

Routing: High School Administrators	SITE OPERATIONS BULLETIN School Year 2023-2024	BULLETIN NUMBER: 115 DATE: November 30, 2023 DUE DATE: Within 30 calendar days of student's enrollment.
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Title: MODIFIED GRADUATION ELIGIBILITY

Issuing Department: Office of Children and Youth in Transition

Reference: [AB 167/216](#), [AB 1806](#), [AB 2306](#), [AB 365](#), [AB 2121](#)

Action Requested: Review and submit the Modified Graduation Notification Letter and Modified Graduation Academic Review to the Office of Children and Youth in Transition for students eligible under AB 167/216, AB 1806, AB 2306, AB 365 and AB 2121

Summary: Students in transition have special rights to help them remain on track for high school graduation

Brief Explanation:

Under the following Assembly Bills, students in transition have special rights to help them remain on track for high school graduation:

- AB 167/216 students in foster care
- AB 1806 students who are experiencing homelessness
- AB 2306 students transitioning from the juvenile justice system
- AB 365 students of active duty military parents/guardians
- AB 2121 currently migratory and newly arrived immigrant students who are participating in English language proficiency/newcomer program

Students with or without Formal Education

The student groups listed under **Definitions and Criteria of Student Populations** who are newly enrolled in SDUSD schools or transfer schools within SDUSD **after their second year of high school** may be eligible to graduate by completing the minimum California state graduation requirements if they are not reasonably able to complete all San Diego Unified School District graduation requirements by the end of their fourth year of high school:

- **Regardless of whether or not they have had a formal education**, students should be enrolled in the grade level based upon their date of birth.
- “Class of” must change to reflect appropriate grade level. (For example, during the 2022-23 school year, an 18 year old would be enrolled as a 12th grader and Class of changed to 2023.)

- Students entering 11th or 12th grade with no formal education should be enrolled in the course sequence provided ([Link 3](#)).

Definitions and Criteria of Student Populations

The student populations who may qualify for a modified diploma include:

1. Foster youth
2. A student experiencing homeless as defined by the McKinney-Vento Act
3. A student transitioning from the juvenile justice system
4. Active duty military dependents
5. Migratory and newly arrived immigrant students who are participating in English language proficiency programs

1. ***Foster youth*** is defined in Education Code (EDC) Section 48853.5(a) as follows:

- a. A dependent child of a tribal court who is the subject of a petition filed in a tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law.
- b. A child who is the subject of a voluntary placement agreement between the county welfare department, probation department, or Indian tribe and the child's parent or guardian pursuant to subdivision (p) of Section 11400 of the WIC.
- c. The EDC Section 48853.5(a) also includes all of the following categories in the definition of "foster youth:"
 - i. A child who has been removed from their home pursuant to Section 309 of the Welfare and Institutions Code.
 - ii. A child who is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, whether or not the child has been removed from their home.

Schools are able to view this data in PowerSchool under student demographics, PreK-12 Enrollment Card question 19a.

2. ***A student "experiencing homelessness"*** means a pupil who meets the definition of "homeless child or youth" under Section 11434a(2) of Title 42 of the United States Code. Schools are able to view this data in PowerSchool under student demographics, PreK-12 Enrollment Card question 19b.
3. ***A student transitioning from the juvenile justice system*** means a pupil who transfers to a school district, excluding a school district operated by the Division of Juvenile Justice of the Department of Corrections and Rehabilitation, from a juvenile court school under California Ed Code Section 51225.2. Schools must contact the Office of Children and Youth in Transition to verify status.
4. ***Dependent of an active duty military member*** means a pupil who meets the definition of "children of military families" under California Education Code Section 49701. Schools are able to view this data in PowerSchool under student demographics, under Parent/Guardian/Contact details in box 22 and/or 23.
5. ***Migratory students*** means a child who has moved with a parent, guardian, or other person having custody, or without a parent or guardian from one school district to another, either within the State of California or from another state within the 12-month

period immediately preceding his or her identification as such a child, in order that the child, a parent, guardian, or other members of his or her immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child's eligibility for migrant education services under California Ed Code Section 51225.2. Schools are able to view this data in PowerSchool under student demographics, PreK-12 Enrollment Card question 26.

