.

a. Types of Products

Both pads and tampons must be provided pursuant to AB 367. Local educational agencies are encouraged to provide a range of sizes to meet individual's varying menstruation needs.

Product	Definition	Types	Sizes	Examples
Pad	A disposable menstrual product that adheres to underwear & absorbs menstrual fluids.	Liners Day Pads Night Pads	Light Regular Heavy	 [a pad with blue adhesive]
Tampon	A disposable menstrual product that is inserted into the vagina to absorb menstrual fluids.	Plastic Applicator Cardboard Applicator No Applicator	Light Regular Super Super Plus Ultra	 [a tampon without an applicator]

Schools can **go above and beyond** to support the menstrual health of students by providing any of the following products:

Product	Definition	Types	Sizes	Examples
Washable Period Underwear	Underwear that replaces regular underwear, collects menstrual fluids and can be washed, dried, & reused.	High-waisted Bikini Boxer	Light Heavy Sleeper XS - 6X	 [a beige washable period underwear]
Reusable Pads	Reusable pads are made from washable cloth, attach to underwear to absorb menstrual fluids, and can be reused.	Cotton Bamboo	Liners Day Pads Night Pads	 [a beige reusable pad]
Menstrual Cups	A menstrual cup is a flexible cup that is inserted into the vagina to collect menstrual fluids. The cup can be washed and reused.	Tulip-shaped Disc-shaped	Different brands have different size charts	 [a purple menstrual cup]

“ You never know how somebody's life at home is. Maybe they are shamed or embarrassed for having a menstrual cycle. They could possibly be neglected, or they might not have the appropriate resources around them to access menstrual products. No matter a student's background or how they identify, they should feel healthy, safe, and comfortable at school. Having menstrual products in school restrooms makes students feel like they are cared for.

~ Maria, 9th grade

Considerations:

1. Disposable pads and tampons need to be changed at least every **4–6 hours**.
2. Days with heavier menstrual flow will require menstrual products to be **changed more often** and may require larger sized products.
3. The average person who menstruates begins a new menstrual cycle **every 21–40 days**.
4. The average menstrual period lasts **2–7 days**.

Estimated Usage Per Student, Per Month*:

Students	Min. Daily Product	Max. Daily Product	Monthly Range	Yearly Range
1	4	6	8-42	96-504
100	400	600	80-420	960–5,040
1,000	4,000	6,000	8,000-42,000	96,000–504,000
5,000	20,000	30,000	40,000-210,000	480,000–2,520,000

**Note: Average number of products used per student per month was based on several pilot programs conducted throughout CA. Average usage may vary depending on the needs of students in a particular school or district.*

Recommended Purchase Quantity Per Month:**

School Size	# of Menstrual Products	District Size	# of Menstrual Products
500 or fewer	4,500	5,000	45,000
1,000	9,000	15,000	135,000
2,500	22,500	30,000	270,000
4,000	36,000	60,000	540,000

****Assumptions:**

- 50% of students at each school menstruate
- Average use of 3 products per student per month
- 180 days or 6 months in 1 school year

Considerations:

1. Menstrual products must be stored in a clean and dry place
2. Not all menstrual products have the same shape and size
3. Menstrual products must be accessible to all students, and some students may have different accessibility needs

Type	Benefits	Drawbacks	Examples
Wall Unit	<ul style="list-style-type: none"> • Attaching the unit to the wall can prevent tampering • School restrooms may already have wall dispensers in place 	<ul style="list-style-type: none"> • Some wall units only work with a specific type and brand of product. • Products may appear to be coin operated, so students may think they cost money. • Units can be expensive to install. • Students may have difficulty getting more than one product at a time when needed. 	<p>a. </p> <p>[silver wall unit with two dispensing knobs and a slot for the free product]</p>
Basket on Counter	<ul style="list-style-type: none"> • Low cost • Students can easily take the products they need. • Not much space required 	<ul style="list-style-type: none"> • It is easy to remove or tamper with the menstrual products. 	<p>b. </p> <p>[wicker basket containing yellow and blue tampons and pads]</p>
Storage Drawer	<ul style="list-style-type: none"> • Less expensive than a wall unit • Can hold a large amount of product at one time • Students can easily take the products they need. 	<ul style="list-style-type: none"> • It is easier to remove or tamper with the menstrual products. 	<p>c. </p> <p>[white table with drawers containing menstrual products]</p>

a. Derived from Bobrick Washroom Equipment(2022). *This handbook does not endorse any specific brands or products.*

b. Jacob Hamilton (2022) [The Oregonian / Oregon Live](#)

c. Oregon Department of Education (2022), [Menstrual Dignity for Students Toolkit](#)

