



MAINE DEPARTMENT
OF EDUCATION

FAPE in Public Schools for Preschool-Aged Children

12-17-2025

Presented by: Office of Special Services and Inclusive Education





**Access to the General
Education Setting**

**Services in the Least
Restrictive Environment**

**Individualized Education
Program/ Individual Service
Plan**

This Guidance Clarifies:

Provision of FAPE in Public Schools for Preschool-Aged Children

- FAPE offers for SAUs with and without universal public Pre-K
- Minimum hours of general education Pre-K programming
- LRE Placement and SAU funding responsibilities within a mixed delivery system
- Conditions under which a parental placement occurs
- Mixed-delivery system includes SAUs, early care and education program partnerships in childcare and preschool settings

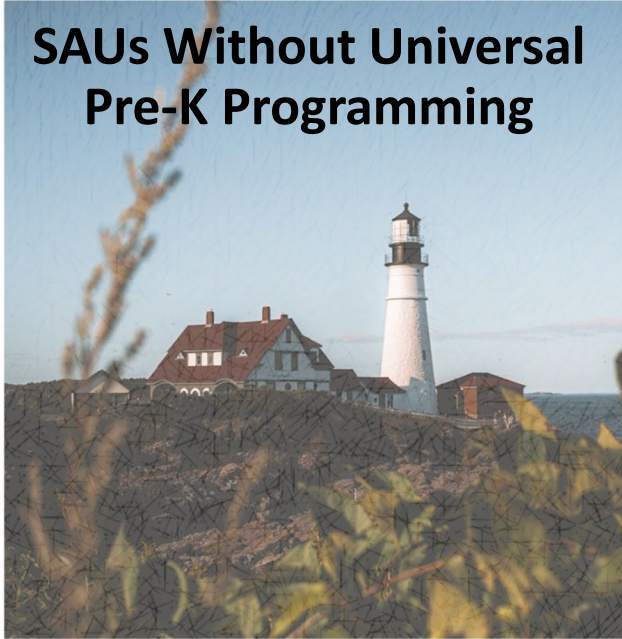


Standard Terms, Definitions, and Acronyms

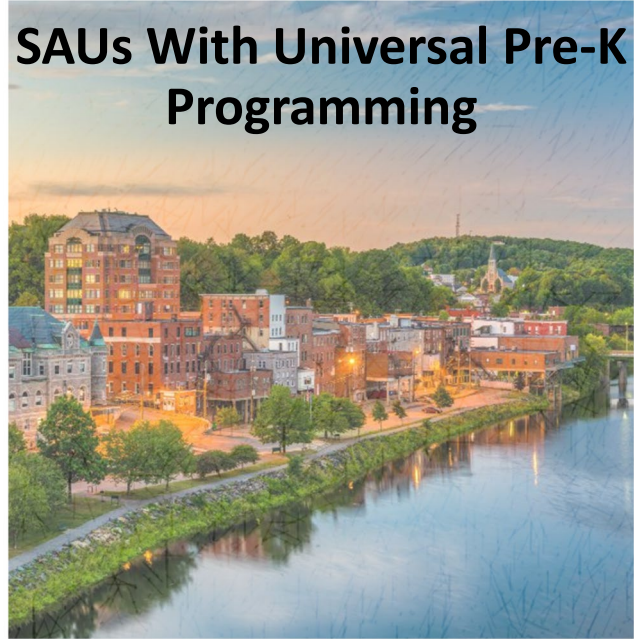
Early Care and Education Programs (ECEP)	Early Childhood Special Education (ECSE)	Free Appropriate Public Education (FAPE)
General Education Program	Mixed Delivery System (MDS)	Quality Rating and Improvement System (QRIS)
Universal Pre-K	Least Restrictive Environment (LRE)	Individual Service Plan (ISP)

FAPE Offer Requirements for Preschool-Aged Children with Disabilities

SAUs Without Universal Pre-K Programming



SAUs With Universal Pre-K Programming



Standard Features of Programs With and Without Universal Pre-K Offering a FAPE

- Instructional time for the public Pre-K program is a minimum of 10 hours per week (not including rest time) for 35 weeks.
- Public Pre-K programs operate within the 175 school days that the school administrative unit has designated as instructional time, but do not have to use all days, allowing flexibility as to the number of days per week.
- General education class composition consists of at least 50 percent of the children in the class are non-disabled.