Newly arrived immigrant students who are participating in English language proficiency programs means a pupil who is participating in a program designed to meet the academic transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency under [California Ed Code Section 51225.2](#). In SDUSD, these students must be enrolled in ELD courses: ELD 1, 2 or ELD 3, 4 or ELD 5, 6.

All student groups must also meet the eligibility criteria for transferring after their second year of high school. See course sequence for students graduating under AB 2121 ([Link 3](#)).

Steps to Follow

Follow the steps below as outlined in the Modified Graduation Notification Letter to determine if a student is eligible for modified graduation under AB 167/216, AB 1806, AB 2306, AB 365 or AB 2121:

1. Within 30 calendar days of student's enrollment, determine eligibility after careful review of student's educational records.
2. Confirm the student transferred schools after their second year of high school. No transfer between schools can be initiated to simply invoke this option. A school district shall not require or request a student to transfer schools in order to qualify. A student, the person holding the right to make educational decisions for the student, the student's social worker/probation officer shall not request a transfer solely to qualify the student for the modified diploma and/or taking a 5th year to complete their graduation requirements.

*Note for Unaccompanied Youth: The Education Rights Holder, might be: the student, whoever enrolled the youth, caregiver (especially if they enrolled student using caregiver affidavit), and/or possible caseworker.

3. If the student is eligible, within 30 days of enrollment, provide written notification of the student's graduation eligibility for AB 167/216, AB 1806, AB 2306, AB 365 or AB 2121. This determination, as well as the impact on admissions to a four-year university must be provided in writing to the student, their educational rights holder, and social worker/probation officer (if applicable) to allow selection of a graduation option ([Link 1](#)).

Graduation Options:

Option A: Attempt to graduate high school at the end of the student's fourth or fifth year of high school by completing all school district graduation requirements. Students may attempt to accomplish this by enrolling in district approved alternative methods for course completion. The right to a fifth year of high school applies even if the student will be older than 18 years old during that additional school year. The student will be allowed

to remain at the local high school and will not be required to transfer to a continuation school, independent study program, or adult school to complete the fifth year.

Option B: Graduate by completing California state requirements in two years or less and accept AB 167/216, AB 1806, AB 2306, AB 365, or AB 2121 eligibility. Please note that there are advantages and disadvantages to graduating under AB 167/216, AB 1806, AB 2306, AB 365, or AB 2121. While a student may graduate with classmates, if completed in 4 years, and receive a regular high school diploma, they may sacrifice important learning opportunities that are necessary to succeed in higher education and employment. Students who graduate under AB 167/216, AB 1806, AB 2306, AB 365, or AB 2121 Option B are not eligible to apply directly to a California State University (CSU) or University of California (UC) schools.

4. If the educational rights holder and the student select to graduate under Graduation Option B, indicated above, Counselor/Registrar must complete Modified Graduation Academic Review and submit paperwork to cyt@sandi.net.
5. **There is no GPA requirement to graduate under Option B ([Link 2b](#)).**
6. Provide the student with one copy of the Modified Graduation Notification Letter ([Link 1](#)) regardless of option selection and one copy of the Academic Review ([Link 2b](#)) if the educational rights holder and the student select to graduate under AB 167/216, AB 1806, AB 2306, AB 365 or AB 2121). Place the original in the student's cumulative file and submit one copy of the completed document to the Office of Children and Youth in Transition at cyt@sandi.net
7. Once paperwork has been submitted, AB 167/216, AB 1806, AB 2306, AB 365, or AB 2121 eligibility will be uploaded and posted onto the student's transcript.

For more information about this bulletin, contact:

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Attachments: [Link 1](#): Modified Graduation Notification Letter
[Link 2A](#): Option A: SDUSD Graduation Requirements Academic Review
[Link 2B](#): Option B: Modified Graduation Academic Review
[Link 3](#): Course Sequence for students graduating under AB 2121