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Bureau of Special Education Support FY'23 Memo #10

Date: September 16, 2022

To: Superintendents of Schools  
Administrators of Special Education

From: Office of the Commissioner of Education  
Division of Learner Support  
Bureau of Special Education Support

Re: Eligibility for Court Ordered Payment(s) (COP) – School Year 2022 –2023 (July 1, 2022 to June 30, 2023)

The New Hampshire Department of Education (NHED), Bureau of Special Education Support (Bureau), is offering guidance to districts applying for court ordered payment(s) for 2022-2023. The Estimated Cost per Pupil Tuition for Fiscal Year 2023 has been established at \$17,985.66. Use the figure of \$53,956.98 for 3 times the estimated cost per pupil.

All invoices for the 2022-2023 review year must be submitted to the Bureau of Special Education Support by **August 15, 2023** for review and payment. Invoices submitted after this date will not be processed.

GENERAL INFORMATION

In order to qualify for court ordered payment(s):

1. The student must have a court order(s) covering the school year and placing them at a residential school, foster care, or group home.
2. Students must have been placed in special education programs for their disability that have been approved for special education by the New Hampshire Department of Education (NHDOE).
3. The Department of Health and Human Services (DHHS) must have financial responsibility for the residential cost of the student.
4. The student must not be attending a public school.
5. School districts must have entered in the New Hampshire Special Education Information System (NHSEIS) student evaluation and placement data. The data must be in compliance with the requirements of the New Hampshire Standards for the Education of Students with Disabilities (effective March 24, 2017).

**TDD Access: Relay NH 711**

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6. The cost to the district for implementing the student's Individualized Education Program during the 2022-2023 school year must exceed 3 times the estimated State average cost per pupil. The student may have been placed in more than one (1) program during this period, in which case costs are cumulative. This includes approved Special Education Extended School Year (July 1, 2022 to August 31, 2022).
7. For any student eligible for court ordered payment(s), the district obligation of 3 times estimated State average cost per pupil will be paid only once, even if that student transferred to one or more school district(s) during the school year.

#### APPLICATION FOR COURT ORDERED PAYMENT(S)

1. Districts must enter the court placement date and begin date in the student's information section of NHSEIS prior to entering the student's invoices.
2. Districts must enter all invoices, by line item, for each student whose cost exceeds 3 times the estimated state average cost per pupil, of \$53,956.98.
3. Districts must submit a copy of the court order(s) for placement that pertains to the 2022-2023 school year.
4. On copies of submitted invoices that are at cap or beyond cap, districts must print clearly on the invoice the amount the district is responsible to pay and the amount the NHDOE is responsible to pay.
5. Costs for students whose data is found in non-compliance with the NH Rules for the Education of Children with Disabilities will not be computed for court ordered payment(s).
6. It is the district's responsibility to maintain accurate fiscal records of invoices and vouchers for audit purposes.
7. To assist in the review of the student's invoices, you may indicate on the invoice when a session is a make-up session.
8. Costs which exceed rates established by the NHDOE will be disallowed, the NHDOE will only allow for the established rate. For students who are placed out-of-state, the NHDOE will consider the established rate, which is the rate set by the State's Department of Education.

#### ALLOWABLE COSTS

1. Costs will be considered allowable if they are a direct service to the student.
2. For private special education programs, rates have been established by the NHDOE. The rates are the maximum costs which will be allowed when figuring the court ordered payment(s) calculations.
3. Before the NHDOE processes court ordered payment(s), it is the responsibility of the district to make all payments to vendors for direct services provided up to the meeting of the cap and resolve any overpayment of services to vendors.

#### DISALLOWED COSTS

1. Costs on invoices for services not found in a student's IEP; cost on invoices for which there was no consent in the IEP and costs on invoices for excess services not found in the child's IEP.
2. Student is in a placement not approved for his/her disability.
3. Placement is not in the student's IEP for the timeframe of the invoices submitted.
4. The NHDOE will not consider costs for administrative function of personnel. Administrative functions can include, but not limited to: cost to attend meetings, writing of reports including IEP's, development and analysis of data.

#### TIMELINES FOR COURT ORDERED PAYMENT(S)

Districts should be entering court ordered payment(s) data into NHSEIS on a monthly basis. The NHDOE is available to assist districts and provide technical assistance throughout the year in the court ordered payment(s) process.

When the student has reached cap, school districts shall submit special education service provider's invoices to the NHDOE within 30 days of receipt of such invoice.

- A copy of all invoices used to meet cap for the 2022-2023 school year.
- A copy of **all court order(s)** that cover the school year.
- When more than one service provider is used in meeting cap, please fill out the Cost Verification Form on last page of the Court Order Placement Procedures Manual and send the form to the NHDOE.

The NHDOE will then verify the cost, and distribute payments to the education service provider, within 60 days of receipt of invoices from the school district. The information submitted must be accurate in order to process the payment(s).

Submissions for court ordered payments must be for expenses beyond cap within the current review year. Submissions for prior school years are no longer being reviewed.

If you had an eligible court ordered student move into, or from your district during the 2022-2023 school year, please notify Tamela Dalrymple at 271-6056.

The deadline for all invoices to be submitted for the 2022-2023 review year is **August 15, 2023**. **Invoices submitted after this date will not be reviewed or paid.**

Please refer to the Court Ordered Placement Manual for further instructions and clarifying information <https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/cop-manual-updated-06-23-2021.pdf>

Questions regarding the court ordered placement payment process may be addressed by contacting Tamela Dalrymple at (603) 271-6056 or [Tamela.Dalrymple@doe.nh.gov](mailto:Tamela.Dalrymple@doe.nh.gov).