

Amendment No. 783

Assembly Amendment to Assembly Bill No. 224 First Reprint (BDR 34-767)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 224 R1 (§ 3).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AMM/AAK



Date: 5/26/2021

A.B. No. 224—Provides for access to menstrual products in certain public schools.
(BDR 34-767)



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 governing
2 bodies of certain charter schools in this State to prepare an annual report of accountability.
3 (NRS 385A.070) **Section 1** of this bill requires the report to include information on access to
4 menstrual products in each middle school, junior high school and high school in the school
5 district and certain charter schools. **Section 3** of this bill requires the board of trustees of each
6 school district and the governing bodies of certain charter schools to ensure that menstrual
7 products are provided at no cost to pupils in the bathrooms of each middle school, junior high
8 school and high school in the school district or charter school operating as such a school.

9 **Section 3** also requires the board of trustees of each school district and the governing bodies
10 of certain charter schools to develop a plan to address access to menstrual products. **Section 3**
11 sets forth various requirements of the plan. Finally, **section 3** requires the board of trustees or
12 governing body to submit a report on the plan to the Director of the Legislative Counsel
13 Bureau for transmittal to the Legislature in each odd-numbered year.

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

18 **Section 3.7** of this bill directs the Legislative Commission to appoint a committee to
19 conduct an interim study concerning the effects of **section 3.3** and access to menstrual
20 products in middle schools, junior high schools and high 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 adding thereto a new
2 section to read as follows:

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

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

8 385A.070 1. The board of trustees of each school district in this State, in
9 cooperation with associations recognized by the State Board as representing
10 licensed educational personnel in the district, shall adopt a program providing for
11 the accountability of the school district to the residents of the district and to the
12 State Board for the quality of the schools and the educational achievement of the
13 pupils in the district, including, without limitation, pupils enrolled in charter
14 schools sponsored by the school district. The board of trustees of each school
15 district shall report the information required by NRS 385A.070 to 385A.320,
16 inclusive, *and section 1 of this act* for each charter school sponsored by the school
17 district. The information for charter schools must be reported separately.

18 2. The board of trustees of each school district shall, on or before December
19 31 of each year, prepare for the immediately preceding school year a single annual
20 report of accountability concerning the educational goals and objectives of the
21 school district, the information prescribed by NRS 385A.070 to 385A.320,
22 inclusive, *and section 1 of this act* and such other information as is directed by the
23 Superintendent of Public Instruction. A separate reporting for a group of pupils
24 must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, *and section 1*
25 *of this act* if the number of pupils in that group is insufficient to yield statistically
26 reliable information or the results would reveal personally identifiable information
27 about an individual pupil. The Department shall use the mechanism approved by
28 the United States Department of Education for the statewide system of
29 accountability for public schools for determining the minimum number of pupils
30 that must be in a group for that group to yield statistically reliable information.

31 3. The State Public Charter School Authority and each college or university
32 within the Nevada System of Higher Education that sponsors a charter school shall,
33 on or before December 31 of each year, prepare for the immediately preceding
34 school year an annual report of accountability of the charter schools sponsored by
35 the State Public Charter School Authority or institution, as applicable, concerning

1 the accountability information prescribed by the Department pursuant to this
2 section. The Department, in consultation with the State Public Charter School
3 Authority and each college or university within the Nevada System of Higher
4 Education that sponsors a charter school, shall prescribe by regulation the
5 information that must be prepared by the State Public Charter School Authority and
6 institution, as applicable, which must include, without limitation, the information
7 contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, *and section 1*
8 *of this act* as applicable to charter schools. The Department shall provide for public
9 dissemination of the annual report of accountability prepared pursuant to this
10 section by posting a copy of the report on the Internet website maintained by the
11 Department.

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

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

17 1. *The board of trustees of each school district and the governing body of*
18 *each charter school that operates as a middle school, junior high school or high*
19 *school shall ensure that menstrual products are provided at no cost to pupils in*
20 *the bathrooms of each middle school, junior high school and high school in the*
21 *school district or charter school.*

22 2. *The board of trustees of each school district and the governing body of*
23 *each charter school that operates as middle school, junior high school or high*
24 *school shall develop a plan to address the lack of access to menstrual products*
25 *due to affordability and to provide equal access to menstrual products. The board*
26 *of trustees or governing body shall review the plan each year. The plan must,*
27 *without limitation:*

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

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

32 (c) *Be evidence-based;*

33 (d) *Be solution-oriented;*

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

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

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

43 4. *On or before February 1 of each odd-numbered year, the board of*
44 *trustees of each school district and the governing body of each charter school*
45 *that operates as a middle school, junior high school or high school shall submit a*
46 *report on the plan developed pursuant to subsection 2 to the Director of the*
47 *Legislative Counsel Bureau for transmittal to the next regular session of the*
48 *Legislature.*

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

52 **Sec. 3.3.** On or before January 1, 2022, at least the 25 percent of the middle
53 schools, junior high schools and high schools in each school district and the 25

1 percent of the charter schools with the same sponsor that operate as a middle
2 school, junior high school or high school. ~~It~~ that, in the immediately preceding 3
3 consecutive years, had the highest percentage of pupils who receive free and
4 reduced-price lunches of the schools in the school district or the charter
5 schools with the same sponsor shall provide:

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

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

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

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

16 (a) One member of the Legislature appointed by the Majority Leader of the
17 Senate;

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

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

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

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

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

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

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

31 (a) The Legislative Committee on Education; and

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

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

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

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

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