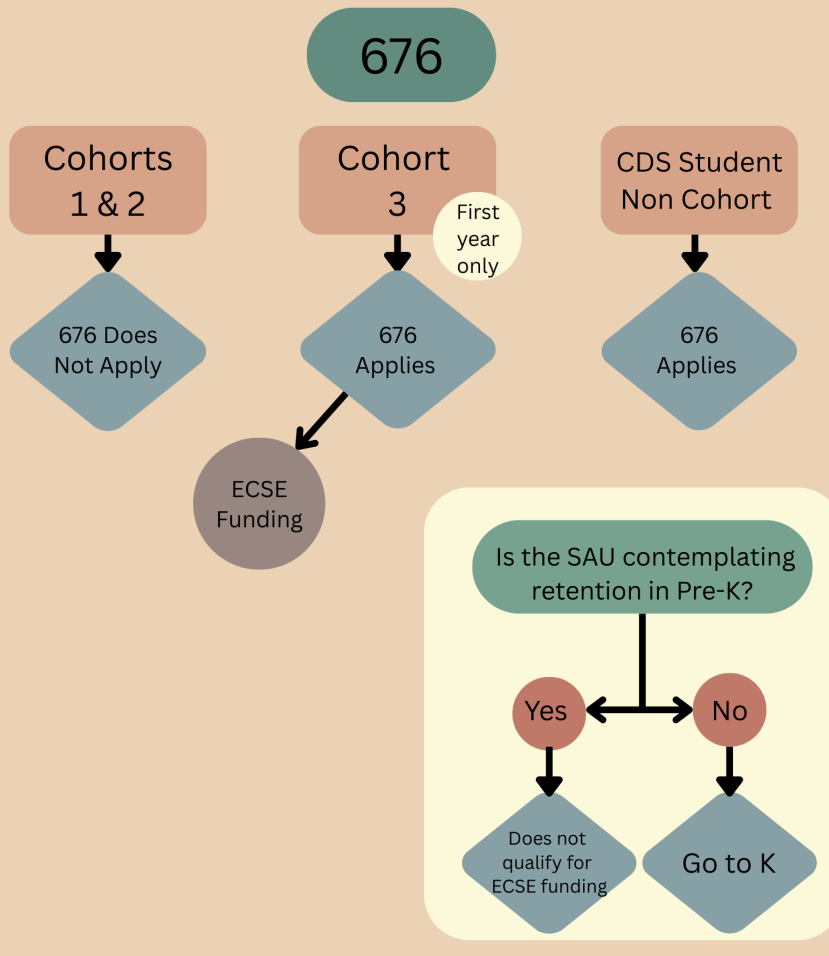


Chapter 676: What SAUs Need to Know & Do

Understanding Decision-Making, FAPE Responsibility,
and Implementation During Transition

Presented by: Office of Special Services & Inclusive Education



Goal: Build a clear, shared understanding of Chapter 676 during the ECSE transition

- Understand when Chapter 676 applies—and when it does not;
- Clarify SAU’s responsibility for FAPE and placement decisions;
- Strengthen consistent communication with families



What is Chapter 676?

Maine law (MUSER §7001(2-A)) that allows some kindergarten-eligible 5-year-olds to remain in ECSE for one additional year

◆ *Important: Chapter 676 is specific to CDS and does not carry forward once SAUs assume ongoing responsibility*

Decision is made by the **IEP Team at the transition meeting**

Based on:

- “Best meets the child’s individual needs” (not FAPE standard)

Key Point:

➔ A child may qualify for an additional preschool year *even if kindergarten could provide FAPE*

Eligibility Criteria (MUSER §7001(2-A))

A child may be eligible if:

- Turns 5 between July 1 – October 15
- Has an active IEP through CDS
- IEP was active prior to December 1
- IEP Team determines continuation in ECSE is appropriate





Critical Rule for SAUs: Chapter 676 (MUSER §7001(2-A))

Chapter 676 applies only to children receiving FAPE through CDS

A child must have been **served by CDS and included in the prior December 1 Child Count**

Chapter 676 applies **ONLY** during the SAU's first year of transition (Cohort 3 & 4)

After that first year → **676 is no longer available** (Cohort 1 & 2)

Once the school year begins:

- The SAU is fully responsible for FAPE, placement, and services
- CDS no longer provides services (unless contracted)

Who Holds FAPE?

SAU = Responsible for FAPE once school year begins

SAU is the entity responsible for:

- All IEP services
- Placement decisions
- Implementation of the IEP

CDS's role:

- Participate in transition planning
- Support coordination
- May provide services **only if contracted by SAU**

Key Point:

➔ **CDS does not make placement decisions for the SAU in anticipation of the transfer of FAPE.**



IEP Team Decision-Making



 All decisions must occur within the IEP Team meeting

Chapter 676 determination:

- Must be made **by the full IEP Team** including the parent, CDS, SAU and other providers;
- **SAU participation is required as the holder of FAPE on the first day of school;**
- No unilateral decisions—including **by the SAU or CDS outside the IEP Team**

Based on:

- Individual child needs
- Data and team discussion



Placement Decisions – What To Do

- ✓ During the IEP meeting:
 - Consider full continuum of LRE
 - Include
 - SAU's available Public Pre-K options
 - Community partner placements (if applicable)
 - Discuss how each option meets the child's needs
- ➔ Final placement must reflect:
 - IEP Team determination
 - SAU's ability to implement FAPE in LRE

Determining FAPE – IEP Team Decision

→ The SAU is responsible for providing FAPE on the first day of school

IEP Team Must Consider

- Chapter 676 continuation (preschool)
- Kindergarten placement

Key Clarification

→ In BOTH cases, the SAU provides FAPE Decision-Making

- Occurs within the IEP Team
- Based on:
 - Individual child needs
 - Data and team discussion