Considerations:

1. Disposable pads and tampons cannot be flushed down the toilet
2. Disposable pads and tampons must be placed in a trash receptacle

Materials	Why They are Necessary	Examples
Trash Receptacle	Each stall should have its own trash receptacle to maintain student privacy and make it easy to properly dispose of menstrual products.	 <p>[silver trash receptacle box]</p>
Receptacle Liners	Liners go inside each trash receptacle for easy and sanitary removal of the trash contents. Lining each receptacle is also an easy way to keep the receptacle clean.	 <p>[brown liner bag]</p>

e. Language

The words we use to describe menstruation, menstrual products, and people who experience menstruation can have a big impact on students. Using gender inclusive language and language that discusses menstruation as a natural occurrence helps create a more welcoming learning environment and helps de-stigmatize menstruation for all students. For example:

Instead of...	Say...
Girls	Students; Teens; People who menstruate
Menstrual hygiene	Menstrual health
Feminine hygiene products	Menstrual products

Considerations for local education agencies:

- **People of different genders menstruate.** Although the law only requires menstrual products to be included in one men’s restroom, providing menstrual products in all men’s restrooms in addition to all women’s and all gender restrooms increases menstrual product accessibility for transgender men, nonbinary people, and intersex people who may use the men’s restroom. Further, providing products in all bathrooms may *reduce targeting or stigmatizing* of any one particular restroom that may provide menstrual products.
- **Many younger students begin menstruating at lower grade levels,** well before 6th grade. Although the law only requires menstrual products to be provided in schools serving any grade 6-12, providing menstrual products in schools serving *lower grade levels* ensures all menstruating students feel supported.
- When installing menstrual product storage containers, local educational agencies should **ensure they are ADA compliant.** Menstrual products must be *accessible by people with different abilities*, including at a height accessible by students in wheelchairs.
- **Some people may feel stressed, embarrassed, ashamed, or even afraid** of taking menstrual products in front of others. For some, being seen accessing menstrual products can risk outing them and lead to uncomfortable questions about a person’s gender or their circumstances (e.g., a student experiencing homelessness) and put them at risk of harm. For these reasons, it is important for menstrual products to be easily and quickly accessible. Providing small brown paper bags to put products inside may also help students *access products more discreetly and comfortably.*
- **Signs must be posted in restrooms** to notify students of their rights in regards to the California Menstrual Equity for All Act.⁹ These signs should be in large, legible text to be visible to all. *(See Appendix, C: Sample Restroom Notice)*

9. Cal. Educ. Code § 35292.6(c).

“Menstrual equity, to me, means that menstruation is treated just as any other health care issue should be treated; with respect and support. It's a health care issue - the same as supplying soap or toilet paper. Having [menstrual] supplies should not be a luxury. It should be right that everyone - no matter the situation - has.

~ Nora, 8th grade

IV. FUNDING AND REIMBURSEMENTS



IV. FUNDING & REIMBURSEMENTS

Costs associated with the Menstrual Equity for All Act are reimbursable as determined by the California Commission on State Mandates, as discussed in further detail below. In addition to seeking direct reimbursement from the state to implement the mandate, districts may also pursue a number of funding and partnership opportunities to support meeting or expanding upon the law's requirements.

a. Reimbursable State Mandate

The [California Commission on State Mandates](#) has previously determined that requirements to offer menstrual products free of charge in public school restrooms constitute a reimbursable state mandate.¹⁰ Because these requirements have not yet been incorporated into the mandates block grant, school districts will need to file separate, annual claims to the State Controller's Office for reimbursement of costs.

For more information about state-mandated programs and costs, visit:

https://www.sco.ca.gov/ard_mancost.html

b. Local Control Funding Formula

School districts should consider directing supplemental and concentration grants from their Local Control Funding Formula (LCFF) towards implementation of the Menstrual Equity for All Act. These funds could be used to expand the provision of menstrual products beyond the mandate, for example, to all restrooms or nurses' offices or to include other menstrual products such as menstrual cups or reusable pads.

