

**WARDS OF THE COURT (BIRTH-21)
PLACED IN A DISTRICT OTHER THAN THE
DISTRICT IN WHICH THE STUDENT
BECAME A WARD:**

Student is NOT placed in a foster home or foster family home licensed or approved by DHHS –

The costs of the student’s education and transportation are paid by DHHS (but not in advance) to the receiving school district which must enroll the student. The student remains a resident of the district s/he resided in at the time s/he became a ward and that district is responsible for development of the IEP.

Student IS placed in a foster home or a foster family home licensed by DHHS -

Is a resident of the district in which the student resided at the time the student became a foster child and that district develops/implements the IEP/IFSP and claims reimbursement for special education costs through the normal reimbursement procedures.

However

If it is determined under 43-1311 or 43-1312 that the student will not attend such district, the student will be deemed a resident of the district in which the foster family home is located and that district shall develop/implement the IEP/IFSP and claim reimbursement for special education costs through the normal reimbursement procedures.

Student is placed in an institution which maintains a special education program approved by NDE and not owned by the district in which the student resided at the time s/he became a ward –

The student remains a resident of the district in which s/he resided at the time s/he became a ward. The resident district develops the IEP which is implemented by the institution. Education costs paid by DHHS (but not in advance) to the institution implementing the IEP.

43-1311 provides “. . . immediately following removal of a child from his or her home pursuant to section 43-284, the person or court in charge of the child shall: 1) Conduct or cause to be conducted an investigation of the child’s circumstances designed to establish a safe and appropriate plan for the rehabilitation of the foster child and family unit or permanent placement of the child; 2) Require that the child receive a medical examination within two weeks of his or her removal from his or her home; 3) Subject the child to such further diagnosis and evaluation as is necessary; and 4) Require that the child attend the same school as prior to the foster care placement unless the person or court in charge determines that attending such school would not be in the best interests of the child. ”

**WARDS OF THE COURT (BIRTH-21)
PLACED IN THE SAME SCHOOL DISTRICT
AS THE DISTRICT IN WHICH THE
STUDENT BECAME A WARD:**

If the student is NOT placed in a foster family home or foster home the district in which the ward is residing develops and implements the IEP. The resident district pays for education costs and claims reimbursement through the normal reimbursement procedures.

If the student IS placed in a foster home or family foster home –

Student is deemed a resident of the district in which the foster family home is located. The resident school district develops and implements the IEP/IFSP. The resident district pays for the special education costs and claims reimbursement through the normal reimbursement process.

If a student is placed in an institution which maintains a special education program approved by NDE and not owned by the district in which the student resided at the time he became a ward –

The district in which the institution is located is responsible for development of the IEP which is implemented by the institution. Education costs are paid by HHS (but not in advance) to the institution. The student remains a resident of the district in which he resided at the time he became a ward.