



EDUCATION LAW CLIENT ALERT

OSBORN MALEDON

New State Regulation Imposes Additional IEP Requirements for Secondary Transition Services

Effective October 21, 2024, the State Board of Education (“SBE”) has adopted a new regulation regarding secondary transition planning for disabled students with IEPs. See [ADE Guidance Memo](#); A.A.C. R7-2-401(G)(4). Adding to the obligations under federal IDEA law, the SBE regulation now imposes three new requirements:

- Transition Services Timeline**—While IDEA requires the inclusion of transition services in a student’s IEP “not later than the first IEP to be in effect when the student turns 16,” the new state regulation requires such services to be include “*when the child completes 9th grade or reaches age 16, whichever is first.*”
 - ADE will begin compliance checks for the new portion of this requirement beginning SY 2025-2026 (i.e., all students entering 10th grade in SY 2025-2026 must have IEPs with transition services included).
- Estimated Graduation Date**—The student’s “estimated date of graduation” must now be included in the IEP to be in effect at the time the student completes 9th grade or turns 16 (whichever occurs first).
 - ADE’s implementation guidance provides that an estimated graduation date must immediately be added to an IEP if: (a) a any student turns 16 *before* completing 9th grade, (b) the IEP team determines it is appropriate to include transition services for a *younger* student, (neither 16 nor in 9th grade), or (c) the IEP of any other student to which the new requirement applies is *revised* after October 21, 2024. In all other cases, ADE guidance suggests (though the guidance memo is not entirely clear) that it will begin compliance checks for the estimated-graduation-date requirement beginning SY 2025-2026.
- One-Year Notice of Anticipated Graduation**—Schools must provide written notice to the student’s parent/guardian at least one year prior to the anticipated high school graduation date. This is in addition to IDEA’s requirement that a prior written notice be issued prior to a change in placement occurring due to graduation.
 - ADE will begin compliance checks for this new requirement beginning December 2024 (i.e., written notice of anticipated graduation date must be sent by December 2024 for students graduating in December 2025 and must be sent by the end of the SY 2024-2025 SY for students graduating at the end of SY 2025-2026).
 - ADE will also monitor both the notice and estimated-graduation-date requirements through

Education Law



David D. Garner
602-640-9358
[Email](#)



Lynne C. Adams
602-640-9358
[Email](#)



Kristin L. Windtberg
602-640-9367
[Email](#)



Sarah P. Lawson
602-640-9359
[Email](#)



Gloria D. Farriss
602-640-9376
[Email](#)

annual PEA assurances, due between April and June 2025.

Update Your Policies: Finally, your special education policies and procedures must be updated to reflect the new regulatory requirements, which will be included as part of ADE's programmatic monitoring for SY 2025-2026.

ADE/ESS will be hosting a public presentation on the new regulation tomorrow, **November 21, 2024**, during its Professionals Check-In. **Questions** relating to the new regulation may be submitted to ADE in advance.

If you need help updating your policies, or have other questions regarding the new regulation, please do not hesitate to contact us.



Vidula Patki
602-640-9313
Email

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2929 N. Central Ave., Suite 2000, Phoenix, AZ 85012 | (602) 640-9000 | www.omlaw.com

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