Under the LCFF formula, school district funding is primarily comprised of three grants:

- **Base Grant:** Based on grade span of pupils and average daily attendance
- **Supplemental Grant:** Equal to 20% of the adjusted base grant multiplied by ADA and the unduplicated percentage of targeted disadvantaged pupils—defined as English learners, students that meet income requirements to receive a free or reduced-price meal, and youth in foster care

10. This decision was rendered in the context of AB 10 (Ch. 687, Stats. 2017), a more limited mandate that applied only to schools that met the 40% pupil poverty threshold required to operate a Title I program. While it is likely that the California Commission on State Mandates will have to issue a new or updated decision to reflect the expanded scope of the 2021 Menstrual Equity for All Act, districts can seek retroactive funding after a decision has been issued and thus need not wait for such a decision in order to begin complying with the new law, which goes into effect at the start of the 2022-2023 school year.

- **Concentration Grant:** Equal to 65% of the adjusted base grant multiplied by ADA and the percentage of targeted pupils exceeding 55% of a school district's or charter school's enrollment

For more information on LCFF, visit: <https://www.cde.ca.gov/fg/aa/lc/lcffoverview.asp>

Inadequate access to menstrual products impacts all students, but falls the hardest on students that are low-income or who otherwise consistently lack access to support or care, such as those in foster care. Schools can make a strong argument in their Local Control and Accountability Plan (LCAP) to justify the allocation of supplemental and concentration grant funds to develop a robust menstrual equity program that expands the provision of products beyond the baseline requirements of the Menstrual Equity for All Act.

c. Public Partnerships

City and county agencies can be strong partners in supporting menstrual equity in schools. Even before the Menstrual Equity for All Act was passed, local governments were key innovators in addressing period poverty. In March 2021, for example, [Santa Clara County](#) approved a measure to stock at least half of all public restrooms in the county, including in schools, with menstrual products. Previously, Santa Clara County also allocated \$1 million to support the distribution of menstrual products to hubs of support for disadvantaged community members, including through school-based food programs. [San Diego County](#) similarly approved the installation of cost-free menstrual product dispensers in county-run facilities across the region.

Reach out to your local county board of supervisors, city council, or public health department to explore collaboration opportunities.

d. Private Partnerships

A number of schools that already provide products to students free of charge have done so in partnership with private agencies or vendors that offer products as well as technical assistance for implementation, sometimes on a sliding scale. Your procurement staff may have existing relationships with vendors or vendor networks that may be able to provide more information.

“To me, menstrual equity means that menstruators, no matter their race, socio-economic status, sexuality, or gender can afford and access safe menstrual products.

~ Gia, 11th grade

V. ENGAGING YOUR SCHOOL COMMUNITY



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It is important to engage school communities throughout the Menstrual Equity for All Act implementation process in order to ensure a smooth and successful free menstrual product program. By including various school community stakeholders throughout the process, school districts are more likely to have a well-supported and inclusive free menstrual product program that meets the specific needs of the community.

Below are various strategy recommendations and considerations for engaging students, parents, and school staff throughout the implementation process. *(See Also Appendix, F. Case Studies)*

a. Engaging with the Students

Student engagement is a critical component to successfully implementing the Menstrual Equity for All Act in schools. There are many steps schools can take both before and during implementation in order to ensure that their free menstrual products program both meets students' needs and fosters healthy conversations around menstruation and reducing related stigma. For example:

- Prior to implementation: Invite students to provide input and feedback on the development of a school board policy and administrative regulation about the distribution of menstrual products by:
 - Encouraging student leaders to facilitate town halls and/or community forums.
 - Engaging with student groups, including menstrual equity clubs, on campus.
 - Inform students about this new opportunity during school announcements, in school bulletins, and in any visual announcements via email / advisory.
 - Convene a workgroup or committee that includes students, custodial staff, health education teachers, and others to develop recommendations for implementing the menstrual products program.

The more a school administration speaks about menstruation and menstrual equity, the less stigmatized these topics become, and schools may have less of an issue with implementation and abuse of products from the start.

- During implementation:

- Provide education to students about menstruation and menstrual products by collaborating with students to develop a peer education campaign through social media, promotional artwork, and materials that notify fellow students about free products on campus, how to use them, and why they are important.
- Create opportunities for students to provide feedback on implementation and potential improvements by:
 - Create and share a “living” survey that students may respond to at any time and as frequently as they need.
 - Watching for trends in survey results over time will help with long-term implementation goals and increase awareness of student needs.
 - Utilize anonymous question boxes using digital tools like Padlet, Mentimeter or Google forms.

b. Engaging with Parents, Guardians, and Families

Parents, guardians, and families are important allies in supporting students while implementing the Menstrual Equity for All Act. Engaging parents, guardians, and families early on can help facilitate healthy, honest, and open conversations at home in addition to at school. For example:

- Prior to Implementation: Share with parents about the free menstrual products program to be implemented and create opportunities to provide information and answer questions:
 - Collaborate with community-based organizations on community outreach and education.
 - Reiterate the impact of period poverty and the positive academic and personal outcomes that students have with consistent access to menstrual products.
 - Offer accessible literature and signage in more than one language to reduce barriers for engagement for non-English speaking families or families with disabilities.
 - Create space to listen to concerns while centering the needs of student health and dignity.
- During Implementation:
 - During communications with parents about mandated comprehensive sexual health education,¹¹ provide information about how the school’s curriculum addresses menstrual health.

