

Missouri School Enrollment: A Know-Your-Rights Guide for Students and Caregivers



A 2025 Resource
from the Education
Justice Program at



We Act for others
We are a voice for Justice
Our actions provide Hope
to those we serve



CONTENTS

Who We Are	ii	Enrollment for Students in Foster Care	15
Contents	1	Rights Under Federal Law	15
About Us	2	Rights Under State Law	16
Acknowledgements	2	Other Special Enrollment Categories	17
Introduction	3	Military Families	17
Basic Tips	4	Families Owning Property in Two or More Districts	17
Overview of Enrollment Rules	5	Students in Districts That Have Lost Accreditation	18
Residency: The General Rule	5	Charter Schools	18
Proof of Residency Required	5	How to Use This Appendix	19
Proof of Residency: Exceptions	5	Appendix 1: School Enrollment Flowcharts	19
The Enrollment Process	6	Flowchart 1	20
A Note on Student Discipline, Law Enforcement, and Enrollment	6	Flowchart 2	21
Documenting Proof of Residency	7	Flowchart 3	22
A Note on Affidavits	7	Flowchart 4	23
Proof of Residency Waivers	8	Flowchart 5	24
Legal Consequences for Not Being Truthful About Residency	8	Flowchart 6	25
Enrollment Based on Domicile	9	Appendix 2: Frequently Asked Questions	26
Defining “Domicile”	9	Appendix 3: Additional Resources	28
Establishing Domicile and Moving to or from a School District	9	Citations	29
When a Student’s Own Domicile Is What Matters	10		
A Note on Immigration Status	10		
A Note on Children of Divorced or Separated Parents	10		
A Note on Non-Parent Guardians and Caregivers	11		
Enrollment for Students Experiencing Homelessness	12		
Missouri Proof of Residency Exception	12		
Federal Protections: The McKinney-Vento Act	12		
Who Is Covered?	12		
Enrollment Responsibilities of Schools	13		
Enrollment in the Student’s Best Interest	13		
Dispute Resolution	14		



Legal Services of Eastern Missouri advances justice through legal representation, education and supportive services. We partner with the community to improve lives, promote fairness and create opportunities for those in need.

ABOUT US

The Education Justice Program (“EJP”) at Legal Services of Eastern Missouri targets the root causes of education inequity in Missouri through systemic advocacy, helping children and youth receive a quality education whether they are in school, suspended, or expelled. As part of its mission, EJP:

- works to disrupt the “school to prison pipeline” which is a pattern of pushing students out of school and toward the criminal court system
- ensures that every child receives a good education, in a safe school, no matter what they look like or where they are from
- uses a race equity lens, meaning that we strive to decrease existing racial disparities in school access and outcomes
- centers community voices in our community lawyering model

EJP’s publications provide a general statement of the law. However, each situation is different, and this guide does not constitute legal advice. If you still have questions about your particular situation after reading this guide, contact EJP’s Tipline at 314-256-8789 or email us at ejp@lsem.org – or contact another attorney of your choice.

EJP’s website is <https://lsem.org/education-justice-program>. Additional know-your-rights information about school access and school discipline can be found on our EdRights App at <https://edrights.lsem.org>.

ACKNOWLEDGEMENTS

This guide is a response to the Missouri families who have generously shared their stories with us. It was compiled by Amanda Schneider, Managing Attorney, and Hopey Fink, Staff Attorney, of the Education Justice Program of Legal Services of Eastern Missouri. We would also like to thank former Staff Attorneys, Elizabeth Vandenberg and Joshua Saleem; former Social Worker, Christina Brimm; and our law student interns, including members of the Washington University School of Law Civil Rights and Mediation Clinic, who contributed their efforts to this publication. Legal Services of Eastern Missouri also wants to acknowledge Elanda Williams (editing) and Madeline Haraway (design) for their technical assistance with the publishing of the guide.





INTRODUCTION

Every child of school age who is a resident of Missouri has a right to public education. Understanding how to enroll your child in school to access that education is very important, but it can be confusing at times. This guide is designed to help students and their caregivers through the enrollment process. It also explains concepts related to school residency laws.

