

DRAFT BILL TEXT – SB18 Submitted to Legislative Counsel 3/13/17

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

(a) The Legislature finds and declares that all children and youth have the inalienable right to live in a just, safe, and supportive society; and therefore all children and youth residing in California, regardless of gender, class, race, ethnicity, national origin, culture, religion, immigration status, sexual orientation, or ability, who are under the age of 21 are entitled to the following:

(1) The right to develop a healthy attachment to a parent, legal guardian, or caregiver, and the right to an ongoing relationship with a caring and supportive adult, including:

- a. the right of a child's expectant mother to access appropriate pre-natal care, supports and parental training; and,
- b. the right for a child's parents to voluntarily access parental training and assistance, that begins during pregnancy and continues after the child's birth; and,
- c. the right for a child's parents, including pregnant women or parents of children birth to age 5, and child victims of crimes, to access evidence-based, voluntary home visitation programs, such as comprehensive, coordinated in-home services that are offered to support positive parenting, and to improve outcomes for families including: improved maternal and child health, prevention of child injuries, child abuse and maltreatment, and reduction of emergency department visits, improvement in school readiness and achievement, reduction in crime or domestic violence, improvements in family economic self-sufficiency, and improvements in the coordination and referrals for other community resources and supports.
- d. the right of a child's parents to be paid a living wage and fair pay for fair work; and,
- e. the right for a child's parents to obtain employment opportunities that promote a healthy balance between work and life; and,
- f. the right of child's parents to take paid time off from employment to bond with, and care for, a newborn or adopted child; and,
- g. the right of a child's parents to access a reliable work schedule that allows for them to care for, or plan for the care of, the child; and,
- h. the right for a child's parents to access paid time off from employment when necessary to care for a child who is sick, ailing or when it is otherwise in the best interest of the child, including to support school-based activities; and,
- i. the right to remain with a parent, legal guardian, or caregiver, except when authorities determine separation is in the best interest of the child;

- j. the right to be reunited with a parent, legal guardian, or caregiver should separation occur, with priority given to keeping children with their family or with kin in a home setting, whenever it remains in the child's best interest to do so; and,
- k. the right to maintain direct contact with parents on a regular basis when a child is separated from a parent, including cases in which a parent is incarcerated or detained, whenever it remains in the child's best interest to do so; and,
- l. the right to the care and protection of the State in which the child resides if there is no parent, legal guardian, or other caregiver willing and able to assume responsibility for the care and well-being of the child, who will then adopt the responsibility for upholding the rights defined within the Bill of Rights for Children and Youth; and,

(2) The right to live in a safe and healthy environment, including:

- a. the right to live in an environmentally and physically safe and stable home; and,
- b. the right to access environmentally and physically safe, and smoke-free learning environments, including early childhood, K-12 and higher education institutions; and,
- c. the right to access to affordable, nutritious meals daily, including free or reduced cost breakfast and lunch for children and youth living in poverty; and,
- d. the right to live in neighborhoods and communities that are free of toxic substances and pollutants; and,
- e. the right to live in neighborhoods and communities that are physically safe, and well supported by highly-trained and supported law enforcement, first responders, and firefighters; and,
- f. the right to access safe and affordable modes of transportation; and,

(3) The right to social and emotional well-being, including:

- a. the right to be free from all forms of physical, psychological or sexual abuse, neglect, and exploitation in person, online, or via other technological means;
- b. the right to to be free from bullying in person, online, or via other technological means; and,
- c. the right to privacy regarding personally identifiable information, excluding information that is lawfully made available to the general public from federal, state, or local government records;
- d. the right to schools, communities, and neighborhoods that are well-informed about the evidence-based consequences of toxic stress and the impact of stress on brain development; and,
- e. the right to have the child's best interest taken into consideration with regards to decisions that affect the child; and,

- f. the right to have parents, elected officials, and other adults consider the effect that decision-making will have on a child's care and community; and,