11. Districts are required to provide comprehensive sexual health and HIV prevention education to all California students at least once in middle school and once in high school. See California Healthy Youth Act, Cal. Educ. Code 51930-51939, available at https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article= For more information about the California Healthy Youth Act, visit <https://www.cde.ca.gov/ls/he/se/>.

- Provide families with talking points, tips and guidance on how to have conversations with students of all genders about menstrual products and access.
- Emphasize the importance of ensuring access to menstrual products free of misinformation and stigma and encourage conversations with families to be accurate, honest, and open.

c. Engaging with Staff

Ensuring staff are aware of and engaged in the implementation process of the Menstrual Equity for All Act is also critical for a successful program. There should be many opportunities for staff to engage with the development of a menstrual products program. For example:

- Prior to Implementation:
 - Notify school personnel about the Menstrual Equity for All Act. (*See Appendix, A: Menstrual Equity for All Factsheet*)
 - Clearly identify responsible school personnel at each school site and outline their responsibilities.
 - Convene a workgroup or committee that includes health education teachers, custodial staff, students, and others to develop recommendations for implementing the free menstrual products program.
- During Implementation:
 - Ensure all staff are notified and trained pursuant to relevant board policy updates.
 - Engage staff of all levels via training on how to:
 - Engage with questions or concerns about menstrual health or implementation of the Menstrual Equity for All Act from students and parents and guardians, including using gender-affirming and menstruation-positive language.
 - Ensure the safety and dignity of trans, nonbinary, gender-nonconforming students and students of any, all, and no gender when accessing menstrual products, including by not making assumptions about which students may require access to menstrual products.
 - Support students in taking as many products as they need and to avoid the scarcity mindset.
 - Ensure that students have restroom access at all times, without stigma or fear of discipline for using the restroom or leaving the classroom. As a best practice, staff should not implement policies that prohibit or limit bathroom usage, nor incentivize withholding bathroom privileges.

- De-escalate, mitigate or eliminate bullying or harassment amongst students, especially in the restroom setting.
- Integrate menstruation education as part of regular school curriculum, including in mandated comprehensive sexual health education.



