

Editorial A lofty - and troubling - proposed bill of rights for California kids



Preschool students interact in Redondo Beach in 2015. (Los Angeles Times)

By **The Times Editorial Board**

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Sen. Richard Pan (D-Sacramento) hasn't submitted the official text yet of his proposed California Children's Bill of Rights, but already the protests have begun. Largely, they come from anti-vaccine parents who vehemently opposed Pan's SB 277, the law passed in 2015 that requires almost all children who attend school to get their routine childhood vaccinations.

Many of these parents tried to have Pan recalled after the bill passed; sad to say, they refuse to recognize that resisting vaccinations threatens the health of other Californians. They were already primed for protest when his new bill, outlining a series of rights to which all children would be entitled, came along.

In the current, preliminary wording of the bill, SB 18, these parents see a new threat: that the state will start making a slew of additional judgments about parenting decisions.

It seems pretty obvious that this isn't remotely the intent of SB 18. Just to start, the state doesn't have enough resources to properly look after all the truly abused and neglected children within its borders; the last thing it needs or wants is to start family visitation on thousands more.

Still, in the vague yet overly ambitious language of the bill so far, it's possible to see the points of contention. It declares that children have a right to parents who act in their best interests. It calls for other rights that reflect "research-based essential needs." Children also would have the right to attain "optimal cognitive, physical and social development."

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The point, Pan says, is to lay out a broad framework for what the state plans to do for children. But who decides what constitutes acting in a child's best interests? What if parents don't want their children in preschool but the state determines that preschool is best for 3-year-olds? Then there's the question of how many parents can actually provide "optimal" development for their children. Most parents do their best, but optimal? It's disturbing to contemplate what that could mean and who gets to decide it.

The first people who quail at the language, though, should be state officials, especially the ones holding the purse strings. If California is going to pass laws conferring broad and almost unattainable rights for children, it could expose itself to enormous lawsuits. Cities could claim that lack of state funding for full and free universal childcare, preschool and wraparound daycare violates children's rights under the law. Parks advocates could sue over lack of adequate green space in densely populated urban areas, because children miss out on optimal physical exercise. Your kid has an OK but less than fabulous teacher one year? That's less than optimal, too. And so on down the road.

Pan says the wording is meant to be "aspirational," and that's a worthy goal. We should have big visions for California's children, who are not doing so well right now. More than a fourth of them live in poverty — the highest rate in the nation. And it's wise for legislators to think in terms of an overall goal with a plan for getting there, rather than using a scattershot approach.

Then, of course, there's the state budget, a thing of very real limits. In fact, there's a possible deficit in the coming fiscal year, Gov. Jerry Brown warns us. And before the state starts extending broad rights and pledging resources to one population, it needs to consider other vulnerable groups such as the homeless, elderly or mentally ill. Any of these groups may have as legitimate a claim on the state budget as children seeking preschool or recreational opportunities.

Supporters of the bill tend to dismiss opponents as a pack of embittered anti-vaxxers, while saying the current version is more of a vision for the bill than a final text. Perhaps the lesson is that words, however preliminary, matter. These words signal potential trouble both to individual-rights advocates and to people concerned about the realities of budgets that must meet the needs of many, not just those who get a legislator to agree to carry an aspirational bill for them.

Lawmakers should take a long-term, systematic approach to improving the situation for its children, and setting clear goals is part of that. What they shouldn't do is confer broad, vague "rights" on a single demographic that could ultimately hurt the state's financial situation and its residents.

Pan has a chance to redo this the right way, to heed the valid concerns being raised and craft a bill that is lofty in its vision but has its feet on the ground.