
Court Ordered Placement

NHED FACT SHEET



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Court Ordered Placement Payment Procedures

This fact sheet provides clarification of the responsibilities of the local school district with regard to the Court Ordered Placement (COP) payment process and provision of court orders to the Department of Education. The regulations of the COP payment process are provided in the *NH Education Laws and the NH Standards for the Education of Children with Disabilities*. The procedures are provided in the *New Hampshire Department of Education, Bureau of Student Support, Court Ordered Placement Procedures Manual*.

<https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/cop-manual-updated-06-23-2021.pdf>

Liability for Children with Disabilities in Certain Court Ordered Placements

RSA 186-C:13, III states that “the sending district shall be notified of a court ordered placement of a child adjudicated under the provisions of RSA 169-B, 169-C, or 169-D, and may submit recommendations to the court concerning the financial impact of the placement on the sending district and the appropriateness of the placement.”

The local school district may also submit recommendations to the Court regarding the financial impact of the placement on the sending district and the appropriateness of the placement. The school district is responsible for ensuring the provision of:

- The Individualized Education Program (IEP).
- The Individuals with Disabilities Education Act (IDEA).
- Funding the child’s special education or special education related services.

The school district must ensure that it receives a copy of the court order and uploads the court order into the NH Special Education Information System (NHSEIS). The Court order is part of the documentation necessary for the district to receive COP reimbursement payment. COP reimbursement payment areis intended to alleviate the impact of Court Ordered Placements costs on the district’s budget.

RSA 186-C:19-bII (a) states that “[a]ny costs of special education or special education and related services in excess of 3 times the estimated state average expenditure per pupil for the school year preceding the year of distribution shall be the liability of the department of education. Costs for which the department of education is liable under this section shall be paid to education service providers by the department of education. The department of education shall develop a mechanism for allocating the funds appropriated for the purposes of this section.”

The mechanism for allocating funds, developed by the Department of Education, as set forth in Ed 1127 of the *New Hampshire Standards for the Education of Children with Disabilities*, and the *NH Court Ordered Placement Procedures Manual*, requires that:

- School districts make an application to NHED for financial assistance (Ed 1127.02(a)).
- School districts furnish NHED with written evidence that a child is in placement for which the NH Department of Health and Human Services, Division of Children, Youth and Families (DCYF) has financial responsibility (Ed 1127.02(c)(1)).
- Court orders be provided to NHED for eligibility of COP payments (*New Hampshire Department of Education, Bureau of Student Support Court Ordered Placement Procedures Manual*, page 4).

The district of liability is not eligible for COP payments and is responsible for providing payment of costs to the service provider during:

- Any period of time that a student's records are out of compliance.
- A student's Individualized Education Program (IEP) does not align with a court order.
- A court order cannot be produced as part of the application.

Questions can be directed to info@doe.nh.gov