

(Reprinted with amendments adopted on May 26, 2021)

SECOND REPRINT

A.B. 224

ASSEMBLY BILL NO. 224—ASSEMBLYMEN DURAN, TITUS, MARZOLA, TORRES, GONZÁLEZ; ANDERSON, BROWN-MAY, CONSIDINE, FLORES, GORELOW, JAUREGUI, KRASNER, LEAVITT, MARTINEZ, C.H. MILLER, MONROE-MORENO, NGUYEN, ORENTLICHER, PETERS, ROBERTS, THOMAS, TOLLES AND WATTS

MARCH 10, 2021

Referred to Committee on Education

SUMMARY—Provides for access to menstrual products in certain public schools. (BDR 34-767)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring that the annual report of accountability prepared by the board of trustees of each school district and the governing bodies of certain charter schools include certain information related to menstrual products; requiring the provision of menstrual products in the bathrooms of certain public schools; requiring the board of trustees of each school district and the governing bodies of certain charter schools to develop a plan to address access to menstrual products; requiring the board of trustees of each school district and the governing bodies of certain charter schools to submit a report to the Legislature; directing the Legislative Commission to appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high schools and high schools; and providing other matters properly relating thereto.



Legislative Counsel’s Digest:

1 Existing law requires the board of trustees of each school district and the
 2 governing bodies of certain charter schools in this State to prepare an annual report
 3 of accountability. (NRS 385A.070) **Section 1** of this bill requires the report to
 4 include information on access to menstrual products in each middle school, junior
 5 high school and high school in the school district and certain charter schools.
 6 **Section 3** of this bill requires the board of trustees of each school district and the
 7 governing bodies of certain charter schools to ensure that menstrual products are
 8 provided at no cost to pupils in the bathrooms of each middle school, junior high
 9 school and high school in the school district or charter school operating as such a
 10 school. **Section 3** also requires the board of trustees of each school district and the
 11 governing bodies of certain charter schools to develop a plan to address access to
 12 menstrual products. **Section 3** sets forth various requirements of the plan. Finally,
 13 **section 3** requires the board of trustees or governing body to submit a report on the
 14 plan to the Director of the Legislative Counsel Bureau for transmittal to the
 15 Legislature in each odd-numbered year.

16 **Section 3.3** of this bill requires 25 percent of certain middle schools, junior
 17 high schools and high schools in each school district and 25 percent of certain
 18 charter schools with the same sponsor that operate as a middle school, junior high
 19 school or high school to provide menstrual products at no cost to pupils in a certain
 20 number of restrooms.

21 **Section 3.7** of this bill directs the Legislative Commission to appoint a
 22 committee to conduct an interim study concerning the effects of **section 3.3** and
 23 access to menstrual products in middle schools, junior high schools and high
 24 schools in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 385A of NRS is hereby amended by
 2 adding thereto a new section to read as follows:

3 *The annual report of accountability prepared pursuant to NRS*
 4 *385A.070 must include, for each middle school, junior high school*
 5 *and high school in the school district and for each charter school*
 6 *that operates as a middle school, junior high school or high*
 7 *school, an evaluation of access to menstrual products.*

8 **Sec. 2.** NRS 385A.070 is hereby amended to read as follows:

9 385A.070 1. The board of trustees of each school district in
 10 this State, in cooperation with associations recognized by the State
 11 Board as representing licensed educational personnel in the district,
 12 shall adopt a program providing for the accountability of the school
 13 district to the residents of the district and to the State Board for the
 14 quality of the schools and the educational achievement of the pupils
 15 in the district, including, without limitation, pupils enrolled in
 16 charter schools sponsored by the school district. The board of
 17 trustees of each school district shall report the information required
 18 by NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act*
 19 for each charter school sponsored by the school district. The
 20 information for charter schools must be reported separately.



1 2. The board of trustees of each school district shall, on or
2 before December 31 of each year, prepare for the immediately
3 preceding school year a single annual report of accountability
4 concerning the educational goals and objectives of the school
5 district, the information prescribed by NRS 385A.070 to 385A.320,
6 inclusive, *and section 1 of this act* and such other information as is
7 directed by the Superintendent of Public Instruction. A separate
8 reporting for a group of pupils must not be made pursuant to NRS
9 385A.070 to 385A.320, inclusive, *and section 1 of this act* if the
10 number of pupils in that group is insufficient to yield statistically
11 reliable information or the results would reveal personally
12 identifiable information about an individual pupil. The Department
13 shall use the mechanism approved by the United States Department
14 of Education for the statewide system of accountability for public
15 schools for determining the minimum number of pupils that must be
16 in a group for that group to yield statistically reliable information.

17 3. The State Public Charter School Authority and each college
18 or university within the Nevada System of Higher Education that
19 sponsors a charter school shall, on or before December 31 of each
20 year, prepare for the immediately preceding school year an annual
21 report of accountability of the charter schools sponsored by the State
22 Public Charter School Authority or institution, as applicable,
23 concerning the accountability information prescribed by the
24 Department pursuant to this section. The Department, in
25 consultation with the State Public Charter School Authority and
26 each college or university within the Nevada System of Higher
27 Education that sponsors a charter school, shall prescribe by
28 regulation the information that must be prepared by the State Public
29 Charter School Authority and institution, as applicable, which must
30 include, without limitation, the information contained in subsection
31 2 and NRS 385A.070 to 385A.320, inclusive, *and section 1 of this*
32 *act* as applicable to charter schools. The Department shall provide
33 for public dissemination of the annual report of accountability
34 prepared pursuant to this section by posting a copy of the report on
35 the Internet website maintained by the Department.