Every family looks different, so this guide uses the term “caregiver” when possible to include the parents, guardians, grandparents, aunts, uncles, foster parents, step-parents, and friends who take care of children in different arrangements. However, there are some places where the law gives special protections to parents and legal (court-appointed) guardians, and this guide uses those terms where necessary to accurately explain the law. This guide attempts to explain complicated concepts, but it does include other legal terms throughout so that families can understand and feel empowered to use the exact legal language that might be helpful in their situation.

This guide will help you:

- Understand Missouri’s school enrollment laws
- Navigate proof of residency and exceptions
- Learn about special rules for foster students, military families, and homeless students
- Find out what to do if you’re facing enrollment challenges

BASIC TIPS

- ❑ Pay attention to any information about enrollment sent by your school district over the summer, and update your contact information with the school district if needed.
- ❑ Go to your school district's website to find out how to enroll. If you're unsure how to enroll or don't have proof of where you live, especially if your family is experiencing homelessness, look for the "Homeless Liaison" or "Students in Transition" office for help. They can guide you through the process. If a school district refuses to enroll your child because you are not able to show certain documents, you might qualify for protections for students experiencing homelessness. Ask to speak with the enrolling school district's "Homeless Liaison" or "Students in Transition" office, or contact the Missouri Department of Elementary and Secondary Education Director of Homeless Education at (573) 522-8763 (as of 2025, Tera Bock, tera.heck@desse.mo.gov), if you are unsure whether you qualify.
- ❑ If you need assistance with online forms or if you are being required to come in person to enroll and do not have transportation, contact your school district – help should be available.
- ❑ Keep written documentation of all contact with the school district, including any paperwork or proof of residency documents that you submit.
 - If your child misses school because of problems with enrollment, keep a record of the hours and/or days they missed. You may be able to ask for extra help (compensatory services) to make up for lost time.
 - Save any emails, texts, or letters you have with people in the school district. If you must talk on the phone, take notes on the date of your call, who you spoke with, if you were transferred to another person, and what was discussed.



OVERVIEW OF ENROLLMENT RULES

Residency: The General Rule

Missouri's Constitution guarantees "free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law."² What this means is that every child who resides in Missouri can attend public school for free. In Missouri, a public school student is generally expected to enroll in the school district where they are a **resident**.

In this context, the term "residency" means physically residing in a school district and having it as your domicile. But what is a **domicile**?³ The Missouri Department of Revenue says a domicile is the place you plan to make your permanent home – the place you always come back to.⁴ A person can only have one domicile at a time. If you're under 18, your domicile is wherever your parent's or legal guardian's domicile is.⁵ See the "[Enrollment Based on Domicile](#)" chapter for more information about domicile.

Proof of Residency Required

To register a student in public school, their parent or legal guardian must generally provide **proof of residency** in that school district.⁶ (Alternatively, you can show proof that one or both of the student's parents are being relocated to Missouri under military orders, or proof that you have requested a residency waiver within the last 45 days.)⁷ What you need to show as proof of residency varies by district, but it should never create enrollment barriers for students who are district residents. Proof of residency can include things like a utility bill, lease, or other paperwork that shows your address. See "[The Enrollment Process](#)" section for more information about proof of residency and residency waivers.

Proof of Residency: Exceptions

Although the general rule is based around residency, showing proof of residency is not required in certain situations. A student should be allowed to enroll in school without providing proof of residency or a residency waiver if they fall under one of the following categories:

