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Changing the Paradigm: A Bill of Rights for Children and Youth

By Dana Bunnett

There can be no keener revelation of a society's soul than the way in which it treats its children.

– Nelson Mandela

On February 9, 2010, the Santa Clara County Board of Supervisors endorsed the Bill of Rights for Children and Youth. The Santa Clara County Bill of Rights for Children and Youth is a bold, public acknowledgment that all children and youth are entitled to certain fundamental rights. As a public agreement, adoption of the Bill of Rights is a first step in ensuring that our leaders are keeping the needs of children and youth in the forefront when decisions are made regarding policies, budgets, and government practices.

In the short time since the Board of Supervisors' endorsement, six Santa Clara County cities, 12 school districts, 15 governmental entities, 60 community-based organizations, and more than 250 individuals have endorsed the Bill of Rights for Children and Youth. It has proven to be a document that resonates with our community leaders, youth-serving organizations, and anyone who cares about children and youth. It is our vision that all cities and school districts in Santa Clara County will endorse this important document and that every third person walking down the street will be able to talk about it.

History of the Bill of Rights for Children and Youth

The Bill of Rights for Children and Youth has its roots in the United Nations (UN) Convention on the Rights of the Child (CRC). In 1979, the UN began work to develop “an inclusive, legally-binding human rights treaty for all the world's children.”¹ In 1989 the CRC was adopted by the UN General Assembly, and in 1990 it was instituted as international law. One hundred ninety-three nations have ratified the CRC and have used it as a guide to develop and implement policies and programs that impact children. But although all these nations have adopted the CRC, the United States has yet to endorse it. The United States was actively involved in drafting this important document, yet only the

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United States and Somalia, of all the nations that are a party to the UN, have failed to ratify the convention.

Portland, Oregon Becomes the First U.S. City to Adopt a Bill of Rights for Children and Youth

In August 2006, after city representatives spoke with more than 3,000 children and youth about how they described their rights, Portland, Oregon, became the first city in the nation to adopt a bill of rights written by and supporting children and youth. Several months later, Multnomah County reinforced the region's commitment to youth and joined its largest city, Portland, in adopting "Our Bill of Rights: Children and Youth." Since that time, this historic document has guided the development of city and county policies. The bill of rights reminds policymakers that children and youth play a vital role in shaping the future of their communities. The document not only holds public officials accountable for considering the impact of their decisions on the well-being of children and youth, it also provides youth a concrete tool with which to draw attention to their needs and interests.

Almost five years later, the Portland/Multnomah County bill of rights is a living, breathing document. The first right stated in the document is "We, the Children and Youth of Portland and Multnomah County, are entitled to a voice and opinion in decisions that will impact our lives." The youth and the policymakers of Portland and Multnomah County have taken this right seriously. In 2008, the Commission on Children, Families and Community, currently composed of 42 ethnically and economically diverse youth ages 13–21, created an action plan that identified specific strategies that the commission will work on in order to achieve the priorities of the action plan. One example of this work is an outreach project for health clinics located on high school campuses. This project not only seeks to educate youth about the health services available to them at school, but also sets up School Health Clinic Advisory Committees to provide input into the operations of these clinics. In another project, the youth commissioners worked to identify funding for bus passes for all the students in one of the largest Multnomah County school districts. The commissioners are working on a sustainability and expansion plan for this project.

Multnomah County and the City of Portland have also demonstrated their commitment to the youth of their city and county. Each commissioner at the city and county level meets monthly with a youth commissioner liaison with the goal of better understanding emerging youth issues. The city has hired a youth strategies coordinator and the county has hired a youth development coordinator who co-staff the Commission on Children, Families and Community. In a very prescient move, the city, currently engaged in developing a 25-year plan, hired four youth to work in the Planning Department, doing research and providing input into the plan that will ultimately impact them more than any other group in Portland.

In Portland and Multnomah County, “Our Bill of Rights: Children and Youth” has proven to be a dynamic, action-oriented resource that continues to engage youth in a meaningful, impactful manner and reminds policymakers of the vital role children and youth play in shaping the future of their communities.

