







# GETTING ON TRACK TO HIGH SCHOOL GRADUATION

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## TABLE OF CONTENTS

### **Getting on track when the youth is behind on credits and moved homes after the second year of high school (AB 167/216):**

1. Are some youth in foster care eligible to graduate from high school with fewer credits than are typically required by the school district?
2. What is the definition of “foster youth” for the purposes of graduating with fewer credits than required by the local school district?
3. Are youth in the juvenile delinquency system that have been placed out of state in a residential juvenile facility still eligible for AB 167/216 graduation requirements?
4. What are the requirements to fulfill eligibility for reduced high school credit requirements under AB 167/216?
5. What if the pupil was in foster care when s/he transferred schools but his/her case has since been dismissed – is s/he still eligible under AB 167/216 to graduate with reduced credits?
6. Must the district provide notice that the youth is eligible to graduate with fewer high school credits?
7. If a youth with an IEP graduates under AB 167/216 is s/he still allowed to attend public school through age 22?
8. How does AB 167/216 impact a child with an IEP?
9. What are the potential drawbacks of graduating under AB 167/216?

### **Getting on track when AB 167/216 does not apply or is not in the youth’s best interest**

1. May a youth in foster care remain in high school for a fifth year?
2. What 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 High School Exit Exam**

1. What is the CA high school exit exam?
2. Are students currently required to pass the CAHSEE in order to graduate from high school?
3. Does SB172 affect students who failed to pass the CAHSEE prior to the 2015-16 school year?

### **High School Graduation for the student with an IEP:**

1. What is a certificate of completion?
2. Is a certificate of completion the same as a diploma for students with an IEP?
3. May the district deny a child with an IEP that includes participation in district graduation related activities from participation in such activities?

## TABLE OF CONTENTS

### Getting on track through alternative education:

1. Is a high school diploma required to attend community college?
2. May a student take high school level courses at community college?
3. What is the GED? Who should take the GED?
4. May a student who is not yet 18 take the GED?
5. What is a continuation school?
6. Should a student attend a continuation school solely to recover partial credits?
7. May a student be forced to attend a continuation school?
8. What are some reasons why a student would attend a continuation high school?
9. Should a student with an IEP attend a continuation school?
10. What is Independent Study?
11. When is it appropriate for a student to have independent study?
12. Is independent study appropriate for youth in foster care? What about students with special needs?





## SCHOOL STABILITY AND HIGH SCHOOL GRADUATION

### Getting on track when the youth is behind on credits and moved homes after the second year of high school (AB 167/216):

- 1 Are some youth in foster care eligible to graduate from high school with fewer credits than are typically required by the school district?

**Yes**, some foster and probation youth are eligible to graduate with a diploma under AB 167/AB 216 if they transfer schools after completing their 2nd year of high school and if they are not reasonably able to complete additional local graduation requirements by the end of their 4th year of high school. AB 167 (2009) was the first Assembly Bill that established this law, and AB 216 (2013) was the second Assembly Bill clarifying the law.

California sets minimum high school graduation standards for the state's school districts. However, school districts have flexibility with regard to additional coursework that pupils are required to complete to graduate from high school. A foster child in high school forced to relocate to another school district after their second year of high school may be faced with additional graduation requirements at his or her new school with little time to complete those courses in order to graduate with the rest of his or her class.

- 2 What is the definition of "foster youth" for the purposes of graduating with fewer credits than required by the local school district?

AB 167/216 applies to youth in "foster care," the definition of which includes youth who are subject to a 602 petition, meaning they are under the jurisdiction of the juvenile delinquency court.

Specifically, under Section 51225.2(a) of the Education Code, "a pupil in foster care" is defined as "any child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code."

- 3 Are youth in the juvenile delinquency system that have been placed out of state in a residential juvenile facility still eligible for AB 167/216 graduation requirements?

AB 167 and AB 216 are California Laws, not federal laws, so other states need not apply them to foster or probation youth placed in their facilities. However, many California county offices of education in collaboration with their juvenile schools have created agreements with out-of-state placements to

apply the reduced credit provisions. If you are working with a youth who has been placed in a facility out-of-state and who is credit deficient, contact your county's foster youth coordinator and juvenile court school to inquire whether such agreements exist for students placed through your county.

