



Assembly Bill 216: Updates to AB 167

In 2009, the California Legislature passed Assembly Bill 167, which allowed foster children to graduate high school by only completing state graduation requirements if they transferred schools in the 11th or 12th grade and could not reasonably complete local graduation requirements. AB 167 was seen as a solution to the high drop out rates of foster youth who repeatedly transferred schools and struggled to earn the credits needed to graduate. Assembly Bill 216 attempts to clarify components of AB 167 to ensure more consistent implementation.

Under AB 167	AB 216's Clarification
<i>When may a student first qualify to graduate under AB 167?</i>	
Students who transfer at anytime during the 11th or 12th grade	Students who transfer after completing their second year of high school, using either the number of credits earned or length of time of enrollment, whichever will make a student eligible.
<i>How long does a student have to complete the local graduation requirements?</i>	
The time frame was undefined.	Students are eligible if they are not reasonably able to complete local graduation requirements by the end of their 4th year of high school. Students have a right to remain in high school for a 5th year if they can complete the local graduation requirements.
<i>What kind of notifications do schools have to provide if a student is found eligible for AB 167?</i>	
<ul style="list-style-type: none"> • Notification to student and education rights holder "as appropriate" • No timeline requirement for notification • Notification must include student's eligibility and its potential impact on college admission 	<ul style="list-style-type: none"> • Notification to student, education rights holder, and social worker • Notification required within 30 calendar days of transfer • Notification must include student's eligibility, its potential impact on college admissions, and inform the student of their right to remain in school for a 5th year to complete local graduation requirements if they want
<i>Once a student is eligible to graduate under AB 167, who decides whether they should?</i>	
Decision making authority was unclear. Schools were often making the decision, regardless of the student's wishes.	Authority to make this decision was given to the student's education rights holder, or the student if they are 18 and hold their own education rights. The education rights holder also decides whether the student will remain in high school for a 5th year to complete the local graduation requirements.
<i>When can eligibility for AB 167 be re-considered?</i>	
Right to re-consideration was unclear.	If a student is not initially eligible for AB 167 graduation when they first transfer, they have a right to ask for re-consideration of their eligibility at any later point. If the student satisfies the requirements, the school must find him eligible.
<i>Once eligible, does the AB 167 graduation right continue even if a student's foster case closes?</i>	
Right to continued eligibility after foster care case was closed was unclear.	Once a student is found eligible for AB 167 graduation, this right continues, regardless of whether the student's foster case closes or they later change schools again.
<i>Can a student transfer schools in order to qualify for the exemption?</i>	
AB 167 did not clearly prohibit social workers from transferring students between schools to make them AB 167 eligible.	Schools, students, education rights holders, social workers, and probation officers cannot request or require a school transfer for the sole purpose of making a student eligible for AB 167.
<i>Who qualifies as a "pupil in foster care"?</i>	
"Pupil in foster care" was undefined	"Pupil in foster care" is defined to include any child removed from his home pursuant to WIC Section 309 or subject to a petition filed under WIC Sections 300 or 602 (Education Code § 51225.2).