

CLIENT NEWS BRIEF

New Graduation Options and Notice Requirements for High School Foster Students

On September 23, 2013, Governor Brown signed into law Assembly Bill (AB) 216, which amends the Education Code regarding high school graduation requirements for students in foster care and adds new notice requirements for school districts. This bill was urgency legislation and took effect immediately.

Previously, the Education Code provided that an eleventh or twelfth grade foster student who transferred schools was exempt from having to complete local graduation requirements that exceeded statewide graduation requirements, unless the receiving district found the student was reasonably able to complete the additional graduation requirements in time to graduate while the student remained eligible for foster care benefits. (Former Ed. Code, § 51225.3(c).)

AB 216 adds section 51225.1 to the Education Code with respect to a foster student who transfers schools after the second year of high school. Under the new section 51225.1, a school district may now allow a student in foster care to stay in high school for a fifth year, so that the student can complete the district's graduation requirements. For a student to be eligible for an additional year of high school, the district must first determine that the student is "reasonably able" to complete the district's high school graduation requirements by the end of the fifth year. If the district makes this determination, the district must provide notice to the student and others of this option and related details.

In addition, AB 216 provides that for foster students who transfer after the second year of high school, the receiving district must exempt the student from the district's graduation requirements that exceed state graduation requirements, unless the district makes a finding that the student is "reasonably able" to complete the district's graduation requirements in time to graduate from high school by the end of the student's fourth year.

When enrolling foster students, school districts are now allowed to consider the number of high school credits the student has earned to date, or the length of the student's high school enrollment, in order to determine whether the student is in the third or fourth year of high school.

With regard to notice of these options, within thirty (30) calendar days of a foster youth's high school transfer, if the student may qualify for the local graduation requirements exemption, the receiving school district must notify the student, the person holding the right to make educational decisions for the student, and the student's social worker, of the availability of the exemption and whether the student qualifies for the exemption. School districts are also required to notify the student and the person holding the right to make educational decisions for the student, of the effect of waived graduation requirements on the student's ability to gain admissions to postsecondary educational institutions and to provide information about transfer opportunities through the California community colleges.

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AB 216 also prohibits a student in foster care from transferring solely for the purpose of qualifying for the exemption from a school district's high school graduation requirements.

This new law is a mandated cost for school districts. School districts should update their enrollment procedures immediately to incorporate these new graduation options and new notice requirements for high school foster students.

For further information regarding these new graduation options and notice requirements for enrolling high school foster students, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).