**4** What are the requirements to fulfill eligibility for reduced high school credit requirements under AB 167/216?

- The student is a “pupil in foster care” (See definition at EC § 51225.2);
- The student transfers schools any time after completing his/her second year of high school, using either the number of credits earned or length of time of enrollment, whichever will make a student eligible;
- The district must find that the youth is not reasonably able to complete the additional graduation requirements (i.e., the district's local graduation requirements) by his/her fourth year of high school;
- The youth must complete all California graduation requirements (i.e., not the local district's requirements). EC § 51225.1.

**5** What if the pupil was in foster care when s/he transferred schools but his/her case has since been dismissed – is s/he still eligible under AB 167/216 to graduate with reduced credits?

**Yes.** Once a student is eligible for AB 167/216, that eligibility cannot be revoked, even if the foster youth's case is dismissed. EC § 51225.1(i),(j).

**6** Must the district provide notice that the youth is eligible to graduate with fewer high school credits?

**Yes.** Notification to the student, education rights holder, and social worker that the student of eligibility is required within 30 calendar days of the transfer. EC § 51225.1(d).

**7** If a youth with an IEP graduates under AB 167/216, is s/he still allowed to attend public school through age 22?

**No.** Graduation with a regular high school diploma will make the student ineligible for further special education services. 34 CFR Sec. 300.102(a)(3)(i); EC § 56026.1(a), 56500.4 & 56500.5.

**8** How does AB 167/216 impact a child with an IEP?

IDEA requires a transition plan for all special needs students. Thus, whenever a student is receiving special education services, the applicability of AB 167 should be addressed in the student's Individualized Education Program (IEP) team meeting.



## The High School Exit Exam

### 1 What is the CA high school exit exam?

The California High School Exit Exam (CAHSEE) was a series of tests in reading, writing and mathematics that all California students were required to pass in order to graduate from high school beginning in 2006.

### 2 Are students currently required to pass the CAHSEE in order to graduate from high school?

**No.** SB 172, effective on January 1, 2016, suspended administration of the CAHSEE as well as the requirement that students pass the CAHSEE in order to graduate from high school in the 2015-16, 2016-17 and 2017-18 school years. An advisory panel is working to determine what course of action California schools should take following the 2017-18 school year.

### 3 Are students currently required to pass the CAHSEE in order to graduate from

**Yes.** SB 172 allows all students who completed grade 12 at or after the close of the 2003-04 school year and met all applicable graduation requirements other than passage of the CAHSEE to receive high school diplomas from the local educational agency where they completed grade 12. (see <http://www.cde.ca.gov/ta/tg/hs/cahseesuspendfaq.asp>.)

## High School Graduation for the student with an IEP:

### 1 What is a certificate of completion?

A student with an IEP who has not met graduation requirements may receive a “certificate of educational achievement or completion” at the end of the typical senior year or at any time before s/he exits the school district. The district must continue to provide transition services to this student until s/he turns 22 years of age. C.F.R. § 300.102(a)(3)(ii); EC § 56026(c)(4) & 56026.1.]

A student receiving a certificate of achievement or completion has the right to participate in graduation ceremonies and any school activity related to graduation. EC § 56391. Because a certificate does not end eligibility, a student who receives a certificate could continue working toward a regular diploma. EC § § 56390 & 56392.

### 2 Is a certificate of completion the same as a diploma for students with an IEP?

**No.** A certificate of completion is available to students with an IEP who have

not met diploma requirements. Though these students are considered to have completed their course of study, they remain eligible for IEP services until age 22.

**3** May the district deny a child with an IEP that includes participation in district graduation related activities from participation in such activities?

**No.** If participating in graduation-related activities is specified in their child's IEP, the district must implement the IEP and allow him/her to participate in the graduation activities. This issue should address this participation in the IEP, beginning with your discussion of transition at age 16 or younger.

