

BEST PRACTICES for Developing a District System to Timely Evaluate and Certify Youth for AB 167/216 Graduation

STEP 1

Determine How to Identify When Youth in Foster Care Enter the District After Completing Their Second Year of High School +

Identify Youth in Foster Care Has Enrolled in District — Districts must identify that a youth is in foster care when they enroll in the district. This can occur during school site enrollment, district office enrollment, or online enrollment. For more on this topic, see “Guide 3: Immediate Enrollment and Education Placement in the Least Restrictive Environment for Youth in Foster Care” of the **Best Practices Guide**. Staff involved in enrollment procedures should have adequate training to correctly and sensitively identify youth who are potentially involved in the foster care system. Utilizing a district’s **Screening Questions for Youth in Foster Care** can also assist in this goal. Assuming your district is receiving consistent and timely notification from your county child welfare and/or probation agency when youth are moving homes, this can be another way to trigger the enrollment and AB 167/216 eligibility analysis process. If there are any doubts about a youth’s foster care status, the Network recommends enrollment staff contact the district’s AB 490 Foster Youth Liaison who can follow up to gather more information and make a final determination of foster care status.



Identify When Youth Has Completed Second Year of High School — The Network recommends closely reviewing the enrollment of all high school youth in foster care to identify which youth have completed their second year.* The law requires districts to utilize either time of enrollment, credit accumulation, or the average age of youth in the grade level for youth who have been out of school for a significant period of time, whichever is more likely to make the youth eligible.⁴⁶ ●

+ **PRACTICE TIP** | Timely completion of AB 167/216 eligibility may impact education placement recommendations (e.g., if a youth will utilize AB 167/216 graduation, they may not need to attend an alternative school placement to make up missing credits). The Network recommends quickly completing the AB 167/216 analysis so that its results can be taken into account when making a school placement recommendation.

* **PRACTICE TIP** | It is especially important to add a human check into this process as some student information systems assign students to a grade level depending on their credit accumulation, not time of enrollment. This human check will ensure that both ways to qualify have been reviewed and if the youth qualifies under either option, they are referred for further eligibility analysis.


● **EQUITY CONSIDERATION** | The Network recommends evaluating completion of the second year of high school based on when the youth first enrolled in, or should have enrolled in 9th grade, regardless of attendance. This will give all youth in foster care equity access to this graduation option and will help districts avoid analyzing difficult youth situations such as determining how to count extended absences caused by youth leaving their placements without permission, school attendance in a different country, extended time between school enrollments, etc.



46 California Education Code Section 51225.1.


Develop AB 167/216 Graduation Analysis Referral Process — Once a high school youth has been identified as involved in the foster care system at enrollment and having completed their second year of high school, the district should identify how to refer the case for AB 167/216 analysis. There is no requirement to determine eligibility based on credits or graduation status at this stage in the process. The person completing this portion of the review does not need the complete set of records or any expertise in credit analysis. This first level of referral can occur through phone calls, emails, or an automatic trigger  through the district’s student identification system. 


STEP 2


Determine Who, How, and When AB 167/216 Graduation Analysis Will Be Completed


Identify Person Responsible — The district must identify and train the staff member(s) responsible for conducting the AB 167/216 analysis. The Network recommends, depending on the size of the district, that the analysis be conducted either by the AB 490 Foster Youth Liaison (for smaller districts) or school-based academic counselors or registrars or in consultation with the AB 490 Foster Youth Liaison (for mid-sized districts). 


Gather Records — In order to conduct a complete credit analysis, a district must gather a copy of the transcripts from all prior high schools the youth attended.  The district should determine their process, including which staff member is responsible, for requesting records within two business days of a youth’s enrollment and advocating to ensure delivery of records within two business days of the request. A youth’s school history can be gathered from CALPADS or other local data sharing systems. The Network recommends that transcripts from prior high schools be pursued for the entire 30-day certification timeline (and even thereafter, if necessary) until complete transcripts have been compiled.  For more on collecting records at enrollment, see “Guide 3: Immediate Enrollment and Education Placement in the Least Restrictive Environment for Youth in Foster Care” of the [Best Practices Guide](#) and [Youth in Foster Care Enrollment Checklist](#).

 **PRACTICE TIP** | If an automatic trigger is used, ensure that the process also requires a human reviewing this system at some point in the process, as an automatic trigger could miss youth whose records are incomplete or inaccurate.

