
SENATE BILL 5802

State of Washington 65th Legislature 2017 Regular Session

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

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that schools freely,
7 uniformly, and anonymously provide all products in restrooms
8 necessary for good hygiene and health for males but not females, and
9 therefore maintains a standard of inequity based solely on gender.

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

15 Research shows that even when machines are freely accessible,
16 women often do not have the correct change or cannot afford to pay
17 for feminine hygiene products. Further, if feminine hygiene products
18 are offered free of charge but only on request, young women are
19 required to discuss private health information with others, often
20 authority figures. New York City implemented a requirement for
21 feminine hygiene products to be free of charge and uniformly

1 available in school restrooms following a study that found the
2 practice lessened school absences and improved class performance.

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

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210
9 RCW to read as follows:

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

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

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

19 **Sec. 3.** RCW 28A.710.040 and 2016 c 241 s 104 are each amended to
20 read as follows:

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

23 (2) A charter school must:

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

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

34 (c) Employ certificated instructional staff as required in RCW
35 28A.410.025. Charter schools, however, may hire noncertificated
36 instructional staff of unusual competence and in exceptional cases as
37 specified in RCW 28A.150.203(7);

1 (d) Comply with the employee record check requirements in RCW
2 28A.400.303;

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

7 (f) Comply with the annual performance report under RCW
8 28A.655.110;

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

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

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

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

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

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

35 NEW SECTION. **Sec. 4.** (1) The sum of two million five hundred
36 thousand dollars, or as much thereof as may be necessary, is
37 appropriated for the fiscal year ending June 30, 2018, from the
38 general fund to the office of the superintendent of public
39 instruction for the purposes of this act.

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

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