

AMENDED IN SENATE APRIL 21, 2005
AMENDED IN SENATE MARCH 29, 2005
AMENDED IN SENATE MARCH 14, 2005

SENATE BILL

No. 161

Introduced by Senator Soto

February 8, 2005

An act to add Article 9 (commencing with Section 49055) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 161, as amended, Soto. California Youth Access to Information Act.

Existing law establishes certain rights relating to a child's ability to consent to certain medical care, rights relating to adoption procedures, and rights relating to criminal procedure. Existing law also provides pupils with certain rights relating to the attendance of safe schools, and the right to be free from discrimination in schools.

This bill would require the State Department of Education to develop and post on its Internet Web site a statement of these rights *by July 1, 2006, as specified in the bill*. The bill would authorize a school district to display this statement to pupils, with certain requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 9 (commencing with Section 49055) is
- 2 added to Chapter 6 of Part 27 of the Education Code, to read:

1 Article 9. California Youth Access To Information Act

2
3 49055. This article shall be known and may be cited as the
4 California Youth Access to Information Act.

5 49056. (a) The Legislature finds and declares all of the
6 following:

7 (1) Every year, the total cost to the state for teen births is three
8 billion three hundred million dollars (\$3,300,000,000).

9 (2) Thirty-three percent of pupils in the state will not finish
10 high school, resulting in 24 percent of California's adults being at
11 the lowest literacy level.

12 (3) In a single year in California, nearly 6,000 young people
13 are hospitalized for some form of violent injury, including
14 assault, child abuse, domestic violence, and rape.

15 (4) Adolescents are nearly five times more likely to be victims
16 of crime than adults over 35 years of age.

17 (5) Early formal and social education can increase the success
18 rate of pupils, thereby promoting efficient use of resources and
19 financial savings to the state.

20 (6) Access to information, resources, and support from parents
21 and school staff can help reduce the rates of pregnancy, illiteracy,
22 and violence among adolescents.

23 (b) It is the intent of the Legislature to enact legislation to
24 ensure that the information required by the California Youth
25 Access to Information Act is provided to pupils between 12 and
26 17 years of age, with the understanding ~~the~~ that California's
27 youth have a responsibility to themselves, to their peers, and to
28 the state.

29 49057. (a) The department shall, *on or before July 1, 2006*,
30 prepare a statement of pupil rights in both English and Spanish
31 that shall include all of the following statements:

32 (1) You have the right to consent to medical care related to the
33 prevention or treatment of pregnancy, pursuant to Section 6925
34 of the Family Code.

35 (2) If you may have come into contact with an infectious,
36 contagious, or communicable disease, you have the right to
37 consent to medical care related to the diagnosis or treatment of
38 that disease if you are 12 years of age or older, pursuant to
39 Section 6926 of the Family Code.

1 (3) You may consent to medical care related to the diagnosis
2 and treatment of an alleged sexual assault and the collection of
3 medical evidence with regard to the alleged sexual assault,
4 pursuant to Section 6928 of the Family Code.

5 (4) You may consent to medical care and counseling relating
6 to the diagnosis and treatment of a drug- or alcohol-related
7 problem if you are 12 years of age or older, pursuant to Section
8 6929 of the Family Code.

9 (5) You may consent to mental health treatment or counseling
10 on an outpatient basis if you are 12 years of age or older,
11 pursuant to Section 6924 of the Family Code.

12 (6) You have the inalienable right to attend classes on school
13 campuses that are safe, secure, and peaceful, pursuant to Section
14 32261.

15 (7) You have the right to be free from discrimination on the
16 basis of sex, ethnic group identification, race, national origin,
17 religion, color, mental or physical disability, or any actual or
18 perceived characteristic that is contained in the definition of hate
19 crimes set forth in Section 422.55 of the Penal Code, pursuant to
20 Section 220.

21 (8) You have the right to surrender your newborn child to a
22 hospital or a fire station within 72 hours of giving birth without
23 being asked any questions, pursuant to Section 271.5 of the Penal
24 Code.

25 (9) You have the right to change your mind about giving your
26 baby up for adoption, and to rescind the adoption, within 30 days
27 of relinquishing your child to the State Department of Social
28 Services or to a licensed adoption agency, pursuant to Section
29 8700 of the Family Code.

30 (10) You have the right to be read Miranda warnings prior to
31 any interrogation if you are taken into custody.

32 (b) (1) The department may alter the statements contained in
33 subdivision (a) with regard to the reading and comprehension
34 level of pupils. The department shall not include additional
35 information intended to persuade pupils to make specific
36 decisions or remove any references to specific provisions of law
37 contained in the statements.

38 (2) *The statement developed pursuant to subdivision (a) shall*
39 *also contain a statement that directs pupils to the local*
40 *department of health services, local department of social*

1 *services, school nurse, or school counselor for further*
2 *information.*

3 *(3) The department shall annually review, for accuracy, the*
4 *statement developed pursuant to subdivision (a).*

5 (c) The department shall post the statement developed
6 pursuant to subdivision (a) on its Internet Web site *on or before*
7 *July 1, 2006.*

8 (d) A school district may display this statement at school
9 facilities. This statement shall be printed in no less than 12-point
10 bold type and shall be titled “California Youth Access to
11 Information Act.”