1. *Students who are experiencing homelessness or in transition* (as defined in law).⁸ Sometimes this includes situations beyond what you might think of as "homeless." See the "[Enrollment for Students Experiencing Homelessness](#)" chapter for more information about this exception and the additional protections that these students have under federal law.
2. *Students participating in an inter-district transfer program* established by a court order, such as the Voluntary Interdistrict Choice Corporation ("VICC") or desegregation or "deseg" program.⁹
3. *Students who are wards of the state (in foster care) placed in a residential care facility* by state officials.¹⁰
4. *Students placed in a residential care facility due to mental illness or developmental disability*.¹¹
5. *Students placed in a residential facility* by a juvenile court.¹²
6. *Students with a disability* if they are in the district for reasons other than accessing the district's educational program.¹³
7. *Students attending a regional or cooperative program* or an alternative program on a contractual basis.¹⁴
8. *Students attending a school in an adjoining district due to a "transportation hardship"* that has been approved by the commissioner of education.¹⁵
9. *Students who are orphan children, children with only one parent living, or children whose parents do not contribute to their support* if they are between the ages of six and twenty years and are unable to pay tuition. Note: students in this category are allowed by law to attend school in any district in the state where they have a permanent or temporary home.¹⁶

Additionally, families who own residential or agricultural property in more than one school district can send their children to a school in either school district. This is allowed if the parents pay school tax for a school district other than the one their students attend.¹⁷

School districts may also choose to admit other non-resident students at their discretion. These students may be asked to pay a tuition fee.¹⁸ Some school districts grant free enrollment to the children of employees regardless of where they live.¹⁹

The Enrollment Process

The actual process of enrolling in school varies from district to district. Before you enroll a student, it may be helpful to review this guide to be sure you understand which rules may apply to you and your child. That way, you can be prepared with any documents you may be required to submit.

You should be able to find information for your district's enrollment process online (often under a "Student Enrollment" page) and/or by calling the registrar or secretary at your child's school. Although many districts have shifted to online enrollment platforms, you can always request assistance or accommodation if you are unable to register online. Similarly, if a school district requires you to come in person to enroll your child and you lack transportation to get there, you can request assistance or an alternate enrollment method.

If you do not speak English as your primary language or you have a limited ability to read, speak, write, or understand English, you can request interpretation and translation services provided by the school, or you can bring your own translator.²⁰

Some districts have a registration window in the summer when most enrollments occur. However, your child has a right to enroll in public school at any time in the school year. Note: some public magnet and charter schools have specific applications and/or enrollment processes that may have deadlines, but these deadlines should not prevent a student experiencing homelessness from enrolling in any such school.²¹

A Note on Student Discipline, Law Enforcement, and Enrollment

If the school district has reason to suspect that enrolling a student will create an immediate danger to the safety of other students and employees, then the superintendent or their designee must hold a hearing within five working days of the request to register.²² Following the hearing, the superintendent or their designee may determine whether or not to allow the student to register.

In addition, within two business days of when a student is registered in a new school, the school official who enrolls the student needs to ask for certain records from any school the student previously attended within the last year.²³ These records include those necessary for transferring to a new school, as well as certain discipline records (those related to "acts of violence" as defined by the school board).²⁴ Each previous school district has five business days to respond to the new school's request.²⁵

If the student has been suspended or expelled from their previous school for an act of school violence, the new district must hold a conference to review the conduct that resulted in the expulsion or suspension in order to determine if the new district would suspend or expel for similar conduct.²⁶ This conference should include the relevant school officials familiar with the conduct, the student, and their parent or guardian, all of whom should receive notice of the time, place, and agenda for the meeting.²⁷ At the conference, everyone will discuss any actions needed to prevent the conduct from occurring again in the future.²⁸

There are certain instances where a student may be prevented from enrolling in the regular education program if they have committed a very serious act.²⁹ And even for suspensions and expulsions for conduct not classified as an "act of violence," the new school district may decide to uphold the previous district's suspension or expulsion if the conduct would have led to a suspension or expulsion if it had happened in the new district.³⁰ But students always have a right to alternative education even in these circumstances.³¹

Documenting Proof of Residency

As discussed on page 5, proof of residency is required upon enrollment unless a student falls into an exception category. But what types of documents might be required to show proof of residency in a district?

In Missouri, there is no clear guidance from the state on what a district must require as proof of residency. The Department of Elementary and Secondary Education (“DESE”) says that residency “may be verified” by a signed statement or affidavit relating to residency, lease or rent receipts, or a copy of an occupancy permit where appropriate.³² You should check your own district’s policies. Districts may require a lease, deed, utility bill, or some combination of documents like these in the name of the parent or legal guardian of the student. For example, many districts have two types of documents you can use: **Category A** (like a lease or mortgage) and **Category B** (like a utility bill). You will often need to provide one document from each category. Be sure to check your school district’s specific requirements.