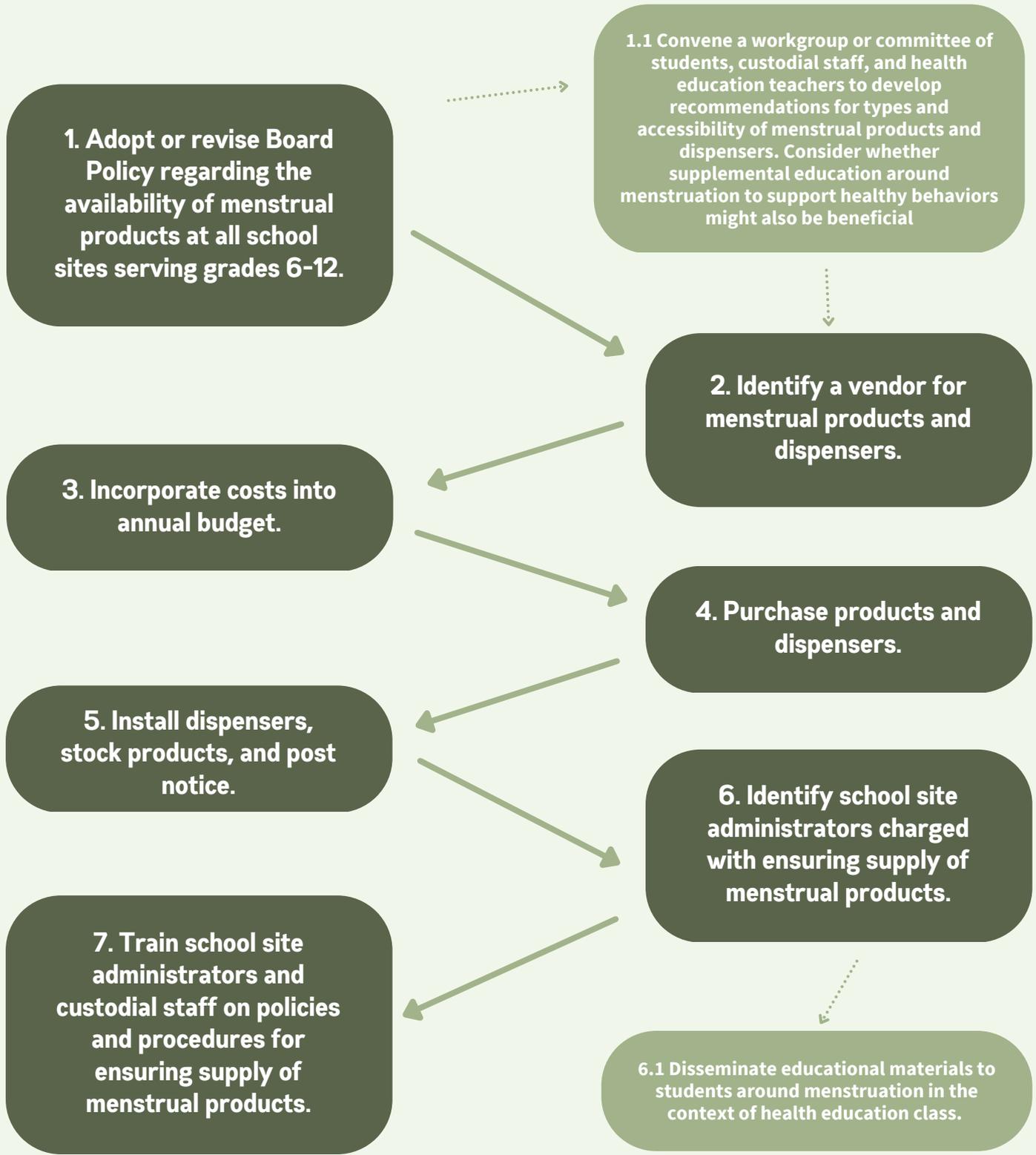
Some students cannot afford menstrual products and have to use something else that's not for the use of menstruating like toilet paper. That can lead to serious health issues so I'm glad this law protects me and my peers now.

~ Leila, 9th grade

VI. ROADMAP TO IMPLEMENT THE MENSTRUAL EQUITY FOR ALL ACT



VI. IMPLEMENTATION ROADMAP



KEY

—————> Indicates an action legally required by AB 367

.....> Indicates a recommended action

VII. APPENDIX



A. CA MENSTRUAL EQUITY FOR ALL (AB 367) FACT SHEET

On October 8, 2021, Governor Newsom signed the Menstrual Equity for All Act (AB 367 ([Ch. 664, Stas. 2021], Cal. Ed. Code § 35292.6) into law requiring public schools and universities to provide menstrual products for students free of charge. A previous law, AB 10 (Ch. 687, Stats. 2017), already required Title I schools to provide free menstrual products in at least 50% of all restrooms.

Background

Period poverty affects individuals of all ages. In California, [1 in 6 women](#) live below the Federal Poverty Line.¹ A [2021 study](#) found that 65% of students surveyed did not want to be at school while on their period, and that 83% of students surveyed reported hiding their menstrual products when leaving the class to go to the restroom.² Another study showed that 86% of adults who menstruate have started their period unexpectedly in public without the supplies they needed, 79% reported needing to improvise tampons or pads out of toilet paper or other materials because no menstrual products were available, and 34% had to go home immediately to get menstrual products.³ Such disruptions cost considerable time and resources, which can be particularly burdensome for young people who are low-income or unhoused.

Lack of access to menstrual products can risk physical and emotional health, and disproportionately impacts women and girls, transgender men and boys, and non-binary people. Access to menstrual products is a necessity, not a luxury, and should be guaranteed for the health, safety, and dignity of all Californians.

1 California State Fact Sheet on Period Poverty, https://38u47v28brxp33ykdt1i8rvd-wpengine.netdna-ssl.com/wp-content/uploads/2021/12/California_APS_Period_Poverty_Fact_Sheet_051021.pdf.

2. State of the Period, <https://period.org/uploads/State-of-the-Period-2021.pdf>.

3. Free the Tampons Foundation, *The Murphy's Law of Menstruation*, https://www.freethetampons.org/uploads/4/6/0/3/46036337/ftt_infographic.pdf.

