



Understanding Eligibility for FAPE for Five Year Olds by IEP Team Determination (Chapter 676) During the Transition from CDS to Public Schools

What is Chapter 676?

Chapter 676 (20-A MRSA §7001) is a Maine law that allows some children receiving Early Childhood Special Education services through the Child Development Services (CDS) system to delay kindergarten and continue in Early Childhood Special Education services for one additional year when a child is eligible and the IEP team determines that it is in the best interest of your child.

Who may be eligible?

Your child may be eligible if:

- 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.

How This Works When Your School District (SAU) Takes Over Services

As Maine transitions Early Childhood Special Education responsibilities from CDS to School Administrative Units (SAUs), Chapter 676 continues to apply during the first year of your SAU's transition.

During this transition year:

- Your child may continue to access services under Chapter 676;
- CDS no longer provides services once your SAU assumes responsibility; and
- The SAU, not CDS, becomes responsible for providing all special education services, after the start of the school year, even if the child is still in preschool.

After the transition year:

- Because Chapter 676 was a provision established for CDS, this option is no longer available after the transition to SAUs.

Preschool Options & Placement Decisions

Your SAU may offer a variety of preschool options, including public Pre-K programs and partnerships with



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community providers. Families are encouraged to learn about these options and ask questions about what may best meet their child's needs.

Your child's IEP Team determines services and placement, including consideration of the Least Restrictive Environment (LRE) supporting your child to learn alongside typically developing peers as much as appropriate.

In summary:

Once an SAU assumes responsibility for FAPE on the first day of the school year, the SAU, not CDS, provides the services, and the Chapter 676 provision ends after the SAU's first year of assuming ECSE responsibility.

If a parent disagrees with the IEP Team's decision, dispute resolution options are available [Procedural Safeguards for Parents](#)