

Foster Youth Graduation Exemption Requirements



California Foster Youth Education Task Force

Ninth Edition, January 2023

INTRODUCTION

The key to improving outcomes for youth in foster care and former juvenile court school pupils 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 students 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* and amended by Senate Bill 532 (2022) effective January 1, 2023, exempt students in foster care from local graduation requirements under certain conditions.



EXEMPTION FROM LOCAL GRADUATION REQUIREMENTS

Notwithstanding any other law, a school district or charter school shall exempt a student in foster care—including a dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law, or a child who is the subject of a voluntary placement agreement—or a former juvenile court school pupil who transfers between schools at any time after the completion of the student'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 *EC 51225.3*, unless the school district makes a finding that the student is reasonably able to complete the school district's graduation

requirements in time to graduate from high school by the end of the student's fourth year of high school. *EC 51225.1, 48853.5(a)*.

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

1. The youth must be a student in foster care or a former juvenile court school pupil, as defined in *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; the total length of enrollment in high school; or, for youth with significant gaps in school attendance, the youth's age as compared to the average age of students in the third or fourth year of high school, whichever will make the youth eligible for the exemption. *EC 51225.1(c)*.

Note: Schools, youth, educational rights holders (ERHs), 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 students to complete all of the following one-year courses, unless otherwise specified, in order to receive a diploma of graduation from high school:

- Three courses in English.
- Two courses in Mathematics, including one year of Algebra I or Mathematics 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.

EC 51225.3(a).

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 student 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 their 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 their fourth year of high school. *EC 51225.1(e)*.

If the foster youth is exempted from local graduation requirements, the school district shall consult with the student and the ERH regarding how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution; shall provide discussion and information about other options available to the student, including but not limited to, a fifth year of high school, possible credit recovery, and transfer opportunities through the California Community Colleges; and shall provide consideration of the student's academic data and other information relevant to assist the youth's ERH in making an informed decision. *EC 51225.1(f)*.

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 they are otherwise eligible, including courses necessary to attend an institution of higher education (*EC 51225.2(e)*), regardless of whether those courses are required for statewide graduation requirements. A youth's ERH determines whether utilizing the graduation exemption is in the youth's best interest.

FIFTH YEAR OF HIGH SCHOOL

If the school district determines that the student in foster care is reasonably able to complete the school district's graduation requirements

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(*EC 51225.1(b)*) or the statewide coursework requirements (*EC 51225.1(n)*) within the student's fifth year of high school, the school district shall do all of the following:

- Consult with the student and their ERH regarding their option to remain in school for a fifth year to complete the school district's graduation requirements or the statewide coursework requirements.
- Consult with the student and their ERH regarding how remaining in school for a fifth year to complete the school district's graduation requirements or the statewide coursework requirements will affect the student's ability to gain admission to a postsecondary educational institution.
- Consult with and provide information about transfer opportunities available through the California Community Colleges.
- Permit the student to stay in school for a fifth year to complete the school district's graduation requirements or the statewide coursework requirements upon agreement with the ERH or the student, if the student is 18 years of age or older.

REASONABLENESS

Determinations as to whether a student 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); (2) courses completed and credits earned; (3) 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 regular 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 ERH, the youth's social worker or probation officer, and anyone else familiar with the youth and their 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 the youth eligible within 30 days of the exemption request, if an exemption is requested by the student or their ERH and the student qualifies for the exemption. *EC 51225.1(h)*.

NOTICE REQUIREMENTS

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

Assembly Bill 1166 (2015) added that if the school district fails to provide timely notice, the student 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 student, if the student otherwise qualifies for the exemption. *EC 51225.1(d)*.

If a student is not eligible for an exemption in the year in which they transfer schools, the school district shall reevaluate eligibility and provide written notice to the student, the ERH, and the student's social worker and/or probation officer whether the student qualifies for an exemption within the first 30 calendar days of the following academic year. *EC 51225.1(o)*.

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 care or probation 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, ERH, social worker/probation officer, caregiver, legal representative) may file a written complaint with the school district or charter school under the Uniform Complaint Procedures. *EC 51225.1(m)(1)*. When a complaint is filed, the district must investigate and provide a written response, including a proposed resolution, within 60 days. *5 CCR 4631*.

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)*.

JUVENILE COURT SCHOOLS AND THE GRADUATION EXEMPTION

If a student completes the graduation requirements of their school district of residence while attending a juvenile court school, the student shall be issued a diploma from the school they last attended before detention, or the county superintendent may issue the diploma. *EC 48645.5(a)*.

When a student attending a juvenile court school becomes entitled to a diploma pursuant to *EC 48645.5(d)*, the county office of education shall notify the student, their ERH, and their social worker or probation officer of all of the following:

- The student's right to a diploma;
- How taking coursework and other graduation requirements adopted by the county office of education or continuing education upon release will affect the student's ability to gain admission to a postsecondary education institution;
- Information about transfer opportunities available through the California Community Colleges; and
- The student's or their ERH's option to defer or decline the issuance of a diploma for meeting state graduation requirements so that a student may take additional coursework at the juvenile court school or, once released, at a school operated by a local educational agency. *EC 48645.7*.

The county office of education must advise the student and their ERH, when deciding whether to elect to decline the issuance of a diploma for meeting state graduation requirements, to consider whether the student is highly likely to enroll in a school operated by a local educational agency or charter school, to benefit from continued instruction, and to graduate from high school. *EC 48645.7*.

Upon release from the juvenile institution, the district in which the student enrolls will assess if they meet the requirements for an exemption from local graduation requirements per *EC 51225.1*.