

---

# Increasing High School Graduation Rates for Youth in Foster Care and Probation

---



---

Alaina Moonves-Leb, Alliance for Children's Rights  
Teri Burns, California School Boards Association  
Autumn Taylor, Youth Leader and College Student

# OVERVIEW OF PRESENTATION

---

1. LCFF & Foster Youth
2. Foster youth outcomes and barriers to graduation
3. Strategies for overcoming the barriers
4. Getting Foster Youth to Graduation
  - a. Partial Credits
  - b. AB 167/216 Graduation
5. Youth Voice



---

# **EDUCATION OUTCOMES OF CALIFORNIA'S FOSTER YOUTH**

---

# FOSTER YOUTH & LCFF

---

*Under LCFF, school districts are accountable for foster youth's education outcomes.*

- **In developing their LCAPs, school districts should develop goals to improve state priority areas including:**
  - Student achievement.
  - School climate.
  - Pupil engagement including high school graduation, drop out rates and attendance.
- **Data on outcomes is revealed on the Dashboard**

# The revealed gap

---

? foster youth in California & ? in L.A. County

? % change schools at least once during the school year.



? months of learning is lost each time they change schools.



? % of foster youth graduate from high school on time

? % earn a post-secondary degree (AA) or certificate.



? % obtain a bachelor's degree.



# Barriers to on-time graduation

***Placement  
changes  
disrupt  
education***

Children and youth in foster care are **four** times more likely to change schools in a given school year than other students.

***High rates  
of  
disability***

Nearly one in five youth in foster care has a disability, **twice** the rate of the general population

***Poor  
school  
quality***

15 percent of youth in foster care attend the lowest performing 10 percent of schools in California, as compared to 10 percent of the general population

**S<sup>3</sup>**



# FOSTER YOUTH EDUCATION BILL OF RIGHTS

---

*Since 2004, the CA Legislature has adopted several laws to support foster youth...*

Safety	Support	Stability
Immediate Enrollment	Education Rights Holders (ERH)	School of Origin
		AB 167/216 Grad Req's



# FOSTER YOUTH EDUCATION BILL OF RIGHTS

---

*Since 2004, the CA Legislature and Federal Government have adopted several laws to support foster youth...*

Safety	Support	Stability
Immediate Enrollment	Education Rights Holders (ERH)	School of Origin
Trauma informed care	A Net	AB 167/216 Grad Req's
	FY College resources & encouragement	Partial Credit

---

# Partial Credits

---

# Overview of the Law

## Education Code 49069.5, 51225.2

---

- Foster youth who transfer high schools mid-semester have a right to receive check out grades and partial credits for all work satisfactorily completed.
- Sending schools must issue check out grades based on the last day of actual attendance and calculate and issue credits on an official transcript.
- Receiving schools must accept all check out grades and partial credits, apply them to the same/equivalent courses, and immediately enroll the youth in the same/equivalent courses.
- Foster youth may not be required to retake any portion of a course already completed if it would prevent them from graduating on time.

# Impact on LCFF

---

- **Why Should Schools Care?**

- Schools' failure to issue partial credits to youth who repeatedly transfer high schools is a major barrier to graduation.
- Foster youth who do not receive partial credits lack the motivation to participate in school if they expect to transfer schools again.
- Many districts now have policies, but do not apply them consistently.

# What Should You Do?

---

- **What Should Schools Do?**

- Adopt a partial credit policy that outlines how schools should calculate partial credits.
- Ensure that school personnel are trained to issue and accept partial credits, and to support youth in enrolling in the courses needed for graduation.

- **What Should Child Welfare Professionals Do?**

- Collect transcripts from each school attended for high school age youth to make sure that all credits are accounted for.
- When checking a youth out of school, request that they award partial credits.

# What Should You Do?

---

- **What Should Youth Do?**

- Learn their rights and advocate for themselves.
- Check their transcript and make sure it includes all of their work.
- Try to perform their best, even if only in a school for a short time.
- Make sure that each new school enrolls them in the same classes that they were in before.

# California's Partial Credit Model Policy

---

- Developed and endorsed by various state agencies and organizations, including the California Department of Education and California School Boards Association (AR 6173.1).
- Youth earn 0.5 credits for every 7 class periods attended for each class they were passing as of the last day of actual attendance.
- Class periods lasting 89 minutes or less count as 1 class period for purposes of calculating partial credits. If 90+ minutes, count as 2 class periods.
- Continuation schools, independent study, or adult schools may issue partial credits according to the model policy or their approved credit plan adopted pursuant to Education Code Section 51225.3(b).

