



ECSE Superintendents' Agreement Guidance

ECSE Transition – Cohort SAUs

Important Scope Clarification

This guidance applies only to situations involving two school administrative units (SAUs) that are both participating in the ECSE Transition Cohorts.

Superintendents' Agreements are SAU-to-SAU transfers and are not used by Child Development Services (CDS).

What is a Superintendents' Agreement?

A Superintendents' Agreement is a formal process that allows for the transfer of a student from one SAU to another. This agreement is designed to ensure that such transfers are in the best interest of the student and are mutually agreed upon by the superintendents of both the sending and receiving SAUs.

In addition, it helps to clarify which SAU is responsible for providing and funding special education services while ensuring the child continues to receive Free Appropriate Public Education (FAPE).

Purpose of This Guidance

This document provides guidance for SAUs participating in the Early Childhood Special Education (ECSE) Transition Cohorts when a child with an Individualized Education Program (IEP) wants to attend or continue to attend a preschool program outside their resident SAU.

In these situations, a Superintendents' Agreement helps document roles, responsibilities, and service expectations across SAUs and supports a smooth experience for the family.

When is a Superintendents' Agreement Typically Used?

A Superintendents' Agreement is generally appropriate for the following conditions:

- The child lives in **SAU A** (resident SAU);
- The child attends a Public Pre-K program or early care and education program (3 Star) located in **SAU B** (out of SAU A catchment area);
- The placement is selected by the parent/guardian; or
- The resident SAU does not have available space in a program within its catchment area; and
- Special education services are needed to implement the child's IEP.

Common examples include, but are not limited to, the following:

- A program closer to a parent's workplace
- A family preference for a specific preschool program
- Limited preschool options within the resident SAU



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Why Use a Superintendents' Agreement?

The agreement helps:

- Clarify which SAU provides services
- Align funding with the SAU providing FAPE
- Reduce confusion for families and staff
- Support collaboration between SAUs

Funding and FAPE Responsibility

When a child attends a preschool program outside of their resident SAU's catchment area and a Superintendents' Agreement is in place, responsibility and associated ECSE funding for FAPE transfers to the receiving SAU for the duration of the placement.

A Superintendents' Agreement does not change eligibility determinations. The receiving SAU assumes responsibility for the oversight and implementation of FAPE while the Superintendents' Agreement is active.

Duration and Annual Review

A Superintendents' Agreement is approved for one school year at a time. The agreement must be reviewed and approved annually by both SAUs.

Approval in one year does not guarantee that a Superintendents' Agreement will be approved in a future year. Please be aware that Superintendent Agreements are good for one school year. A parent/guardian must apply for a new one each year and there is no expectation that an agreement will be approved in subsequent years.

Transportation

Transportation is not automatically provided as part of a Superintendents' Agreement.

However, if the agreement is in place because the resident SAU does not have an appropriate preschool program available within its catchment area, transportation may be arranged by the resident SAU.

The Superintendents' Agreement itself does not automatically create a transportation obligation.

Non-Cohort SAU (CDS Responsibility)

If a child attends a program in a non-cohort SAU, the following apply:

- The child remains under CDS responsibility for FAPE.
- Superintendents' Agreements are not used.
- CDS oversees IEP implementation, service delivery, and funding.

This is considered a CDS-supported placement within the mixed delivery system and not a SAU-to-SAU placement.