36 4. The annual report of accountability prepared pursuant to this
37 section must be presented in an understandable and uniform format
38 and, to the extent practicable, provided in a language that parents
39 can understand.

40 **Sec. 3.** Chapter 386 of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 *1. The board of trustees of each school district and the*
43 *governing body of each charter school that operates as a middle*
44 *school, junior high school or high school shall ensure that*
45 *menstrual products are provided at no cost to pupils in the*



1 *bathrooms of each middle school, junior high school and high*
2 *school in the school district or charter school.*

3 *2. The board of trustees of each school district and the*
4 *governing body of each charter school that operates as middle*
5 *school, junior high school or high school shall develop a plan to*
6 *address the lack of access to menstrual products due to*
7 *affordability and to provide equal access to menstrual products.*
8 *The board of trustees or governing body shall review the plan each*
9 *year. The plan must, without limitation:*

10 *(a) Evaluate the access to and quality of menstrual products in*
11 *the middle schools, junior high schools and high schools in the*
12 *school district or charter school;*

13 *(b) Include a method to evaluate the effectiveness of the plan;*

14 *(c) Be evidence-based;*

15 *(d) Be solution-oriented;*

16 *(e) Outline how the school district or charter school will*
17 *ensure access to menstrual products regardless of affordability*
18 *and destigmatize the need for menstrual products; and*

19 *(f) Outline any curriculum a school in the school district or a*
20 *charter school may provide regarding access to menstrual*
21 *products.*

22 *3. The board of trustees of a school district or governing body*
23 *of a charter school that operates as a middle school, junior high*
24 *school or high school may apply for any available grants and*
25 *accept any gifts, grants or donations to implement the provisions*
26 *of this section.*

27 *4. On or before February 1 of each odd-numbered year, the*
28 *board of trustees of each school district and the governing body of*
29 *each charter school that operates as a middle school, junior high*
30 *school or high school shall submit a report on the plan developed*
31 *pursuant to subsection 2 to the Director of the Legislative Counsel*
32 *Bureau for transmittal to the next regular session of the*
33 *Legislature.*

34 *5. As used in this section, “menstrual products” includes,*
35 *without limitation, sanitary napkins, tampons or similar products*
36 *used in connection with the menstrual cycle.*

37 **Sec. 3.3.** On or before January 1, 2022, at least the 25 percent
38 of the middle schools, junior high schools and high schools in each
39 school district and the 25 percent of the charter schools with the
40 same sponsor that operate as a middle school, junior high school or
41 high school that, in the immediately preceding 3 consecutive years,
42 had the highest percentage of pupils who receive free and reduced-
43 price lunches of the schools in the school district or the charter
44 schools with the same sponsor shall provide:



1 1. Menstrual products at no cost to pupils in women's
2 restrooms for the remainder of the 2021-2022 school year and the
3 2022-2023 school year; and

4 2. At least one dispenser stocked with menstrual products at no
5 cost to pupils in at least two women's restrooms in the school, if the
6 school has two or more women's restrooms.

7 **Sec. 3.7.** 1. The Legislative Commission shall appoint a
8 committee to conduct an interim study concerning access to
9 menstrual products in middle schools, junior high schools and high
10 schools in this State and the effect of the provisions of section 3.3 of
11 this act on such access.

12 2. The interim committee must be composed of the following
13 members:

14 (a) One member of the Legislature appointed by the Majority
15 Leader of the Senate;

16 (b) One member of the Legislature appointed by the Speaker of
17 the Assembly;

18 (c) One member with knowledge relating to access to menstrual
19 products in middle schools, junior high schools and high schools
20 appointed by the Legislative Commission;

21 (d) One member appointed by the Department of Education; and

22 (e) One member appointed by the State Public Charter School
23 Authority.

24 3. The Legislative Commission shall appoint a Chair and Vice
25 Chair from among the members of the interim committee.

26 4. In conducting the study, the interim committee may consult
27 with and solicit input from persons and organizations with expertise
28 in matters relevant to access to menstrual products in middle
29 schools, junior high schools and high schools.

30 5. The Legislative Commission shall submit a report of the
31 results of the study, including, without limitation, any
32 recommendations for legislation to:

33 (a) The Legislative Committee on Education; and

34 (b) The Director of the Legislative Counsel Bureau for
35 transmittal to the 82nd Session of the Nevada Legislature.

36 6. As used in this section, "menstrual products" includes,
37 without limitation, sanitary napkins, tampons or similar products
38 used in connection with the menstrual cycle.

39 **Sec. 4.** The provisions of NRS 354.599 do not apply to any
40 additional expenses of a local government that are related to the
41 provisions of this act.

42 **Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do
43 not apply to any provision of this act which adds or revises a
44 requirement to submit a report to the Legislature.



1 **Sec. 6.** This act becomes effective on July 1, 2021.

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