*Foster Youth Education Toolkit, pp 56-59*

*California's Partial Credit Model Policy, at [kids-alliance.org/partialcredits](http://kids-alliance.org/partialcredits)*

# Tools: Partial Credit Calculation Table

# OF CLASS PERIODS ATTENDED PER SUBJECT	# OF CREDITS EARNED	
	5 CREDIT/GRADING PERIOD	1 CREDIT/GRADING PERIOD
7-13	.5 Credits	0.1 Credits
14-20	1.0 Credit	0.2 Credits
21-27	1.5 Credits	0.3 Credits
28-34	2.0 Credits	0.4 Credits
35-41	2.5 Credits	0.5 Credits
42-48	3.0 Credits	0.6 Credits
49-55	3.5 Credits	0.7 Credits
56-62	4.0 Credits	0.8 Credits
63-69	4.5 Credits	0.9 Credits
70+	5.0 Credits	1.0 Credit

*Foster Youth Education Toolkit, Calculation/Conversion Table, pp. 56*



# Tools: Student Withdrawal Report

**STUDENT WITHDRAWAL REPORT**

School Name: \_\_\_\_\_  
 School District: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Counselor/Registrar Name: \_\_\_\_\_

Student Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Grade: \_\_\_\_\_

Student State ID #: \_\_\_\_\_ Permanent ID #: \_\_\_\_\_

Enrollment Date: \_\_\_\_\_ Withdrawal Date: \_\_\_\_\_ Last Day Attended: \_\_\_\_\_

Reason for Withdrawing: \_\_\_\_\_

Next School/District: \_\_\_\_\_

---

**Partial Credit Log**

Type of Grading Period (circle one): Semester / Trimester      Total # of Credits Available/Grading Period (circle one): 1 / 5

Course Name	Corresponding Graduation Requirement	Check Out Grade**	# of Periods Attended	Length of Each Period (in min.)	# of Credits Earned

\*\* A check out grade is the final grade issued by an individual teacher based on youth's cumulative work over the entire grading period up until the last day of actual attendance, including exam scores, home and class work, participation, and attendance. Foster youths' grades may not be lowered for absences caused by placement changes, court appearances, or participation in court-ordered activities. Teachers should be informed of the last day of actual attendance so that they may issue proper check out grades.

---

**Teacher Comments**

Teachers can provide additional information that may be useful for the youth's teachers at the new school, including information on the strengths and weaknesses of the youth.

Course	Teacher Name	Comments

Signature of School Counselor/Registrar: \_\_\_\_\_      Date Official Transcript Issued: \_\_\_\_\_

# Tools: Partial Credit Request Letter

## RECEIVING SCHOOL PARTIAL CREDIT REQUEST LETTER

Date: \_\_\_\_\_

TO: Principal: \_\_\_\_\_

School: \_\_\_\_\_

Address: \_\_\_\_\_

Re: **Check Out Grades and Partial Credits Request**

Student Name: \_\_\_\_\_

D.O.B.: \_\_\_\_\_

Dear Principal \_\_\_\_\_:

Please be advised that \_\_\_\_\_, a foster youth, recently enrolled in \_\_\_\_\_.

Following the student's enrollment, we sent a records request to \_\_\_\_\_ on \_\_\_\_\_.

After reviewing the student's records, it appears that your school did not include check out grades and partial credits on the official transcript provided to our school.

Pursuant to Education Code Sections 48853.5 and 51225.2, sending school districts have a responsibility to award partial or full credit to foster youth for all work satisfactorily completed while in attendance, enter them onto an official transcript, and forward the updated transcript to the student's new school within 2 business days. In order to ensure that we enroll the student in the appropriate courses, we request that you work with the student's previous teachers and your school's registrar to determine the appropriate check out grades and partial credits.

Please immediately compile, complete and forward to our office an updated transcript for the student, which includes all check out grades and partial credits. We look forward to working with you to ensure that the student receives the support he/she needs to succeed in high school.

If you have any questions, please contact me at \_\_\_\_\_ or your district's AB 490 Education Liaison.

Thank you in advance for your assistance.

