

## 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.**

## Best Practices for Determining AB 167/216 Eligibility

### STEP 1

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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

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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

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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

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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

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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

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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.



# 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.