You should know that the district may attempt to verify the documents you submit. If you have documents with conflicting information (for example, a driver’s license that shows an address in the district but your name on a utility bill outside the district), be prepared to explain the discrepancy. While schools can generally share “directory information”³³ like student names and addresses with third parties without parental consent, they should never share a student’s social security number, student identification number, or education records such as discipline records unless the parent or guardian has consented. Schools should also never share information with a third party (such as a landlord or utility company) about the living situation of a student who is potentially experiencing homelessness.³⁵

A Note on Affidavits

If you can’t show lease or deed documents, the district might ask you to complete a residency affidavit. This is a sworn statement that your student resides in the district. It typically needs to be signed and notarized by the person whose name is on the deed or lease where the student is staying. To get an affidavit notarized, you will need to sign the affidavit in front of a notary. A notary is a person certified by the Missouri Secretary of State to serve as an impartial witness. You can sometimes find a notary at your child’s school; otherwise, you may need to look at your local public library, bank, UPS store, or elsewhere.



Sometimes districts investigate families who enroll using affidavits throughout the year using a variety of methods to make sure the student actually resides where they say they reside. Depending on the situation, this may be unlawful. If you are concerned about a residency investigation, consider contacting an attorney to better understand your rights.

Before requiring you to use an affidavit for enrollment, your district should ask you whether your student lacks a fixed, regular, and adequate nighttime residence to determine if they are covered by the McKinney-Vento Act’s special protections for students experiencing homelessness. In EJP’s experience, many situations where a district asks for an affidavit may actually meet a residency exception.

Proof of Residency Waivers

There is a second route to enrollment if you do not meet an exception to the proof of residency rule. You can request a waiver from the district on the basis of “hardship or good cause.”³⁶ Districts may call this a “special enrollment waiver” or a “residency waiver” or a “hardship waiver.” What constitutes “hardship or good cause” is determined by local school districts.³⁷ Most school districts agree that good cause includes situations where the student lives in the district for reasons outside of education. Athletic ability is never a valid basis of hardship or good cause.³⁸ See the “[Note on Non-Parent Guardians or Caregivers](#)” section for information about one situation where districts often ask for waivers – when a child lives with a caregiver who is not their parent, court-appointed legal guardian, or military guardian.

Once the waiver has been requested, the district has 45 days to hold a hearing to determine whether the student can be admitted without proof of residency because of hardship or good cause.³⁹ Depending on the district, the student may be allowed to enroll and attend school until the board of education grants or denies the waiver request.

If you are not satisfied with the school board’s decision regarding your waiver request, you have the right to appeal the decision to the circuit court in the county where the school district is located.⁴⁰

Note: if you are experiencing homelessness, the district should not ask you for a waiver; instead, they must follow the special protections under the McKinney-Vento Act.



Legal Consequences for Not Being Truthful About Residency

We understand that parents and caregivers are often just trying to make the best decisions for their children, especially when navigating difficult situations. It’s important, however, to be truthful about your situation. The law does not protect those who are not truthful about their residency status. Under Missouri statute, any person “who knowingly submits false information to satisfy any [residency requirement] is guilty of a class A misdemeanor.”⁴¹ In addition, the school district may file a civil action against such a person for the total cost of tuition, which can be tens of thousands of dollars.

While actual criminal charges or tuition lawsuits are not very common, districts sometimes threaten to take action for “educational larceny” or “enrollment fraud” if they suspect a family is not being truthful about their residency status. This is why it is important that you are truthful about your situation and explain any conflicting information that may arise. If you are being threatened with criminal charges or a tuition lawsuit and you have been truthful about your residency, you may want to consult with an attorney, who can advise you on your rights.