Requirements

On or before the start of the 2022–23 school year, **California public schools**—defined as all schools operated by a school district, county office of education, or charter school—maintaining any combination of classes from grades 6 to 12, inclusive, must:

- Stock an adequate and accessible supply of menstrual products—defined as menstrual pads and tampons—free of cost and at all times in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom; ⁴
- Post a notice in each restroom advising students of the availability of menstrual products free of charge and providing contact information for an individual designated to ensure restrooms are stocked. ⁵

Further, starting on January 1, 2022, the **California State University and each community college district** must:

- Stock an adequate and accessible supply of menstrual products free of cost, at no fewer than one designated and accessible central location on each campus, such as a student center, library, wellness or health center, pantry, or study room; ⁶
- A location’s accessibility shall be determined by considering at least the following factors:
 - Hours of operation, relative to hours that students are on campus;
 - Proximity to high-traffic areas on campus;
 - Accessibility by students of all genders and regardless of physical ability;
 - Privacy, including whether accessing products would require interaction with staff or other students; and
 - Safety. ⁷
- Post a notice advising students of the availability of menstrual products free of charge in a prominent and conspicuous location in all women’s restrooms and all-gender restrooms and in at least one men’s restroom. ⁸

⁴ Cal. Educ. Code § 35292.6(a).

⁵ Cal. Educ. Code § 35292.6(c).

⁶ Cal. Educ. Code § 66027.7(a)(1).

⁷ Cal. Educ. Code § 66027.7(a)(2).

⁸ Cal. Educ. Code § 66027.7(b).

B. MODEL BOARD POLICY

[Suggested numbering within CSBA sample policies: *BP 3517.1*]

Free Menstrual Products

California law requires that any public school serving any of grades 6-12, inclusive, provide free menstrual products in all women's restrooms and all-gender restrooms, and in at least one men's restroom.

The District recognizes that access to menstrual products is vital to ensuring the health, dignity, and full participation of all students and staff. The District also recognizes that people of different gender identities menstruate, including cisgender girls, transgender boys and men, nonbinary people, and gender-nonconforming people. The District has an interest in promoting gender equity and creating a supportive and inclusive learning environment. By providing free menstrual products as required by state law, the District seeks to further de-stigmatize menstruation and advance equitable educational access.

School sites are strongly encouraged to stock menstrual products in all restrooms on campus, including all men's restrooms. At a minimum, any site serving any combination of classes from grades 6-12, inclusive, shall stock all women's restrooms and all-gender restrooms, and in at least one men's restroom with an adequate supply of menstrual products. The menstrual products shall be accessible and available at no cost, and the restrooms should be accessible during operating hours or whenever students are present. Menstrual products provided shall include, but are not limited to pads and tampons.

Any school site maintaining any combination of classes from grades 6-12, inclusive, shall also post a notice in a prominent and conspicuous location in every restroom required to stock menstrual products pursuant to this policy. The notice shall include the text of Education Code 35292.6 and contact information, including, but not limited to, both an email address and telephone number, of the designated individual responsible for maintaining the requisite supply of menstrual products on campus.

The Superintendent or designee shall ensure an administrator is assigned at each school site within the District serving any grade 6-12, inclusive, to ensure menstrual products are stocked and notices are posted in accordance with this policy.

California law further requires that all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency shall be identified as all-gender toilet facilities pursuant to Health and Safety Code Section 118600. Accordingly, all single-user toilet facilities within the District's campuses and buildings shall be designated all-gender toilet facilities and stocked with menstrual products in accordance with this policy.

Policy

Adopted: _____

Revised: _____

[DISTRICT]

[LOCATION]

Legal Reference:

EDUCATION CODE

200 ET SEQ

35292.6 (AB 367 of 2021)

HEALTH & SAFETY CODE

118600 (AB 1732 of 2016)

C. SAMPLE RESTROOM NOTICE

Did You Know? CA Schools Must Provide Free Menstrual Products

Menstrual products are a basic necessity, please take what you need!

- Schools serving any grade between 6-12 must provide free and accessible pads & tampons in every women's restroom, every all-gender restroom, and at least one men's restroom on campus.
- These products can be used by anyone, including women, girls, transgender men, nonbinary, and gender-nonconforming people who menstruate.
- If this restroom needs more menstrual products, or if you have questions, please contact [NAME], [TITLE] at [EMAIL] or [PHONE] or [CAMPUS OFFICE].

This notice is posted according to Education Code 35292.6 and must be posted where everyone can see it and in every restroom requiring free menstrual products.

Education Code 35292.6.

