

AB 167



CALIFORNIA FOSTER YOUTH EDUCATION TASK FORCE

INTRODUCTION

Assembly Bill 167 (2009) exempts pupils in foster care from local graduation requirements under certain conditions.

GUIDING PRINCIPLES

The key to improving outcomes for youth in foster care is identifying the specific roadblocks to their educational success and working to remove them.

California sets minimum high school graduation requirements but school districts have flexibility to require pupils to complete additional coursework to graduate from high school. If forced to relocate, a foster youth in high school may be faced with additional graduation requirements at a new school with little time to complete them.

Pupils in foster care forced to relocate in their junior or senior year should be able to graduate with their class if they have completed the state graduation requirements and if they would not reasonably be able to complete additional local graduation requirements. 2009 Cal AB 167, Section 1.

FOUR ELIGIBILITY CRITERIA

A student must satisfy each of the following four eligibility requirements to graduate pursuant to AB 167:

1) The youth must have been a pupil in foster care some time after the bill's effective date, January 1, 2009.

The legislative history of the bill suggests that "pupils in foster care" refers to a child who has been removed from his or her home pursuant to WIC § 309, is the subject of a petition filed under WIC § 300 or 602, or has been removed from his or her home and is the subject of a petition filed under WIC § 300 or 602. EC § 48853.5 (a).

2) The youth must have transferred schools in the 11th or 12th grade.

There is no state-mandated method for determining a student's grade level. This decision is left up to the school district and, in some cases, individual schools.

Note: AB 167 applies even if the pupil transfers between two schools or school districts that have identical graduation requirements.

3) The youth must complete all California graduation requirements.

California requires pupils to complete all of the following one-year courses, unless otherwise specified, while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school, EC § 51225.3(a):

- Three courses in English.
- Two courses in mathematics. (Including one year of Algebra I unless previously completed, EC § 51224.5.)
- Two courses in science, including biological and physical sciences.
- Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.
- One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.
- Two courses in physical education, unless the pupil has been exempted.

In addition to completing the coursework above, a pupil must receive passing scores on both California High School Exit Exams – English and Math. EC § 60851. Students with individualized education plans or 504 plans may be exempt from this requirement.



4) The district must find that the pupil is not reasonably able to complete the additional graduation requirements in time to graduate while he or she remains eligible for foster care benefits.

If the school district makes a finding that the pupil is reasonably able to complete

the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits pursuant to state law, then the pupil in foster care must complete these additional requirements in order to graduate. EC § 51225.3(c).

Note: California's graduation requirements make no mention of credits. Thus, any credit requirement is a local requirement.

REASONABLENESS

Determinations as to whether a pupil is reasonably able to complete a district's additional requirements should be made on an individual basis. The following are best practices:

- The school district should consider the pupil's history, capacity, courses completed and credits earned; the nature and extent of additional district requirements; and the amount of time remaining before the pupil is no longer eligible for foster care benefits.
- In making this determination, the district and the district's foster youth liaison should consult with the pupil, the pupil's educational rights holder, the pupil's child welfare worker or probation officer, and anyone else familiar with the pupil and his or her educational history.
- As the school district learns more about the pupil, the district should reevaluate whether the pupil is reasonably able to satisfy the district's additional graduation requirements.

ELIGIBILITY FOR FOSTER CARE BENEFITS

All youth in foster care are eligible for foster care benefits through their 18th birthday. Depending on their circumstances, some youth in care remain eligible for foster care benefits through their 19th birthday. With the passage of AB 12 (2010) some youth in foster care may remain eligible for foster care benefits through their 21st birthday. WIC §§ 11401, 11405. AB 12 is being phased in between January 2012 and January 2014. It is best practice for a school district to check with the youth's child welfare worker or probation officer to determine when the youth's eligibility for benefits will terminate.

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NOTICE REQUIREMENTS

When must notice be provided?

School districts must provide notice to a pupil granted an exception pursuant to AB 167 if any of the local requirements that are waived will affect the pupil's ability to gain admission to a postsecondary educational institution. *EC § 51225.3(c).*

To whom must notice be provided?

School districts must notify the pupil in foster care and, as appropriate, the person holding educational rights for the pupil. *EC § 51225.3(c).*

What content must be provided?

School districts must provide notice that the pupil is graduating pursuant to AB 167 and provide information about transfer opportunities available through the California Community Colleges. *EC § 51225.3(c).*

The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for foster youth. For more information, please visit our website at www.cfyetf.org or contact Mia Stizzo at mia.stizzo@cfpic.org.

Factsheets produced April 2005. Fourth edition - December 2010.