Sincerely,

\_\_\_\_\_  
School Registrar/Counselor

---

# **AB 167/216 Graduation**

---

## Overview of the Law



**Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.\***

- **Who Qualifies:** AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.
  - **Transfer Schools After Second Year:** To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.
  - **Graduation Options:** (1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless, youth graduate receiving a normal high school diploma.
  - **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
  - **Reconsideration:** If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.
  - **Notification Requirements:** The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.
  - **Who Decides:** Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.
  - **Military Service:** AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.
- NOTE:** Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website: [KnowB4UGo.org](http://KnowB4UGo.org)

AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

\*AB 167/216 graduation applies to any school operated by a school district, including adult schools.

- **Who Qualifies:** AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.

- **Transfer Schools After Second Year:** To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.

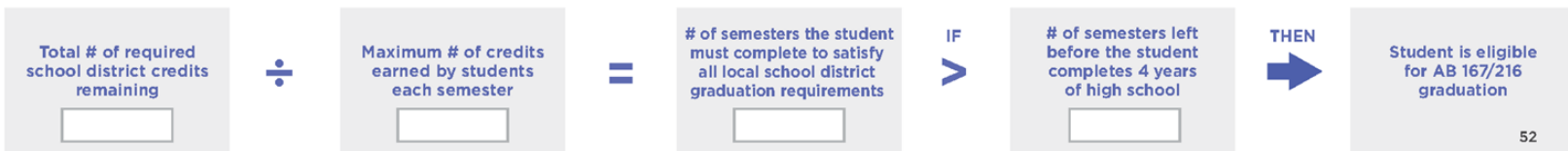
# AB 167/216 Graduation: Eligibility & Credit Checklist



Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Current Semester: \_\_\_\_\_ Current School/District: \_\_\_\_\_

SCHOOL DISTRICT GRADUATION REQUIREMENTS	COURSES COMPLETED/ CREDITS EARNED	DISTRICT COURSES/ CREDITS REMAINING	AB 167/216 COURSES/ CREDITS REMAINING
English ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Math ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Science ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Social Studies ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits) • _____ ( _____ credits)			
Visual & Performing Arts ( _____ credits)			
Physical Education ( _____ credits)			
Applied Technology ( _____ credits)			
Foreign Language ( _____ credits)			
Electives ( _____ credits)			
<b>Total Credits:</b> <input type="text"/>	<b>Credits Completed:</b> <input type="text"/>	<b>Credits Remaining:</b> <input type="text"/>	<b>AB 167/216 Credits Remaining:</b> <input type="text"/>

## Eligibility Calculation



## Overview of the Law



**Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.\***

- **Who Qualifies:** AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.
  - **Transfer Schools After Second Year:** To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.
  - **Graduation Options:** (1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless, youth graduate receiving a normal high school diploma.
  - **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
  - **Reconsideration:** If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.
  - **Notification Requirements:** The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.
  - **Who Decides:** Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.
  - **Military Service:** AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.
- NOTE:** Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website: [KnowB4UGo.org](http://KnowB4UGo.org)

AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

\*AB 167/216 graduation applies to any school operated by a school district, including adult schools.



- **Graduation Options:** (1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless, youth graduate receiving a normal high school diploma.

## AB 167/216 Graduation Requirements

AB 167/216 STATE GRADUATION REQUIREMENTS	EXAMPLE OF LOCAL SCHOOL DISTRICT GRADUATION REQUIREMENTS
English (30 credits)*	English (40 credits) <ul style="list-style-type: none"> <li>• English 9 (10 credits)</li> <li>• English 10 (10 credits)</li> <li>• American Literature (10 credits)</li> <li>• Contemporary Composition (10 credits)</li> </ul>
Math (20 credits) <ul style="list-style-type: none"> <li>• Algebra 1 / Mathematics 1 (10 credits)</li> <li>• Other Math (10 credits)</li> </ul>	Math (30 credits) <ul style="list-style-type: none"> <li>• Algebra 1 (10 credits)</li> <li>• Geometry (10 credits)</li> <li>• Algebra 2 (10 credits)</li> </ul>
Science (20 credits) <ul style="list-style-type: none"> <li>• Biological Science (10 credits)</li> <li>• Physical Science (10 credits)</li> </ul>	Science (30 credits) <ul style="list-style-type: none"> <li>• Biological Science (10 credits)</li> <li>• Physical Science (10 credits)</li> <li>• Lab Science (10 credits)</li> </ul>
Social Studies (30 credits) <ul style="list-style-type: none"> <li>• World History (10 credits)</li> <li>• US History (10 credits)</li> <li>• American Government/Civics (5 credits)</li> <li>• Economics (5 credits)</li> </ul>	Social Studies (30 credits) <ul style="list-style-type: none"> <li>• World History (10 credits)</li> <li>• US History (10 credits)</li> <li>• Principles of American Democracy (5 credits)</li> <li>• Economics (5 credits)</li> </ul>
Visual or Performing Arts, Foreign Language, or Career Technical Education (10 credits)	Foreign Language (20 credits)  Visual & Performing Arts (10 credits)
Physical Education (20 credits)	Physical Education (20 credits)
Electives (0 credits)	Electives (50 credits)
<b>TOTAL: 130 Credits</b>	<b>TOTAL: 230 credits</b>

