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**SENATE BILL 5802**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Saldaña, Darneille, Hunt, Hasegawa, Conway, and Keiser

AN ACT Relating to providing feminine hygiene products in schools at no cost to students; amending RCW 28A.710.040; adding a new section to chapter 28A.210 RCW; creating a new section; and making appropriations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that schools freely, uniformly, and anonymously provide all products in restrooms necessary for good hygiene and health for males but not females, and therefore maintains a standard of inequity based solely on gender.

The legislature further finds that lack of free, uniform, and anonymous access to feminine hygiene products necessary to manage menstruation may result in missed classes, and is therefore a barrier to full educational attainment for girls and young women across the state of Washington.

Research shows that even when machines are freely accessible, women often do not have the correct change or cannot afford to pay for feminine hygiene products. Further, if feminine hygiene products are offered free of charge but only on request, young women are required to discuss private health information with others, often authority figures. New York City implemented a requirement for feminine hygiene products to be free of charge and uniformly available in school restrooms following a study that found the practice lessened school absences and improved class performance.

The legislature therefore finds for the sake of health, privacy, and equitable access to education, feminine hygiene products should be made free of charge and uniformly and anonymously available in public common schools and charter schools throughout the state of Washington serving female students grades six through twelve.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.210 RCW to read as follows:

(1) Feminine hygiene products must be available at no cost to students, in restrooms of school buildings, including charter school buildings, serving female students in any of grades six through twelve.

(2) The superintendent of public instruction may adopt rules to implement this section.

(3) As used in this section, "feminine hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

**Sec.**  RCW 28A.710.040 and 2016 c 241 s 104 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to section 2 of this act, chapter 28A.642 RCW (discrimination prohibition), and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(i) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter.

NEW SECTION. **Sec.**  (1) The sum of two million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2018, from the general fund to the office of the superintendent of public instruction for the purposes of this act.

(2) The sum of two million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2019, from the general fund to the office of the superintendent of public instruction for the purposes of this act.

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