SAU Role in the IEP Meeting

SAUs should:

- Facilitate the IEP Team meeting and lead the discussion of placement options;
- Ensure all required SAU team members are present;
- Communicate clearly with families about:
 - Options
 - Decision-making process
- Paperwork:
 - CDS sends Awn
 - SAU sends WN and IEP amendments
 - Provide a copy of Parental Rights



Communicating with Families

Key messages to families:

- The IEP Team makes the decision—not the Parent, CDS or the SAU alone
- The SAU will become responsible for services in the fall
- Multiple placement options may be considered
- The focus is always:
 - What best meets their child's needs
 - In the least restrictive environment





After the Transition Year

- Chapter 676 is no longer available
- Any additional preschool year becomes:
 - A retention decision under SAU policy
- Funding shifts to EPS (not ECSE)

Scenario 1 Student Profile

Student Profile:

Rachel turns 5 on **September 20**

Has an **active CDS IEP** prior to **December 1**

Demonstrates:

- Strong pre-academic readiness
- Social skills aligned with peers
- Can access general education with supports

IEP Team Discussion:

Chapter 676 is **considered**

Team determines:

- Kindergarten placement **meets needs**
- LRE is general education kindergarten with supports

Scenario 1 Outcome

Outcome:

- Rachel transitions to Kindergarten with an IEP
- \$ Funding through EPS/ SAU Special Education budget

Why:

676 is an **option**—not a default

IEP Team determined kindergarten is appropriate
SAU implements FAPE in Kindergarten setting

Scenario 2: Student Profile

Student Profile:

Liam turns 5 on **September 12**

Has an active IEP prior to December 1

Currently receives ECSE services in a **small, play-based preschool setting**

Needs:

- Continued support with social communication
- Structured peer interactions
- Frequent adult prompting for regulation

SAU Perspective:

The SAU has a **public kindergarten program with supports available**

The team agrees:

- Kindergarten **can provide FAPE**
- Services and supports could be delivered in that setting

Scenario 2: IEP Team Discussion

IEP Team Discussion:

The team considers:

- Liam's progress in his current preschool setting
- His need for **developmentally appropriate instruction**
- Concerns about transitioning to a more structured environment

Key Decision Point:

Does the team choose kindergarten because it provides FAPE...
OR preschool because it **best meets his individual needs?**

Scenario 2: Outcome

Outcome:

- ✓ The IEP Team determines Liam will **remain in preschool under Chapter 676**
- \$ The ECSE Fund can be used

Why:

Chapter 676 is based on:

“Best meets the child’s individual needs” — NOT the FAPE standard

Even though kindergarten could provide FAPE:

- The team determined preschool is the **more appropriate placement at this time**


Scenario 3: Student Profile

Student Profile:

Asa turns 5 on **September 30**

Has an IEP—but:

SAU is in Year 2 of transition (not first year)

-  Prior to the IEP meeting, the SAU should recognize:
- **Chapter 676 is no longer available** for this SAU
 - **It cannot be considered as an option** during the IEP Team meeting

Scenario 3: IEP Team Discussion

IEP Team Discussion:

The IEP Team meets to:

- Review present levels
- Update the IEP
- Determine placement for FAPE

During discussion, the team (including parents) may raise:

“Would another year of preschool be beneficial?”

Scenario 3: Clarification

Key Clarification:

⚠ Retention is **NOT** an IEP Team decision

The IEP Team:

- **Does not determine retention**
- **Does not apply Chapter 676** (no longer available)

If Retention Is Being Considered:

➡ That discussion must:

- Occur **outside of the IEP Team meeting**
- Follow the SAU's **local retention policies and procedures**
- Include appropriate **educational team members and parents**

Scenario 3: Outcome

Outcome:

- The IEP Team determines:
 - Asa's **IEP and placement for FAPE**
- Separately (if pursued):
 - Retention is addressed through **SAU policy**
 - 💰 Funding through EPS/SAU Special Education budget

Why:

Chapter 676 applies **only during the first year of transition**

After that:

- It is **no longer available**
- Decisions about staying in preschool are **no longer IEP-driven**

Scenario 4: Student Profile

Student Profile:

Luna turns 5 on **September 18**

Has an active IEP prior to December 1

Currently placed in a **special purpose Pre-K program**

Needs:

- Intensive language support
- Structured routines
- Opportunities to develop peer interaction skills

Scenario 4: IEP Discussion

SAU Context:

The SAU has a **public Pre-K program** that:

- Includes **typically developing peers**
- Can provide **all required IEP services and supports**

SAU staff have:

- **Visited the current program**
- Determined they can offer a **comparable level of support**

Parents were **invited to visit the SAU's program**

IEP Team Discussion:

The team considers:

- Chapter 676 eligibility
- Luna's individual needs
- The SAU's ability to implement the IEP
- Opportunities for access to **typically developing peers (LRE)**

Scenario 4: Outcome

Determinations:

- ✓ Chapter 676 applies
- Luna will remain in **preschool for an additional year**

Placement Decision:

- The IEP Team determines placement in the **SAU Public Pre-K Program**

Why:

The SAU program:

- Meets Luna's **individual needs**
- Provides required **IEP services and supports**
- Offers increased access to **typically developing peers (LRE)**

Scenario 4: Takeaways

Funding & Responsibility:

Placement is funded through:

- **\$ ECSE Funding**

SAU provides **FAPE in the preschool setting**

SAU is responsible for:

- Services
- Placement
- Implementation of the IEP

Key Takeaway:

- ✓ Chapter 676 allows continuation in preschool
- ✓ Placement is still determined by the IEP Team
- ✓ SAUs should consider programs that **both meet needs and maximize LRE**



Questions?



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