



Chapter 676 Implementation During the SAU Transition: Guidance for CDS Personnel

Purpose

To clarify how Chapter 676 applies during the multi-year transition of Early Childhood Special Education (ECSE) responsibilities from CDS to SAUs.

Students Eligible Under Chapter 676

Chapter 676 permits a Kindergarten eligible 5-year-old child to remain in Early Childhood Special Education for one additional year when:

- The child turns 5 between July 1 and October 15 of the year they are eligible for kindergarten;
- The child has an active IEP through CDS;
- The child's IEP was active prior December 1 the year before they would transition to kindergarten; and
- The IEP Team makes this determination at the transition IEP team meeting

MUSER clarifies that this decision is based on what best meets the child's individual needs and is not the same as the FAPE standard—meaning a child may remain in Early Childhood Special Education even if Kindergarten could provide FAPE.

Critical Clarification: First-Year Transition Only

Chapter 676 applies only to children served by CDS. Once the FAPE offer transitions to the SAUs after the first day of the school year of the first year in cohort, SAUs may no longer use Chapter 676 to provide an additional year of preschool education.

The first year a SAU transitions:

- A 676-eligible child may still remain in Early Childhood Special Education for an additional year, but they are served by the SAU, not CDS;
- The SAU may access ECSE funding for this child;
- CDS does not provide services once the SAU assumes FAPE responsibility unless the SAU is contracting with CDS to provide special education services; and
- After the SAU's first year of implementation, Chapter 676 is no longer applicable.

Critical Clarification: What Happens After an SAU Assumes FAPE

After the first year an SAU transitions:

- Chapter 676 option is no longer available;

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- The decision to provide an additional year of Preschool is considered retention and would be subject to the SAU's local policies on retention and acceleration; and
- ESCE Funding will no longer be available to Preschool children who are retained by the SAU. The SAU will receive funding for child through the EPS funding formula.

Application by Transition Cohort

- **Cohorts 1 & 2:** Chapter 676 no longer applies;
- **Cohort 3 & 4:** Chapter 676 may apply **during the first year only**;
- **Non-transitioned SAUs:** Chapter 676 continues to apply until they assume FAPE.

Responsibilities for CDS During Transition

- Ensure families understand that Chapter 676 is limited to the SAU's first year of transition and applies only if the child meets eligibility criteria;
- Participate in IEP Team determination regarding Chapter 676 for eligible children before the transfer of responsibility;
- Document the Chapter 676 determination, based on the IEP Team's decision, using the "best meets the individual needs" standard; and
- Coordinate with the SAU for smooth transfer of responsibility.