The Santa Clara County Bill of Rights for Children and Youth

All children and youth have a right to be safe, healthy, successful in learning, and successful in life regardless of their language, culture, race, gender or gender identity, sexual orientation, religion, or developmental or physical abilities. Santa Clara County is enriched by the diversity of its children and youth. In order to benefit from this diversity, we must ensure that all children and youth realize the same rights. Therefore, we resolve to support Santa Clara County children and youth so that:

- They have a healthy mind, body, and spirit that enable them to maximize their potential.
- They develop a healthy attachment to a parent, guardian, or caregiver and an ongoing relationship with a caring and supportive adult.
- Their essential needs are met – nutritious food, shelter, clothing, healthcare, and accessible transportation.
- They have a safe and healthy environment, including homes, schools, neighborhoods, and communities.
- They have access to a 21st-century education that promotes success in life and in future careers and a love of lifelong learning.
- They have training in life skills that will prepare them to live independently, be self-sufficient, and contribute to their community.
- They have employment opportunities with protections from unfair labor practices.
- They have freedom from mistreatment, abuse, and neglect.
- They have a voice in matters that affect them.
- They have a sense of hope for their future.

The Bill of Rights in California

San Mateo County was the first county in California to adopt a bill of rights for children and youth. In the fall of 2008, a bill of rights for children and youth was developed by the Peninsula Partnership Leadership Council, a multiagency council that facilitates and promotes greater integration of systems and services, maximizes the effective use of resources available to communities, and encourages public and private organizations to combine their efforts to eliminate duplication and deepen impact. Since then, the San Mateo County Bill of Rights for Children and Youth has been endorsed by the Board of Supervisors, cities, school districts, and nonprofit organizations in the county. The San Mateo County Youth Commission provided input into the bill of rights and has developed a set of policy recommendations for each of the rights.

San Mateo County's Bill of Rights for Children and Youth has become a model for the state of California. A resolution introduced by local assembly member Jerry Hill endorsed the children's bill of rights statewide and was approved by the state legislature on September 4, 2009.

County supervisor Rich Gordon has stated, "All of us who make policy decisions, whether on county boards of supervisors across the state, on city councils or on school boards, should look at policy decisions through the lens of the Bill of Rights. I would like us to be able to say the decisions that are made and the allocations of funds we decide are all made in relationship to an analysis of the Bill of Rights."²²

On February 14, 2010, the *San Jose Mercury News* wrote in an editorial, "Santa Clara County shouldn't need a children's bill of rights. The document adopted by the board of supervisors last week looks like such a no-brainer. A safe and healthy environment, a decent education, freedom from abuse and neglect – do we really need to be told these things are important? In a word, yes . . . Kids in Common hosted a Children's Summit earlier this month in San Jose to introduce the bill of rights. It was an uplifting convergence of youth advocates and young people, but some disturbing themes surfaced. One was children's safety – or the lack thereof. John Porter, superintendent of the Franklin-McKinley School District, told the crowd that many of his students worry each day about how they're going to get home from school safely. Dr. Fernando Mendoza of Stanford University noted that childhood obesity is a problem partly because in many neighborhoods, kids can't just go out and run and play – it's not safe. Eloquent teenagers echoed similar themes . . . Policymakers are supposed to use the bill of rights as a touchstone when they make decisions on services and budgets. It can make a difference – awareness always does."

Merced County, California

FIRST 5 in Merced County led a countywide strategic planning process that became a set of principles and rights and a vision for all the children in the community. On March 23, 2010, more than 300 individuals adopted the Children's Bill of Rights at the 7th Annual Merced County Children's Summit. Since then, posters with the bill of rights have been placed in classrooms throughout the county, a five-minute video about the bill of rights has been created for presentation in waiting rooms and lobbies, and the bill of rights has become a centerpiece of many of the activities and program plans of FIRST 5, both in cities and at the county level.

