

Guidance on AB 438

Changes in Individual Transition Planning

What is AB 438?

Assembly Bill 438 (Chapter 665, Statutes of 2024) enhances transition planning for students with exceptional needs by requiring that Individualized Education Programs (IEPs) include measurable postsecondary goals and transition services by the time the student begins high school rather than at age 16 if the IEP team determines it to be appropriate. This law takes effect July 1, 2025, and aligns California with best practices from other states.

How does AB 438 impact charter schools?

Charter LEA/Districts serving high school students must begin transition planning earlier, ensuring students have access to career readiness, vocational programs, or postsecondary education planning upon entering high school. Schools must adjust their IEP development process and staffing to meet this requirement.

Should middle schools start transition planning in 8th grade?

While not explicitly required, starting transition planning in 8th-grade matriculation is strongly encouraged. It can help ease the transition into high school by giving students, families, and charter school teams more time to explore academic programs, work-based learning opportunities, and course pathways before enrollment.

It's important to clarify that in this context, "transition planning" explicitly includes the creation of an Individual Transition Plan (ITP) as defined in SEIS since the term alone might not be interpreted as encompassing the ITP.

Can high schools use the first 30 days to refine a student's transition plan?

Yes. LEA/Districts can use the first 30 days to conduct informal assessments (e.g., teacher observations, student interviews, career interest surveys). However, they must implement the IEP without delay and cannot withhold services while collecting additional data.

Are high schools or middle schools required to conduct transition assessments over the summer?

No, they are not required. However, if significant IEP changes are expected, conducting assessments during the summer can help prevent service delays at the start of the school year. Schools may use informal tools such as surveys, work-based learning evaluations, or career interest inventories with students before the fall semester.

Will schools receive state reimbursement for implementing AB 438?

If the Commission on State Mandates determines that AB 438 creates new state-mandated costs, charter schools may be eligible for reimbursement. However, no determinations have been made yet regarding specific costs.

What steps should LEA/Districts take now?

Middle schools, K-8 schools, and receiving high schools should collaborate to enhance transition planning and ensure compliance with state and federal requirements.

Key actions include:

- Middle schools should consider holding **8th-grade matriculation IEP meetings in the spring** and inviting receiving high school teams as a standard practice.
- High schools should consider **scheduling IEP amendment meetings**, which may be necessary to 1) initiate the ITP at the start of the student's 9th-grade year or 2) justify why the ITP is not appropriate at 9th grade.
- **Review and update** LEA/District IEP policy and processes to ensure compliance by **July 1, 2025**.
- **Train special education teams** on best practices for early transition planning and

assessment.

- **Identify and implement** high-quality transition assessments aligned with grade spans and student support needs to develop comprehensive Individual Transition Plans (ITPs).
- **Discuss transition pathways** during the first IEP/ITP meeting to determine an appropriate course of study, including graduation options such as a **regular high school diploma**, an **Alternative Pathway to a District Diploma** (per Education Code §§ 51225.31 & 51225.32), or a **Certificate of Completion**.
- **Engage families and students** early to align postsecondary goals with available programs and resources.
- **Expand student supports by strengthening partnerships** with the Department of Rehabilitation, Family Empowerment Centers, Regional Centers of California, local colleges, vocational programs, and work based learning opportunities.
- **Develop an extended course of studies** for students pursuing an **Alternative Pathway to a District Diploma** or a **Certificate of Completion** to ensure a meaningful and individualized educational experience.
- Ensure **appropriate course enrollment** from ages 14 to 22, focusing on standards-based coursework, transition services, and potential daily living skills supports tailored to each student's individual needs and diploma pathway.
- Provide access to **inclusive opportunities** such as general education, Career Technical Education (CTE), and potential dual enrollment.
- Strengthen **work-based learning experiences, self-advocacy instruction, and community-based instruction** to support postsecondary success.
- Implement **ongoing progress monitoring** to track student growth and make necessary adjustments to their transition plan.