 **DISTRICT HIGHLIGHT** | Pomona Unified School District uses automatic triggers in their student information system to provide immediate notification to their Foster Youth Lead Counselor whenever a high school aged youth in foster care enrolls, to begin the AB 167/216 analysis process.

 **PRACTICE TIP** | Bonita Unified School District, Long Beach Unified School District, and Pomona Unified School District all have their school based academic counselors conduct the initial AB 167/216 eligibility analysis and then the AB 490 Foster Youth Liaison checks and gives final approval to each eligibility analysis. Alhambra Unified School District also finds it helpful for school psychologists or instructional specialists to conduct the analysis during IEP meetings.

 **PRACTICE TIP** | The Network recommends collecting transcripts from each prior high school attended. Typically, youth in foster care have attended a number of high schools and it is often not accurate to rely upon the last school’s transcript to capture all their credits from the numerous high schools attended. It is best practice to seek a transcript from each school to confirm the credits awarded by that school in the identified courses.

 **PRACTICE TIP** | Most Network districts have found they can typically gather all transcripts before the 30-day certification timeline expires if they work diligently on it. The Network recommends utilizing both written and telephonic communication to confirm receipt of records requests, plus emphasizing the importance of a timely response when speaking with other districts. Some districts will specifically call a prior district to request they immediately forward the documents most essential to immediately enrolling and placing the youth (e.g., a current transcript and IEP).

Review Records for Missing Partial Credits — When reviewing the transcripts and attendance records for each school, the Network recommends closely checking to ensure that the youth was issued partial credits for each period of school enrollment. For more on advocating for partial credits from a prior school, see “Guide 4, Issuing Partial Credits to Youth in Foster Care, Step 7” of the [Best Practices Guide](#).

Develop a Tool for AB 167/216 Eligibility Analysis

The Network recommends developing a tool for analyzing whether it is reasonable for a youth to complete local district requirements within four years of high school. See [AB 167/216 Graduation: Eligibility and Credit Checklist](#), [Bonita 216 Graduation Tool](#), and [West Covina 216 Graduation Checklist](#) for some examples of tools. The Network also recommends utilizing equity within this analysis. For example, youth in foster care are already experiencing trauma and the academic and social interruptions of a home and school change. Thus, the Network recommends that districts create a written definition of what course load is reasonable for a youth to complete within a semester, to ensure consistency among different staff performing this analysis. Further, this definition should ensure that youth in foster care are not expected to hold any more than a ‘typical’ course schedule (e.g., expecting them to take before or after school courses or dually enroll is unreasonable). * Further, even if a youth could reasonably complete the number of credits required to graduate within four years of high school, looking at the types of courses required is also essential to advance equity. For example, expecting a youth to take multiple years of the same subject in one year may be unreasonable. A youth and their education rights holder can always determine it is in the youth’s best interests to complete extra courses, or multiple courses in the same subject within one year, but that should not be part of the ‘reasonableness’ eligibility analysis.

Develop Written Guidelines for Difficult Credit Calculation Situations:

There are multiple instances in which a lack of clarity in the law can lead to difficult decisions during eligibility analysis. The Network recommends creating clear written guidelines to ensure all youth receive equity access to this graduation option by identifying and addressing difficult situations individually in a written policy. For example, when analyzing whether a youth has three years of English, are English Language Development classes, remedial academic classes, or special education English support classes counted? How are partial credits and/or A/B semester credits from different years of a course combined to make a complete year of any course? + Will California State University and University of California ‘validation’ policies be applied to AB 167/216 graduation analysis, such as with math courses which require building upon a skill set? During

* **PRACTICE TIP |** Bonita Unified School District has created a [graduation reasonableness tool](#) which makes clear that youth will not be expected to earn more than 30 credits per semester or summer school.

+ **PRACTICE TIP |** Note that the law requires partial credits to be combined into a “yearlong course” for purposes of graduation analysis. This was previously unclear in law; however, based on a recommendation from the Network, it became law in 2023 codified in California Education Code Section 51225.2(c)(2).

credit recovery, if all students are allowed to test out of components of a course through demonstrating mastery on an assessment test, will youth in foster care doing this also receive credits for those components? Districts should determine how equity is implicated in each of these difficult credit calculation situations.

Determine Timeline for AB 167/216 Graduation Eligibility Analysis

— Although a district has 30 days from enrollment to complete this analysis and provide written certification, the Network recommends completing at least a preliminary analysis as quickly as possible, as eligibility for this graduation option may impact enrollment options (e.g., whether it might be recommended for the youth to attend an alternative school for credit recovery purposes). For more on this, see “Guide 3, Immediate Enrollment and Educational Placement in the Least Restrictive Setting for Youth in Foster Care, Step 3” of the [Best Practices Guide](#) and [Youth in Foster Care Enrollment Checklist](#).