A Pathway to Action: Linking the Bill of Rights to the Santa Clara County Children's Agenda

The Santa Clara County Children's Agenda is the pathway to action for fulfilling the Bill of Rights for Children and Youth. The agenda's vision is "Every child safe, healthy, successful in learning, successful in life." The Children's Agenda uses 13 data outcomes to track our progress in achieving this vision:

- Access to healthcare
- Healthy lifestyle
- Early childhood social and emotional development
- School readiness
- Third-grade reading proficiency
- Eighth-grade math proficiency
- Children in the thriving zone (developmental assets)
- Children fluent in two-plus languages
- High school graduation rates
- Children living in safe and stable families
- Children experiencing hunger
- Juvenile arrest rates
- Children and youth reporting that they feel valued by the community

Santa Clara County, California

Santa Clara County, located in the heart of Silicon Valley, is one of the most affluent regions in the state, country, and world. The total population of the county is 1,857,621, including 451,611 children. Santa Clara County is one of the most ethnically diverse counties in the nation, and this is reflected in the child population, which is 27.8% Asian, 29.3% Caucasian, 35.5% Hispanic, 2.1% African American, 0.3% Native American, and 4.9% multiracial. The 2008 U.S. Census indicates that 36.8% of Santa Clara County residents were born in other nations, and the public schools report that 25.9% of enrolled children are English language learners. Although the median family income in the county is \$101,832, 8.2% of Santa Clara County residents lived in poverty in 2008, including 18.6% of Latinos and African Americans. Because of the high cost of living in Santa Clara County, the Center for Community Economic Development has estimated that to meet basic needs without public or private assistance, a family of four had to earn \$67,213 (based on a family composed of two adults, one infant, and one preschooler) in 2008.³ This estimate is referred to as the Self-Sufficiency Standard.

These contrasts in the standard of living in Santa Clara County have led to a county in which many children do well and many do poorly. Examples include the following:

- More than 1 in 4 children have significant developmental needs with regard to self-regulation, language development, or both when they enter kindergarten.⁴
- Overall, only 50% of third-grade students perform at advanced or proficient levels on third-grade reading tests. When we look more closely at the data, we find that the situation is worse for economically disadvantaged students: only 24% of economically disadvantaged students are proficient or better.⁵
- Of fifth, seventh, and ninth graders in the county, 24.7% are overweight or at risk of being overweight based on calculations of the body mass index (BMI).⁶
- Only 35% of the fourth through sixth graders perceive that adults in the community value children and youth, and, even worse, only 18% of middle and high school students believe they are valued in the community.⁷
- The misdemeanor juvenile arrest rate in Santa Clara County is nearly 43% higher than the statewide average.⁸
- Each year, nearly 3,000 students in grades 9–12 drop out of high school. Three thousand students could fill two midsize high schools.⁹

Each year the community invests hundreds of millions of dollars to achieve positive outcomes for children and families. Even with all this investment, we are

not making the progress we would like in order to improve the lives of Santa Clara County's children. In response to this, the Santa Clara County Children's Agenda was developed by hundreds of community partners under the leadership of Kids in Common to improve outcomes for the county's children.

The Children's Agenda, a highly selective and thoroughly researched set of 13 data indicators of children's health and well-being, provides the community with an explicit set of goals and methods for measuring how its children are faring. The data from these 13 indicators are collected and monitored over time to track progress in ensuring that children and youth are safe, healthy, successful in school, and successful in life. By providing data and research that can inform decision making, guide program improvement, and drive results, the Children's Agenda is an important tool in backing up the Bill of Rights for Children and Youth. The bill of rights is the vision for the county's children and youth, and the Children's Agenda tells us what progress we are making toward achieving that vision.

Why Hasn't the United States Adopted the Convention on the Rights of the Child (CRC)?

A recent poll taken by Lake Research Partners and First Focus found that 62% of Americans favor the ratification of the CRC, while 14% are opposed.

So what has prevented the endorsement of the CRC by the United States? The CRC was signed on behalf of President Clinton by Madeline Albright, acting as the U.S. delegate to the United Nations (UN). However, it is the general policy of the United States to evaluate the constitutionality and possible impact of a treaty prior to ratifying it. In many cases, it has taken the United States 25–30 years to give approval to UN treaties. In addition to this extensive and lengthy ratification process, widespread misunderstandings about the CRC's intent, provisions, and potential impact have stood in the way of the CRC moving forward in a timely manner.

In 1995, Senator Jesse Helms prevented the CRC from going before the Senate. Today, even though 62% of Americans favor ratification, a small number of groups portray the CRC as a threat to American families and the U.S. Constitution. In general, opponents largely base their arguments on unsubstantiated claims regarding national sovereignty and interference in the parent-child relationship.