(4) The right to access opportunities that support cognitive, physical, and social development, including:

- a. the right to access high-quality, affordable infant and toddler care that supports early brain and socio-emotional development, and is available to a child's parents in the community on the times and days of the week necessary to support continued employment in living wage jobs, if a parent wishes to enroll their child.
- b. The right to access high-quality, affordable, inclusive, accessible preschool or transitional kindergarten the year before a child enters kindergarten, if a parent wishes to enroll their child.
- c. the right to access safe, supportive and supervised before, after and summer school programs that support the development of reading, writing and critical thinking skills, provide healthy meals and snacks, and help children take advantage of their full potential as they navigate school, peers and their surroundings; and,
- d. the right to access sports, the arts, and other extracurricular activities that support the child's healthy social, emotional, and physical development; and,
- e. the right to age-appropriate, non-structured play, including but not limited to part of child care, preschool, transitional kindergarten, and elementary school programming; and,
- f. the right to a voice in matters that affect the child and the right to participation in age-appropriate forums, including representation on youth councils and other decision-making bodies; and,
- g. the right to have appropriate legal representation and a child advocate in legal proceedings to represent the interest of the child; and,
- h. the right to rehabilitative services and a periodic review if detained or incarcerated as a juvenile; and,
- i. The right to voluntarily access effective adolescent substance abuse treatment programs, including: screening and comprehensive assessments to ensure understanding of the full range of issues a child and the child's family may need help with; comprehensive services to address a child's substance abuse as well as any medical, mental health, familial, or education problems the child may need help with; family involvement in treatment with the goal of increasing the success of treatment through parental engagement and support; services and therapies appropriate for children and youth to address their different needs and capabilities; strategies or interventions to engage and keep children and youth in treatment to support parents and to help teenagers recognize the value of getting help for their

substance abuse problem; and access to qualified staff who have knowledge of and experience working with children and youth with substance abuse problems, and their families; and,

- (5) The right to access appropriate, quality education and life skills leading to self-sufficiency in adulthood from grades pre-K through 14, including:
- a. the right to access a well-rounded, high-quality, and culturally competent education that prepares children and youth to be successful in life, college, and/or career leading to a living wage; and,
 - b. the right to access the educational services and supports necessary to support and accommodate the child's individual abilities and needs in the most inclusive environment possible, regardless of a student's level of need or ability; and,
 - c. the right to access an education that is sufficiently funded to provide the child with the tools and technology necessary for a successful learning experience, including access to broadband in the classroom setting as well as at home; and,
 - d. the right to access an education that is sufficiently funded to provide the child high-quality, well-supported teachers, counselors, and trained medical staff to support educational, physical, mental, and behavioral health needs so that all children can learn; and,
 - e. the right to access appropriate education and training regarding safe media and technology use, with the goal of establishing digital citizenship and media literacy as part of the state's basic education goals and essential academic learning requirements for students in the 21st century; and,
 - f. The right to access alternative educational programs, including the right to attend independent study classes, or participate in non-classroom-based programs, including home-based schooling consistent with the provisions of California Education Code sections 48222 and 48224; and,
 - g. the right to access training in life skills that will prepare the child to live independently, be self-sufficient, and contribute to the child's community; and
- (6) The right to respect, fair treatment, and safety, and knowledge about their own rights, responsibilities, and protections in the workplace, including:
- a. The right to know about workplace rights, responsibilities and protections by the time they enter the workforce. This should include information about their wages as well as minimum wages; hours of work including requirements about breaks; health and safety rights; the right to workers' compensation if injured on the job; and anti-discrimination laws; and,
 - b. The right to safe and healthy early work experiences for young workers, including access to youth employment programs, summer jobs, and

internships, and well-supported employers who provide youth appropriate training, supervision, and meet all labor standards; and,

