

High School Graduation for Foster Youth: AB 167/216

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 of the graduation option chosen, 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. See [AB 167/216 Graduation Eligibility Notification Letter](#). 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. Eligibility must be determined retroactively in these cases.

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.

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.

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



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