

AMENDED IN ASSEMBLY JUNE 30, 2005

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 require the department, when the statement is available on the department's Internet Web site, to notify school districts as to the availability of the information, and to encourage each school district to include on its Internet Web site a link to the department's Internet Web page containing the information.* The bill would also 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:
3
4 Article 9. California Youth Access To Information Act
5
6 49055. This article shall be known and may be cited as the
7 California Youth Access to Information Act.
8 49056. (a) The Legislature finds and declares all of the
9 following:
10 (1) Every year, the total cost to the state for teen births is three
11 billion three hundred million dollars (\$3,300,000,000).
12 (2) Thirty-three percent of pupils in the state will not finish
13 high school, resulting in 24 percent of California's adults being at
14 the lowest literacy level.
15 (3) In a single year in California, nearly 6,000 young people
16 are hospitalized for some form of violent injury, including
17 assault, child abuse, domestic violence, and rape.
18 (4) Adolescents are nearly five times more likely to be victims
19 of crime than adults over 35 years of age.
20 (5) Early formal and social education can increase the success
21 rate of pupils, thereby promoting efficient use of resources and
22 financial savings to the state.
23 (6) Access to information, resources, and support from parents
24 and school staff can help reduce the rates of pregnancy, illiteracy,
25 and violence among adolescents.
26 (b) It is the intent of the Legislature to enact legislation to
27 ensure that the information required by the California Youth
28 Access to Information Act is provided to pupils between 12 and
29 17 years of age, with the understanding that California's youth
30 have a responsibility to themselves, to their peers, and to the
31 state.
32 49057. (a) The department shall, on or before July 1, 2006,
33 prepare a statement of pupil rights in both English and Spanish
34 that shall include all of the following statements:

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

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

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

13 (4) You may consent to medical care and counseling relating
14 to the diagnosis and treatment of a drug- or alcohol-related
15 problem if you are 12 years of age or older, pursuant to Section
16 6929 of the Family Code.

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

20 (6) You have the inalienable right to attend classes on school
21 campuses that are safe, secure, and peaceful, pursuant to Section
22 32261.

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

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

33 (9) You have the right to change your mind about giving your
34 baby up for adoption, and to rescind the adoption, within 30 days
35 of relinquishing your child to the State Department of Social
36 Services or to a licensed adoption agency, pursuant to Section
37 8700 of the Family Code.

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

1 (b) (1) The department may alter the statements contained in
2 subdivision (a) with regard to the reading and comprehension
3 level of pupils. The department shall not include additional
4 information intended to persuade pupils to make specific
5 decisions or remove any references to specific provisions of law
6 contained in the statements.

7 (2) The statement developed pursuant to subdivision (a) shall
8 also contain a statement that directs pupils to the local
9 department of health services, local department of social
10 services, school nurse, or school counselor for further
11 information.

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

14 (c) The department shall post the statement developed
15 pursuant to subdivision (a) on its Internet Web site on or before
16 July 1, 2006. *When the statement is available on the*
17 *department's Internet Web site, the department shall notify*
18 *school districts as to the availability of the information, and shall*
19 *encourage each school district to include on its Internet Web site*
20 *a link to the department's Internet Web page containing the*
21 *information.*

22 (d) A school district may display this statement at school
23 facilities. This statement shall be printed in no less than 12-point
24 bold type and shall be titled "California Youth Access to
25 Information Act."