The Campaign for Ratification of the Convention on the Rights of the Child is encouraging citizens to write to their Senators and ask them where they stand on the ratification of the CRC. For more information, go to <http://www.childrightscampaign.org>.

The Children's Agenda tries to step outside the programs and agencies providing services and look at the overall conditions for children and families in Santa Clara County. It demonstrates that the work we are all doing on behalf of children and families cannot be divided into silos such as healthcare, education, juvenile justice, social services, mental health, and public safety. It shows us that we need to see the connections in our work and how our work influences overall child health and well-being.

By using community-level indicators, the Children's Agenda helps support a system of thought and action that allows population well-being and the performance of programs and agencies to be treated as separate but connected enterprises. By measuring our progress on specific data indicators, we create a way to focus our effort and to forecast what is likely to happen if we don't do anything differently.

Public agreement on the Bill of Rights for Children and Youth and use of the Children's Agenda as a plan for action to ensure those rights provide us with a rigorous and reliable way to develop and maximize partnerships, attract resources, and implement policies that will lead to positive change on behalf of children and youth. The bill of rights defines what we want for our children. The Children's Agenda defines the how and the who of getting there.

Taking a Stand for Children and Youth

In all its different forms, the Bill of Rights for Children and Youth is about justice for our children. It clearly and unapologetically states that there are certain fundamental rights that our children are entitled to. It isn't just a matter of kindness and charity when we take steps to ensure that our children have a good education, food to eat, and safe and stable homes and communities. It isn't because we happen to have a surplus this year that we decide to invest in our children. Nor is it because we are better off as a community when we invest in our children. *It is because children have rights.* And because children have rights, we have placed a stake in the ground and are committed to working together to ensure that all our children are safe, healthy, and successful in learning and in life.

The Bill of Rights for Children and Youth changes the lens through which we view our children. It states that children have a right, as a matter of justice, to conditions that lead to positive life outcomes.

With the Bill of Rights for Children and Youth, we take a very public stand; all children and youth, no matter their income level, race, culture, gender, sexual orientation, or physical or developmental abilities should expect to be healthy and safe, receive a quality education, and be valued by the community. This community contract provides a framework that is a first step toward implementing policy change and investments that improve the lives of young people. Endorsing the bill of rights is a first step in ensuring that leaders keep the needs of children

and youth at the forefront when decisions are made regarding policies, budgets, and government practices. At all times, but especially during times of political change and financial upheaval, a bill of rights helps our community stay focused on children and youth as a priority.

Notes:

- ¹ The Campaign for Ratification of the Convention on the Rights of the Child, <http://www.childrightscampaign.org>.
- ² SCMTV Episode 108a – “Children’s Bill of Rights” originally aired Oct. 5, 2009, available at http://www.siliconvalleycf.org/initiatives_ppcyf_leadershipCouncil.html.
- ³ Family Economic Self-Sufficiency Standard retrieved on June 11, 2010 from <http://www.insightccd.org/uploads///cfes/Santa%20Clara.pdf>.
- ⁴ Santa Clara County Partnership for School Readiness, *How to Support School Readiness and Success of Children, Families and Schools* (Mountain View, CA: Santa Clara County Partnership for School Readiness, 2007), 69, <http://www.appliedsurveyresearch.org/www/products/Study%20Circle%20White%20Paper%20FINAL.pdf>.
- ⁵ Lucile Packard Foundation for Children’s Health, *Santa Clara County Children’s Report: Key Indicators of Wellbeing* (Palo Alto, CA: Lucile Packard Foundation for Children’s Health, 2007), 14, <http://www.kidsdata.org/santaclarareport>.
- ⁶ *Ibid.*, 9.
- ⁷ Project Cornerstone, “Developmental Assets 2005 Survey Results,” http://www.projectcornerstone.org/pdfs/exec_summary05.pdf.
- ⁸ State of California Department of Justice, *California Criminal Justice Profile 2005* (Sacramento, CA: Office of the Attorney General, n.d.).
- ⁹ California Department of Education, <http://www.cde.ca.gov>.