## Getting on track through alternative education:

**1** Is a high school diploma required to attend community college?

**No.** A student may enroll in a community college without having received a high school diploma. The student may obtain a diploma from a community college that awards high school diplomas through their non-credit adult education programs.

**2** May a student take high school level courses at community college?

**Yes.** Some California community colleges run non-credit adult education programs and grant high school diplomas similar to the K-12 school system adult education programs. Each college makes a local determination regarding whether or not to offer non-credit programs.

**3** What is the GED? Who should take the GED?

A "GED" is the General Educational Development Test. The GED test is for adults who do not have a high school diploma. Those who pass the test receive a California High School Equivalency Certificate. In California, persons who are 18 years of age or older may take the GED test. Some 17-year-olds who meet specific criteria for testing may also take the test.

Testing centers throughout California give the test many times during the year. The GED test covers five subjects: reading, writing, math, science, and social studies. There is a fee to take the test.

**4** May a student who is not yet 18 take the GED?

**Yes,** a student who is not yet eighteen years of age may take the test if s/he meets the following requirements:

- S/he must be 18 years of age or older or within 60 days of his/her 18th birthday (regardless of school enrollment status).
- S/he is within 60 days of when s/he would have graduated from high school had s/he remained in school and followed the usual course of study. (Candidates testing under this criteria may not be enrolled in school.)
- S/he is 17 years of age, have been out of school for at least 60 consecutive days, and provide a letter of request for the test from the military, a postsecondary educational institution, or a prospective employer.

**Important note:** If a student passes the GED test at age 17, s/he will not receive the equivalency certificate until his/her 18th birthday; a letter of intent is issued and states that the certificate is being held pending the examinee's 18th birthday.

## 5 What is a continuation school?

A continuation school is a program that serves students who are at least sixteen years-old who have not graduated from high school and are deemed at risk of not completing their education.

Students enrolled in continuation education programs are often credit deficient or in need of a flexible schedule due to employment, family obligations, or other needs. Continuation schools are diploma track programs and also typically offer academic guidance, career opportunities, and frequently a work/study schedule.

## 6 Should a student attend a continuation school solely to recover partial credits?

**No.** Senate Bill 578 (2011) requires comprehensive, public high schools to offer youth in foster care the opportunity to receive partial credits, instead of having to retake an entire course. EC § 51225.2.

## 7 May a student be forced to attend a continuation school?

**Yes.** In limited situations a school may seek an involuntary transfer for a student, which involves transferring a student to the school district's continuation school or community day school. EC § 48432.5. Prior to the transfer, the student and her/his educational rights holder are entitled to written notice and a meeting to discuss the reason(s) for the proposed transfer and to present and question relevant evidence and witnesses. A student should not be transferred involuntarily unless other means of addressing the behavior have been tried and have failed to improve the student's school attendance and/or the student has committed a prohibited act and her/his presence causes a danger to persons or property or threatens to disrupt the instructional process. A transfer generally should not extend past the semester following the semester in which the act(s) leading directly to the transfer occurred. EC § 48432.5.

### **PRACTICE TIP:**

Previously, many youth in foster care transferred to continuation schools simply because they were the only schools that allowed taking partial courses and cobbling together credits missed due to home placement and school changes. Further, schools often push youth with behavior challenges or who are significantly behind in credits out of mainstream campuses. They give them an option of going to continuation schools or independent study programs often as an alternative to facing suspensions or expulsions. Typically, such actions are not in the best interest of foster youth because they deal with behavior problems by reducing academic expectations rather than addressing the root causes of behavior through specialized supports such as school-based counseling, positive behavior intervention, and/or extracurricular activities. With the passage of Senate Bill 578, students should not be forced out of comprehensive campuses if they need partial credits to graduate because all comprehensive high schools need to offer this option.

**8**

**What are some reasons why a student would attend a continuation school?**

- The student is required to attend a continuation school pursuant to an involuntary transfer. EC § 48432.5.
- Smaller school setting
- Credit recovery
- Shorter day
- Work-study options
- To attend a fifth year of high school or an extra semester, when a foster youth student would prefer not to remain at a comprehensive campus, pursuant to AB 216. EC § 51225.1.