- c. The right to a safe and healthy working environment, including training about all the hazards on the job, proper safety equipment to work safely, the ability to report hazards and injuries without fear of retaliation, and the ability to refuse dangerous work when proper safety precautions are not met; and,
- d. The right to fair treatment, pay, and respect on the job including the right to work free from harassment, exploitation, and discrimination, regardless of religion, race, nationality, immigration status, gender, gender expression, sexual orientation, or disabilities; and,
- e. The right to fair wages, and fair and predictable scheduling and breaks.
- f. The right to workers' compensation if a child or youth is hurt on the job, including medical care for the injury, and other benefits if the injury results in a permanent disability; and,
- g. The right to join or help organize a union without fear of retaliation; and,
- h. The right to special protections from hazardous work for workers under 18; and,

(7) The right to access appropriate, quality health care, including:

- a. The right to access appropriate screening services, including:
 - a. Screening services necessary to identify any potential medical problems early which are provided at intervals which meet reasonable standards of medical and dental practice, as determined by the State after consultation with recognized medical and dental organizations involved in child health care and, at such other intervals, indicated as medically necessary, to determine the existence of certain physical or mental illnesses or conditions; and, which shall at a minimum include a comprehensive health and developmental history (including assessment of both physical and mental health development); a comprehensive physical exam; laboratory tests (including lead blood level assessment appropriate for age and risk factors); and health education (including anticipatory guidance).
 - b. The right to access appropriate vision services which are provided at intervals which meet reasonable standards of medical practice, as determined by the State after consultation with recognized medical organizations involved in child health care, and at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or condition; and which shall at a minimum include diagnosis and treatment for defects in vision, including eyeglasses.

- c. The right to access comprehensive dental care from highly-trained providers on a preventative, ongoing, and emergency basis, including services which are provided at intervals which meet reasonable standards of dental practice, as determined by the State after consultation with recognized dental organizations involved in child health care, and, at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or condition; and which shall at a minimum include relief of pain and infections, restoration of teeth, and maintenance of dental health.
- d. The right to access hearing services which are provided at intervals which meet reasonable standards of medical practice, as determined by the State after consultation with recognized medical organizations involved in child health care, and at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or condition; and which shall at a minimum include diagnosis and treatment for defects in hearing, including hearing aids.
- e. The right to access behavioral, developmental, and mental health screenings, including screenings for Adverse Childhood Experience (ACE), which are provided at intervals which meet reasonable standards of medical practice, as determined by the State after consultation with medical organizations involved in child health care, and at such other intervals, indicated as medically necessary.
- f. The right to access such other necessary health care, diagnostic services, treatment, and other measures including medical or remedial services (provided in a facility, a home, or other setting) recommended by a physician or other licensed practitioner of the healing arts within the scope of their practice under State law, for the maximum reduction of physical or mental disability, to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services described in this section to support an individual in achieving his or her best possible functional level.
- g. The right to access the aforementioned screenings and services, as defined, in a public preschool, or K-12 school setting, with the consent of a parent or guardian, to the extent that the child's local education agency employs or contracts with a physician or other licensed practitioner of the healing arts within the scope of their practice under State law to provide such screenings and services. A local education agency who elects to provide the screenings and services defined in this section is eligible to receive reimbursements for the cost of

providing the screenings and services defined in this section to the extent that such services are not already currently reimbursable under state or federal Medicaid law, at a rate to be determined by the State after consultation with recognized medical and educational organizations.

- h. The Department of Health Care Services, no later than January 1, 2020, and every 12 months thereafter, develop and set annual participation goals for participation of children and youth covered under this section for early and periodic screening, diagnostic, and treatment services; and shall report to the legislature annually on the county-level rate of participation of children and youth in screening, diagnostic, and treatment services as defined.
- b. The right to access comprehensive medical care from highly-trained providers on a preventative, ongoing, and emergency basis; and,
- c. The right to access and receive affordable health insurance coverage for preventative, ongoing, and emergency care related to the provision of physical, medical, behavioral, mental and dental health care; and,

(b) It is the intent of the Legislature in enacting this act to expand the Bill of Rights for Children and Youth of California created by Assembly Concurrent Resolution No. 80 (Res. Ch. 101, Stats. 2009), to establish a comprehensive framework relating to the health, safety, well-being, early childhood and educational opportunities, and familial supports necessary for all children to succeed.