\*Although the law references year long courses, we have included the number of credits required to complete the necessary number of year long courses here in acknowledgment that foster youth often must piece together partial credits from multiple courses to meet these requirements.

## Overview of the Law



**Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.\***

- **Who Qualifies:** AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.
- **Transfer Schools After Second Year:** To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.
- **Graduation Options:** (1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless, youth graduate receiving a normal high school diploma.
- **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
- **Reconsideration:** If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.
- **Notification Requirements:** The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.
- **Who Decides:** Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.
- **Military Service:** AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.

**NOTE:** Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website:

**[KnowB4UGo.org](http://KnowB4UGo.org)**

AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

\*AB 167/216 graduation applies to any school operated by a school district, including adult schools.

- **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
- **Reconsideration:** If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.

AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

**Notification Requirements:** The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.



Date: \_\_\_\_\_

TO: Education Rights Holder ("ERH"): \_\_\_\_\_ Probation Officer/  
 Social Worker: \_\_\_\_\_  
 Address: \_\_\_\_\_ Address: \_\_\_\_\_  
 \_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Current High School: \_\_\_\_\_ Date of Enrollment: \_\_\_\_\_

Foster youth in California have special rights to help them remain on track for high school graduation. Under Assembly Bills 167/216 ("AB 216"), foster youth who are off track for high school graduation, and transfer after their second year of high school, may be eligible to graduate by completing the minimum state requirements if they are not reasonably able to complete all school district requirements by the end of their fourth year of high school. This includes completing 13 year-long courses. Students who graduate under AB 216 do not have to complete additional school district requirements, which generally range from 80-120 credits.

We have determined, and hereby certify, that the above named student  does /  does not /  has already been certified to meet all requirements for AB 216 graduation.

**The above named student has the following graduation options:**

- Graduate by completing state requirements and accept AB 216 eligibility. Please note that there are advantages and disadvantages to graduating under AB 216. While a student may graduate with classmates and receive a regular high school diploma, they may sacrifice important learning opportunities that are necessary to succeed in higher education and employment. Students who graduate under AB 216 may not be eligible to apply directly to a California State University (CSU) or University of California (UC) school.
- Attempt to graduate high school at the end of the 4th year by completing all school district graduation requirements. Students may attempt to accomplish this by concurrently enrolling in a community college, continuation school, or independent study program.
- Remain in high school for a 5th year, and complete all additional school district graduation requirements. The right to a 5th year of high school applies even if the student will be 19 years old during that additional school year. The student will be allowed to remain at the local high school and will not be required to transfer to a continuation school, independent study program, or adult school to complete the 5th year.

School Official: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Please make sure to keep a copy of this certification letter for your records. It can be used at any future school to verify that the student is already certified as AB 216 eligible. The above named student retains the right to graduate under AB 216 even if they transfer schools again or their foster care/probation case closes before they receive their high school diploma.

Once the student's ERH has determined which graduation path to take, please notify us by checking the appropriate box below and returning this form. Please note that the school district cannot allow a student to graduate under AB 216 without receiving this document. An 18 year old student or their ERH can change their decision regarding graduating under AB 216 at any time until the student receives their high school diploma. Please note that regardless of whether or not a student elects to graduate under AB 216, a student has the right and obligation to attend school until age 18, with limited exceptions.

If you have any questions or concerns about AB 216 graduation, please contact the student's counselor.