**9**

**Should a student with an IEP attend a continuation school?**

Continuation schools are required to provide services necessary under the child's IEP. However, continuation schools typically do not have the breadth of special education service offerings that a comprehensive high school and school districts are often reluctant to offer a continuation school to a student who has significant special needs. Therefore, if a student requires extensive special education services, it can often require extensive advocacy to acquire the necessary services at a continuation school, and even then, the services are often not as comprehensive or high quality as they would be at the comprehensive high school. Therefore, a student with significant special needs is typically not best served through a continuation school, unless additional services are brought into the school or provided after school hours.

## 10 What is independent study?

Students enrolled in an independent study program work independently, according to a written agreement and under the general supervision of a credentialed teacher or teachers. EC § 51745–51749.6. Independent study is available to students from kindergarten through high school, as well as to students in adult school who are taking courses to meet the requirements for a high school diploma. Independent study programs are required to follow the district-adopted curriculum, and work is governed by a written agreement signed by the student, teacher, parent, and other relevant adults. EC § 51225.3(b).

## 11 When is it appropriate for a student to have independent study?

Independent study is only available as a voluntary option chosen by students and parents—students cannot be involuntarily assigned to independent study. Some examples provided by the California Department of Education:

- Highly gifted students who are not challenged in their regular classrooms and wish to accelerate.
- Students who face particular challenges—such as health issues or the need to work—that make classroom attendance difficult.
- Students are in a residential treatment program and do not have a school program offered through the treatment program.
- Students who, are behind in school and require an individualized approach to fill in gaps in their learning or make up credits.
- Students who want an individualized approach that allows them to delve more deeply into areas of special interest.
- Students who are at risk of dropping out of school. Some districts use independent study as a dropout prevention or recovery mechanism—they have found that for a subset of discouraged students who have very little connection with high school, independent study can sometimes facilitate a turnaround in student engagement. This can happen when students develop close relationships with teachers in one-on-one and small group settings, and when they are able to take charge of their own learning through an individualized approach.

## 12 Is independent study appropriate for youth in foster care? What about students with special needs?

Determining whether independent study is appropriate for a particular youth in foster care requires a case by case analysis. The two most important questions to ask are (1) what are the needs of the youth that require an independent study track and (2) is the caregiver equipped to provide adequate supervision for the youth if s/he does not attend a comprehensive school each weekday?

Regarding the first question, there are frequently school supports, services, and accommodations that have not yet be implemented to assist a youth in foster care remain in comprehensive school, prior to the student or the caregiver suggesting independent study. In most cases, exhausting these services and supports should be attempted prior to resorting to independent study.

Regarding the second question, many caregivers and group homes are not equipped to provide a foster youth student with the needed level of weekday supervision. If a foster youth student absolutely needs to be enrolled in independent study, however, advocates should work to arrange adequate supervision schedule.

For foster youth students who remain in or return to the home of removal, independent study frequently is not deemed to be a reasonable, or even sometimes, a safe option. Independent study typically requires that the student, especially young students, be supervised by their parents and guardians to a greater extent than students who attend comprehensive high schools. The Juvenile Court has often found that programs such as independent study and home instruction are unacceptable for a dependent of the court because the student does not frequently interact with mandated reporters. Similarly, students with special needs, who have an IEP, are typically not served through independent study, because a school district is not able to provide the specialized instruction and services necessary to provide appropriate special education services to the student. Unless the student's IEP team decides that independent study is an appropriate program for the student, a student in special education may not participate in an independent study program. EC § 51745(c).





## ALPHABET SOUP: TABLE OF ABBREVIATIONS

AB	Assembly Bill
ACL	All County Letter
CFR	Code of Federal Regulations
CRC	California Rules of Court
EC	California Education Code
ERH	Educational Rights Holder
IEP	Individualized Education Plan
LEA	Local Education Agency
NPS	Non-Public School
SB	Senate Bill
USC	United States Code
WIC	California Welfare & Institutions Code