STEP 3

Develop Certification Letter

Districts can develop their own AB 167/216 graduation eligibility certification letter (e.g., [West Covina 216 Graduation Notification Letter](#)) or use the letter found in the Foster Youth Education Toolkit: [Sample Notification Letter](#). Certification must be provided to the youth, education rights holder, and social worker/probation officer within 30 days of the youth enrolling in the new school, within 30 days of the start of the following school year if a youth is found ineligible due to credits, and within 30 days of any request for certification.

It is important, in any tool, to ensure there are two separate sections. The first is the district’s certification section. The second is for the youth’s education rights holder to identify the graduation option that is in the youth’s best interests. Certification and choosing a graduation

option can occur at the same time or at different points in time. Separating the steps out in this way allows a youth's education rights holder the ability to carefully consider the options, make a choice at a time that works best for the youth, and change their graduation pathway at any time prior to actual graduation.


The Network also recommends that districts identify a process for acknowledging a youth's ongoing eligibility if they have been certified as eligible in a prior district, since these youth always remain eligible, regardless of any change in circumstances (e.g., can complete the new district's graduation requirements within four years of high school, foster care case closes). One example of how to do this is found in the [Sample Notification Letter](#).

STEP 4

Determine Process for Counseling a Youth and their Education Rights Holder on All Graduation Options

The district should identify which district staff (e.g., AB 490 Foster Youth Liaison, counselor, registrar) is best suited to counsel youth and their education rights holders in the various graduation options the youth may be entitled to, once certification has been completed. The Network recommends districts develop guidelines on best practices and considerations for counseling sessions including but not limited to: (1) in-person vs. phone calls; (2) a youth's future goals (e.g., college vs. employment) and the skills needed to accomplish those goals; (3) keeping graduation options open by allowing an education rights holder to defer a final decision while also scheduling the youth into courses required for both graduation options; (4) scheduling required courses out over the entire time left until four years of high school have been completed (i.e., not pushing the youth to graduate early), creating space in a youth's schedule for academic remedial courses (if needed), work/study, career and technical education courses, and/or extracurricular activities; and (5) encouraging the youth to take a community college placement tests to determine a youth's required time in remedial college courses before starting Associates Degree courses.

The Network recommends that the counselor

provide meaningful recommendations, while also respecting the education rights holder's role as final decision maker based on the youth's best interests. While many youth will leap at the chance to graduate as quickly as possible, their education rights holders have been empowered by the court to take a longer view of the youth's long term best interests in making this type of decision. It is important to include the perspectives of both the youth and the youth's education rights holder in all specific conversations about the youth's eligibility for different graduation options. 

The counseling done in this step must also include informing the youth of their school stability rights. If this meeting is being held several days or weeks after enrollment, then the district should have already had this conversation with the youth. However, this can be a good time to make sure that they youth and their education rights holder fully understand those rights. More information on this is "Guide 2: School Stability" of the [Best Practices Guide](#).

- **PRACTICE TIP** | Most Network districts inform youth in foster care of their education rights at enrollment, including their potential eligibility for AB 167/216 graduation. We distinguish here between a conversation about a youth's education rights in general, and a specific conversation about their eligibility for different graduation options, after their credits have been compiled and analyzed. The later must always include the youth's education rights holder as they are the legal decisionmaker.

STEP 5

Modify Transcript to Reflect Graduation Option Chosen by Education Rights Holder

The Network recommends modifying your student information system to create a separate [AB 167/216 transcript definition](#) which calculates AB 167/216 graduation requirements, similar to what is done for a district's normal graduation requirements. The purpose is to ensure that there is a single page, modified transcript that reflects the requirements needed to graduate using AB 167/216 state minimum requirements, as well as which credits have been completed and which still need to be completed, all calculated within the transcript.

STEP 6**Determine System for Re-evaluating Eligibility**

For any youth that were found ineligible due to being “on-track” for graduation at the time of their transfer, determine process and responsibilities for who will re-check eligibility at the beginning of the next school year. The Network recommends that districts review records for all youth in foster care who are in their 4th year of high school within the first 30 days of the school year. This will allow the district to identify any youth who may have become eligible. Those youth and their ERHs must then be informed of their eligibility.