- Graduate under AB 216 in 4 years
- Graduate under school district requirements in 4 years
- Graduate under school district requirements in 5 years
- Acknowledgment of eligibility but deferring decision until a later date

Education Rights Holder: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(or 18 year old Student)

## Overview of the Law



**Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.\***

- **Who Qualifies:** AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.
  - **Transfer Schools After Second Year:** To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.
  - **Graduation Options:** (1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless, youth graduate receiving a normal high school diploma.
  - **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
  - **Reconsideration:** If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.
  - **Notification Requirements:** The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.
  - **Who Decides:** Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.
  - **Military Service:** AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.
- NOTE:** Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website: [KnowB4UGo.org](http://KnowB4UGo.org)

AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

\*AB 167/216 graduation applies to any school operated by a school district, including adult schools.



- **Who Decides:** Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.

**\*AB 167/216 graduation applies to any school operated by a school district, including adult schools.**

Created by: ACR, ACSA, CCSESA, CDE, CSBA, CWC and CWDA

- **Military Service:** AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.

## Best Practices for Determining AB 167/216 Eligibility

### STEP 1

---

Upon receiving notification of a foster youth's enrollment in your school, gather complete transcripts, including partial credits, from all high schools the youth has attended.

\*\*If it appears that a student was not properly awarded partial credits by a previous school based on enrollment dates, attendance records, and check-out grades, send the [Receiving School Partial Credit Request Letter](#). If you have any difficulties obtaining partial credits for the youth, contact your school district's AB 490 Liaison for assistance.

### STEP 2

---

Determine whether a youth completed the second year of high school, based on length of enrollment or credits earned, whichever makes a youth more likely to qualify for AB 167/216 graduation. Cal. Educ. Code § 51225.1(c).

### STEP 3

---

Conduct a graduation analysis according to your school district's graduation requirements to determine whether the youth can reasonably complete additional local graduation requirements within four years of high school. See [Eligibility & Credit Checklist](#) and [Eligibility Calculation Formula](#).

### STEP 4

---

If the youth cannot reasonably complete additional local graduation requirements, conduct a second credit analysis using state graduation requirements to determine which AB 167/216 classes the youth must complete.

### STEP 5

---

Within 30 days of the youth's enrollment, provide written notification of the youth's eligibility for AB 167/216 graduation to the youth, their ERH, and social worker/probation officer.

\*\*Notification must outline (1) the youth's right to remain in high school for a 5th year, depending on the ERH's decision; and (2) the potential impact of AB 167/216 graduation on college admissions. See [AB 167/216 Eligibility Certification Letter](#).

### STEP 6

---

If a youth's ERH or a youth over 18 decides it is in the youth's best interest to graduate under AB 167/216, ensure the youth is enrolled in the appropriate courses to complete state graduation requirements.

Review the [AB 167/216 Graduation: Eligibility & Credit Checklist](#) to determine which classes the youth needs to complete to graduate under AB 167/216.



# Impact on LCFF

---

- **Why Should Schools Care?**

- AB 167/216 Offers an opportunity for schools to support youth and increase graduation rates for this important sub-group of students.

## **Impact on ALL state indicators**

- Academics
- Suspension Rates
- English Learner Progress
- Chronic Absence
- Graduation Rates
- College and Career Readiness

# What Should You Do?

---

## ■ **What Should Schools Do?**

- In drafting their LCAPS, schools should develop goals and activities to ensure that youth graduating under AB 216 have the academic skills needed to succeed in higher education and employment.
- Counselors must be trained to advise students about their options, and the pros and cons of all graduation options.

## ■ **What Should Child Welfare Professional Do?**

- Ensure that the youth and their education rights holder understands their options and the implications of their decision one way or another.

## ■ **What Should Youth Do?**

- Speak to trusted adults about plans for the future and how this option might impact those plans.
- Determine potential plan for graduation under district criteria and AB 167/216 so there is a clear understanding of the different paths.

# Questions?

---

Teri Burns, California School Boards Association

– [tburns@csba.org](mailto:tburns@csba.org)

Alaina Moonves-Leb, Alliance for Children's Rights

– [a.moonves@kids-alliance.org](mailto:a.moonves@kids-alliance.org)

To download the Foster Youth Education Toolkit, visit

[www.kids-alliance.org/edtoolkit](http://www.kids-alliance.org/edtoolkit)

To download the Partial Credit Model Policy, visit

[www.kids-alliance.org/partialcredits](http://www.kids-alliance.org/partialcredits)