(c) Nothing in this section shall be interpreted to supplant any federal program or service.

(d) Nothing in this section shall be interpreted to limit a parent's rights under state or federal law.

SEC. 2.

Whereas California has the sixth largest economy in the world, and leads the country in innovation and diversity; yet California's children rank 47th in terms of their economic well-being; and,

Whereas accessible child care, early learning, quality educational and job training opportunities, comprehensive health care, and well-supported families are necessary to ensure the productive potential of all Californians and to ensure every child has the opportunity to; yet there has been no comprehensive effort to ensure California's children and youth have access to such necessities and opportunities; and,

Whereas California's tax structure was designed during the Great Depression and is outdated, unfair, and unreliable, with newer economic sectors escaping tax obligations; and,

Whereas according to the Legislative Analyst's Office (LAO), the total value of taxable sales has grown more slowly than the economy, necessitating higher sales tax rates to generate comparable revenue; and,

Whereas the increasing volatility of the state's economy, and the stock market, has translated into greater unpredictability of state tax revenue, presenting challenges for budget forecasts; and,

Whereas, according to the California State Library, the Legislature considered 4,600 tax proposals in the past two decades, the vast majority of which were directed at a single tax or group of taxpayers rather than to achieve comprehensive reform, demonstrating that fiscal necessity, rather than overarching policy considerations, have prompted most recent major tax changes; and,

Whereas it is necessary to increase revenue predictability and to ensure sufficiency of revenues adequate to meet the needs of California's children and youth; therefore be it,

Resolved by the Senate of the State of California, the Assembly thereof concurring,

That a joint committee composed of nine Members of the Senate to be appointed by Senate President Pro Tempore and nine Members of the Assembly, to be appointed by the Speaker of the Assembly, that is representative of the diversity of California's legislative districts be established; and be it further

Resolved, That the joint committee develop "California's Promise to its Children and Youth," a blueprint for the care and welfare of children and youth in various contexts, including, but not limited to health care, nutrition, homeless assistance, education, and foster care, and to serve as an example to other states by raising the standard of living for California's children; and be it further

Resolved, That the joint committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and the Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members; and be it further

Resolved, That the Senate Committee on Rules may make money available from the Senate Operating Fund, as it deems necessary, for the expenses of the joint committee and its members. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of the Senate

Committee on Rules; and be it further

Resolved, That the joint committee shall, within 15 days of authorization and consistent with the normal annual appropriation process for funding legislative committees, present its initial budget to the Senate Committee on Rules for its review, comment, and approval; and be it further

Resolved, That the joint committee shall by November 30, 2020, in consultation with medical organizations involved in child health care, educational organizations and institutions, organizations in child development and welfare, and applicable State agencies and commissions, develop a plan to implement the framework by January 1, 2024; and be it further

Resolved, That the joint committee shall by November 30, 2020, in consultation with experts and organizations in tax reform, academia, research institutes, business, labor, local government, the Franchise Tax Board, The Board of Equalization, and applicable State agencies and commissions, shall identify and propose comprehensive tax reform solutions that increase revenue predictability and ensure sufficiency of revenues adequate to support the implementation of California's Promise to its Children and Youth for presentation to the State Legislature and, if necessary, to the voters of California; and be it further

Resolved, That the joint committee is authorized to act until November 30, 2024, at which time the committee's existence shall terminate; and be it further

Resolved, That the joint committee shall submit a report at the end of each legislative session to the Legislature on its activities.