(a) On or before the start of the 2022–23 school year, a public school, including a school operated by a school district, county office of education, or charter school, maintaining any combination of classes from grades 6 to 12, inclusive, shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom.

(b) A public school described in subdivision (a) shall not charge for any menstrual products provided to pupils.

(c) A public school described in subdivision (a) shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

(d) For purposes of this section, "menstrual products" means menstrual pads and tampons for use in connection with the menstrual cycle.

(e) This section shall become operative on July 1, 2022.

D. SAMPLE MENSTRUAL EQUITY FOR ALL ACT STUDENT FEEDBACK SURVEY

California law requires school districts to provide free menstrual products in schools serving any grade between 6-12. This questionnaire is a tool for your school to learn more about how it can improve its free menstrual product program.

PLEASE CIRCLE YOUR ANSWERS, and, if you feel comfortable,¹ please explain your answers where you can.

1. Did you know that students have the right to access free menstrual products at school?

Yes No Explain (optional):

2. Did your school post notices in the restrooms about your right to access free menstrual products? If yes and you feel comfortable, please share how the notices can be improved under “explain.”

Yes No Explain (optional):

3. Have you ever used the free menstrual products at your school?

Yes No Explain (optional):

4. Do you feel comfortable accessing and using the free menstrual products at school when you need them?

Yes No Explain (optional):

5. Have you missed school because you didn't have menstrual products?

Yes No Explain (optional):

¹ Districts are strongly encouraged to provide an anonymous survey option so that students feel comfortable providing honest feedback regarding their experiences accessing free menstrual products. Easily accessible online mobile surveys are also strongly recommended to maximize participation.

1. I feel safe using school bathrooms.

Agree Disagree Explain (optional):

2. I am less worried because I have access to free menstrual products at school.

Agree Disagree Explain (optional):

3. I am happy with the quality of free menstrual products provided by the school.

Agree Disagree Explain (optional):

4. There is an adequate supply of free menstrual products at school.

Agree Disagree Explain (optional):

5. Free menstrual products can be found in safe, private, and convenient places in the school.

Agree Disagree Explain (optional):

Tell us more: If you have any suggestions on how your school can do a better job providing you free menstrual products, please share them here:

E. FREQUENTLY ASKED QUESTIONS (FAQS)

Which restrooms must have free menstrual products? What about staff restrooms?

In particular, the Menstrual Equity for All Act states that schools serving any grade 6-12, inclusive, “shall stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all gender restrooms, and in at least one men’s restroom.” In California, as of 2017, “single-user” restrooms should be designated “all gender” restrooms and therefore also be stocked at all times with free menstrual products. The Act does not distinguish between staff and student restrooms.

What kinds of menstrual products must be provided?

The Menstrual Equity for All Act specifically requires that both pads and tampons are provided, however, local educational agencies may provide other additional types of menstrual products if they wish. Local educational agencies should also ensure a range of menstrual product sizes are available to meet students’ varying menstrual needs.

We are experiencing vandalism and theft with our menstrual products. What can we do?

Engaging and educating students about the Menstrual Equity for All Act prior to and during implementation is critical to helping students understand why it is important to stock menstrual products in restrooms and reduce abuse. Allowing time for students to adjust is also critical. *(See Appendix, F: Case Studies)*

Students are using the dispensers to hide contraband, how can we stop this?

This handbook includes a wide variety of options to supply menstrual products, including different menstrual product dispensers. *(See III. Menstrual Products 101)* Schools may want to consider different types of dispensers for different grade levels, as needed, as well as more secure or tamper-proof types of dispensers to ensure products and/or their dispensers are not abused. It is also strongly encouraged that schools engage their students early in the decision-making process for implementing the Menstrual Equity for All Act and give students time to adjust to the new products.

Who do we contact if dispensers break? How is this funded?

Dispenser maintenance for free menstrual products in school restrooms should be included in general maintenance cost estimates for schools. Schools may be eligible for funding reimbursements. *(See IV. Funding and Reimbursements)*

What kind of complaint can be filed if a school fails to implement the Menstrual Equity for All Act?

If a local educational agency fails to implement the Menstrual Equity for All Act, it may receive a Uniform Complaint Procedure (UCP) Complaint or a Williams Complaint (another type of UCP Complaint) for such a violation depending on the circumstances of the implementation. More information about UCP complaint procedures is available at:

<https://www.cde.ca.gov/re/cp/uc/>.

Can schools teach students about menstruation?

