

Foster Youth Graduation Exemption Requirements



California Foster Youth Education Task Force

INTRODUCTION

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. However, school districts may require pupils to complete additional coursework above minimum state requirements to graduate from high school. Foster youth who transfer high schools may be required to complete different and/or additional local graduation requirements in their new school district. Often, they cannot complete these requirements within four years of high school. Assembly Bills 167 (2009) and 216 (2013), codified in EC 51225.1, exempt pupils in foster care from local graduation requirements under certain conditions



EXEMPTION FROM LOCAL GRADUATION REQUIREMENTS

Notwithstanding any other law, a school district shall exempt a student in foster care who transfers between schools at any time after the completion of the pupil's second

year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide course requirements specified in Education Code section 51225.3, unless the school district makes a finding that the pupil is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school. *EC 51225.1.*

A student must satisfy each of the following eligibility requirements to graduate under the exemption:

- (1) The youth must be a pupil in foster care.

The youth must be removed from his or her home pursuant to WIC Section 309 or subject to a petition filed under WIC Sections 300 or 602 along with a WIC Section 727 petition. *EC 51225.2.*

- (2) The youth must have transferred schools after their second year of high school.

To determine whether a youth is in the third or fourth year of high school, the school district may use either the number of credits earned to the date of transfer or the total length of enrollment in high school, whichever will make the youth eligible for the exemption. *EC 51225.1(c)*

Note: Schools, youth, education rights holders, social workers, and probation officers cannot request or require a school transfer for the sole purpose of making a youth eligible for AB 167/216 exemption from graduation requirements. *EC 51225.1(k)-(l)*

- (3) The youth must complete all California graduation requirements.

California requires pupils to complete all of the following one-year courses, unless otherwise specified, 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; World History; a one-semester course in American Government and Civics; and a one-semester course in economics.
- One course in Visual/Performing Arts, Foreign Language or Career Technical Education. American Sign Language qualifies as a foreign language.
- Two courses in Physical Education, unless exempted.

- (4) The district must find that the youth is not reasonably able to complete the additional local graduation requirements within four years of high school.

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, then the youth must complete these additional requirements in order to graduate. *EC 51225.1.*

If the foster youth is exempted from local graduation requirements and completes the statewide coursework requirements before the end of his/her fourth year of high school and that student would otherwise be entitled to remain in attendance at the school, a school or school district shall not require or request that the student graduate before the end of his or her fourth year of high school. *EC 51225.1.(e).*

If the foster youth is exempted from local graduation requirements, the school district shall notify the student and the ERH how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities through the California Community Colleges. *EC 51225.1.(f)*

Foster Youth Graduation Exemption Requirements

A foster youth who is eligible for the exemption and would otherwise be entitled to remain in attendance at the school shall not be required to accept the exemption or be denied enrollment in, or the ability to complete, courses for which he or she is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

FIFTH YEAR OF HIGH SCHOOL

If the school district determines that the pupil in foster care is reasonably able to complete the school district's graduation requirements within the pupil's fifth year of high school, the school district shall do all of the following:

- Inform the student of his or her option to remain in school for a fifth year to complete the school district's graduation requirements.
- Inform the student, and the person holding the educational rights, about how remaining in school for a fifth year to complete the school district's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
- Provide information about transfer opportunities available through the California Community Colleges.
- Permit the pupil to stay in school for a fifth year to complete the school district's graduation requirements upon agreement with the student if the educational rights holder or the student, if the student is 18 years of age or older. *EC 51225.1(b)*.

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 key factors that should be considered: (1) the youth's academic abilities (e.g., state testing results, grades); courses completed and

credits earned; nature and extent of additional district requirements; (4) number of semesters remaining before the youth completes four years of high school; and (5) whether the youth can complete additional district requirements without taking courses before/after the school day.

In making this determination, the district and the district's foster youth liaison should consult with the youth's caregiver, the youth's educational rights holder, the youth's social worker or probation officer, and anyone else familiar with the youth and his or her educational history.

Note: If a youth is not initially eligible for the graduation exemption when they first transfer, they have a right to ask for re-consideration of their eligibility at any later time. If the youth satisfies the eligibility criteria, the school district must find her/him eligible if an exemption is requested by the student and the student qualifies for the exemption. *EC 51225.1(h)*

NOTICE REQUIREMENTS

Within 30 calendar days of the date the pupil in foster care who may qualify for the exemption from local graduation requirements transfers into a school, the school district shall notify the pupil, educational rights holder, and the pupil's social worker and/or probation officer, of the availability of the exemption and whether the pupil qualifies for an exemption.

If the school district fails to provide timely notice, the pupil shall be eligible for the exemption from local graduation requirements once notified, even if that notification occurs after the termination of the court's jurisdiction over the pupil, if the pupil otherwise qualifies for the exemption. *EC 51225.1(d)*.

DURATION OF ELIGIBILITY

Once a youth is found eligible for an exemption from local graduation requirements, their right to graduate by completing minimum state course requirements may not be revoked, regardless of whether the youth's foster

case closes or they later change schools again. *EC 51225.1(i)-(j)*.

UNIFORM COMPLAINT

If a right under this law is denied, anyone (including a youth, education rights holder, social worker/probation officer, caregiver, legal representative) may file a written complaint with the school district or charter school under the Uniform Complaint Procedures. When a complaint is filed, the district must investigate and provide a written response, including a proposed resolution, within 60 days. *EC 51225.1(m)(1)*.

If the person who filed the complaint is not satisfied, they may file a complaint with the California Department of Education ("CDE"). The CDE will then have 60 days to investigate and provide a written response. *EC 51225.1(m)(2)*.

If a school district finds merit in a complaint or the State Superintendent finds merit in an appeal, the school district shall provide a remedy to the affected student. *EC 51225.1(m)(3)*.