SAUs Without Universal Pre-K Programming

- Limited number of pre-k seats
- Enrollment by procedure: lottery, first-come first first-served
- May use a mixed delivery system with programs that meet QRIS standards
 - Head Start, licensed childcare
 - Public Pre-K seats
- Offers access to general education through partnerships
 - Classroom composition 50% non-disabled peers in alignment with Chapter 124 learning standards for four-year-olds
- Ensures minimum educational hours
 - for four-year-olds (10 hours)
 - For three-year-olds (6 hours)





SAUs with Universal Pre-K Programming

Offers programming for:

Universal Pre-K—an SAU is considered to offer public Pre-K universally when it can provide general education preschool programming for:

- All four-year-old children (a child must be 4 years old on or before 10/15 of the school year, Rule Chapter 124), and;
- All three-year-old children who are eligible for special education (Maine Department of Education (DOE) guidance)
- FAPE offer reflects the general education program available to non-disabled peers:
 - Access to general education curriculum, alignment with Chapter 124 learning standards for four-year-olds
 - General education classroom composition of 50% non-disabled peers
 - May also collaborate with the mixed delivery system to support programming



Considerations for SAUs

Least Restrictive Environment

- To the maximum extent possible, children with disabilities are educated alongside typical peers.
- Placement in separate classes only allowed if disability so significant that education cannot be achieved in a regular classroom

Services on the IEP

- Frequency, intensity, and duration of special education and related services and the Pre-K programming required to implement the IEP
- Required hours (6 or 10) may be rebutted by the IEP team by:
 - Recommendation by a qualified evaluator recommendation
 - Documentation of supports attempted and rejected that support an IEP team decision that is different from the minimum FAPE offer



Parental Placement

- Parents play an important role in decisions of IEP team
- Parental Placement occurs when parent enrolls child in a program outside of the SAUs FAPE offer/mixed delivery structure
 - SAU offered FAPE
 - Parent declines FAPE offer made by the SAU for general education programming in the SAU or in a partnership location
 - Parent enrolls the child in a private program that does not meet the Star 3 Quality Rating criteria, that is outside the catchment area, and/or will not contract/collaborate with the SAU

SAU Responsibilities After Parental Placement

SAU must:

- Conduct Child Find
- Convene IEP team meetings
- Create an Individual Service Plan (ISP)
- Review the ISP at least annually
- Re-evaluate to determine eligibility at least every three years
- Implement an ISP plan with meaningful consultation

SAU is not required to:

- Pay tuition or childcare costs
- Provide staff to the parent-selected site
- Provide transportation
- Provide specially designed instruction and related services

Get In Touch

Contact Our ECSE Department

Early Childhood Special Education



Email

Jennifer.Hopkins@maine.gov



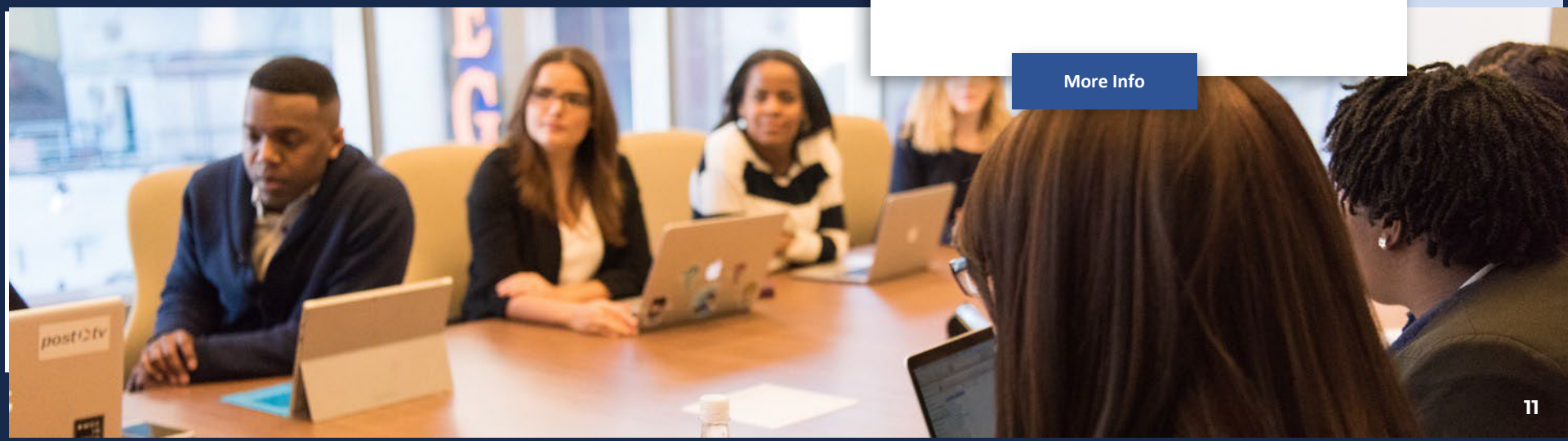
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