Yes. In California, the California Healthy Youth Act (CHYA) (Education Code Sections 51930-51939) requires public schools, including charters, to provide comprehensive sexual health and HIV prevention education at least once in middle school and at least once in high school. Menstruation is a key part of comprehensive sexual health education and critical for all students to learn about in order to reduce stigma. Schools may also wish to include information about menstruation in classes relating to growth and development in lower grades and are permitted to do so under CHYA. Sexual health education in all grades must be age-appropriate, medically accurate, and inclusive of students of all backgrounds, including of all races, genders, sexual orientations, and/or disabilities.

Prior to teaching about growth and development topics or sexual health education, local educational agencies must first provide parent notification at the start of the school year. Parents and guardians must have the opportunity to opt their child out of such education if they wish.

Where can I find more resources around menstrual health?

- Amaze.org: <https://amaze.org/>
- California Health Education: <https://californiahealtheducation.org/>
- PERIOD Education Resources: <https://period-action.org/education>

F. CASE STUDIES

Public K-12 District

District Name: Conejo Valley Unified School District

District Location: Thousand Oaks, CA

District Enrollment: 17,397

% of Students enrolled in free/reduced lunch: 26%

In the Conejo Valley Unified School District, students throughout the district advocated for menstrual products in restrooms, which resulted in the district creating a survey to collect information to evaluate student access to menstrual products. Over 30% of the 500 high school students surveyed said that they did not feel that they had adequate access to menstrual products. In response to the survey results, the district began making plans to place menstrual products free of charge in all restrooms on campus. This was a decision that would go above and beyond existing law at the time, AB 10, which only required that all schools receiving Title I funds provide menstrual products in 50% of all restrooms.

The district's first step was to attend trade shows to assess different vendors, specifically for cost and quality of machines and products. The district eventually purchased supplies in dispensers from Waxie*—a decision based in part on the district's existing relationship with the company for other restroom supplies. The cost came out to be \$280.23 for each machine and the product costs for tampons were \$63.26 (500 per case) and pads were \$28.09 (250 per case).

The maintenance team installed the machines at all Conejo Valley Unified middle and high schools. Every two hours during the school day, the custodians checked the restrooms and filled the machines as needed. At first, there were a number of incidents involving student misuse and abuse of products, such as sticking them on mirrors or throwing them around campus, but after the initial novelty of the products wore off, the number of such incidents declined significantly.

**Disclaimer: Reference to a vendor name does not constitute an endorsement but is provided for informational purposes only.*

Public Charter School

School Name: Camino Nuevo Charter Academy, Miramar Campus

School Location: Los Angeles, CA

Student Enrollment: ~300

% of Students enrolled in free/reduced lunch: 99%

This public charter high school in downtown Los Angeles implemented free menstrual products in their school restrooms before AB 367 came into effect, following the AB 10 mandate from 2017. School administrators viewed their student's mental, emotional and physical needs as a precursor to them being able to truly be engaged as learners.

Where and how did this school offer menstrual products?

Menstrual product dispensers were offered with mechanical wall dispensers in all girls restrooms, and the main office also had small cloth bags with a few products available for anyone who needed more. The school's food pantry, which was stocked with nonperishable foods, clothes, and hygiene products, also included menstrual products for students or families to have as an additional resource.

How did this school talk about this resource with the school community?

In addition to merely providing menstrual products as a resource, the school also prioritized normalizing menstruation within its school community.

School administrators partnered with student leaders and staff to talk about the basic essential items offered on their campus, including menstrual products. They worked with their student council to lead by example and utilize the school's resources to normalize and reduce the stigma that can be associated with using the school's basic needs resources.

The school also continuously announced the availability of menstrual products during Advisory school-wide announcements, and created notices and small posters for teachers to place in their classrooms if they chose to. The more normalized menstruation and resources became, the less stigma, vandalism or abuse there was around the supplies.

What products did they offer, and how were they funded?

The school already had a contract with Waxie, which is how they purchased other hygiene supplies. The funds to purchase menstrual products came from the Custodial Supplies Budget. Each year the campus actually had a surplus of menstrual products, as they were always able to supply more than was being used by students.

Who was responsible for ensuring menstrual products were stocked in the restrooms?

The school's Senior Operations Manager was responsible for purchasing the products, as they were responsible for purchasing other essential products for the campus like toilet paper and soap. The school's custodial staff were responsible for stocking the menstrual products in the restroom, as they would restock for toilet paper and soap. The Senior Operations Manager relied on the feedback by the school's custodian staff to help determine how to adjust the budget for the following year for the use of all hygiene supplies, including paper towels, toilet paper, soap, and menstrual products.