ENROLLMENT BASED ON DOMICILE

This section provides more detailed information about enrollment based on domicile, which is the default basis for enrollment. For many students, determining residency based on domicile is very straightforward. But there are also situations that can be very tricky! If you have questions about your individual situation and/or concerns about how your school district is handling your enrollment determination based on domicile, consider consulting an attorney.

Defining “Domicile”

As we discussed on page 5 in the [“Residency: The General Rule”](#) section, students have the right to attend school where they (1) physically reside AND (2) are domiciled.⁴⁴ The law assumes that these are typically the same thing, but while a person can have multiple residences, they can only have one domicile. (Remember, your domicile is your permanent home, where you live and plan to stay, where you return to when you’re away.)

The law also says that the domicile of a minor child (under age 18) is the domicile of their parent, military guardian, or court-appointed legal guardian.⁴⁵ This can be confusing because not all children live with their parents or legal guardians. For example, a child might live with a relative who hasn’t officially become their legal guardian through the court. However, the parent or legal guardian’s domicile is what determines a child’s domicile in the eyes of the law. If you are in this situation, it is important that you check the categories listed in the [“Proof of Residency: Exceptions”](#) section above to see if you may qualify for an exception. If you are certain that you do not meet any of the categories listed in the proof of residency exceptions and are not a family that is in transition or experiencing homelessness, you may also consider requesting a residency waiver. See the [“Proof of Residency Waivers”](#) section for more information. For the purposes of the rest of this section, you should assume that when we use the term “domicile” for a child we are referring to the domicile of their parent or legal guardian.

So what exactly is domicile? It isn’t actually defined in the education context under Missouri law. According to the Missouri Department of Revenue, domicile is the place an individual intends to be their permanent home – the place where they intend to return whenever they’re absent.⁴⁶



Establishing Domicile and Moving to or From a School District

Establishing a domicile requires more than just wanting to live somewhere permanently.⁴⁷ It’s about showing that you have the intent to live at that address permanently, for an indefinite period of time.⁴⁸ Changing domicile after moving follows these same rules. A person must actually live in the new place AND plan to stay there permanently, with no intention of returning to their old home. This is what “proof of residency” documents hopefully show.

Being physically present at a new residence is typically required to establish a domicile and enroll a student. However, many school districts have rules that let families enroll early if they can show proof of a future domicile within the district.⁴⁹ This could be a signed sales contract or a date when the family plans to move in. Students moving out of the district may be allowed to finish a school year in the district if the move occurs within a specific time period before the end of a school year. If you have questions about your school district’s policies related to future domicile and enrollment, check the district board of education website.

When a Student's Own Domicile is What Matters

Under Missouri law, students 18 years or older are considered adults and may legally establish residence and become domiciled in any district within the state.⁵⁰ Their residency status is determined by their own place of domicile, not that of their parents or legal guardians.⁵¹

Even for some students under 18, residency status can be determined by a student's own place of domicile when they meet the criteria for "qualified minor" status.⁵² A "qualified minor" refers to someone who is 16 or 17 years old and does not have the support of a parent or guardian.⁵³ They must meet specific criteria, such as experiencing homelessness or surviving domestic violence, and they cannot be under the supervision of the Children's Division (e.g., in foster care) or under the jurisdiction of a juvenile court (e.g., in a residential juvenile facility).⁵⁴ In addition, they will need consent from a parent or guardian.⁵⁵ Consent can be provided as a verbal or written statement, or it can be implied by the actions of the parent or guardian.⁵⁶ Implied consent can be established when a parent or guardian has abused the child, refused to provide financial support, or denied access to their home.⁵⁷ A signed letter from a non-profit service provider, school employee (such as a school district liaison for homeless children, school counselor, or social worker), or an attorney representing the child can also serve as proof of implied consent.⁵⁸ Once these requirements have been met, qualified minors can enroll themselves in a high school or postsecondary school.⁵⁹

A Note on Immigration Status

The United States Supreme Court has held that states and local school districts cannot deny public school enrollment to undocumented immigrants.⁶⁰ During enrollment, school districts should not ask questions that could "create a chilling effect and discourage students and families from enrolling in school."⁶¹ In addition, school districts should not deny a student's enrollment due to a lack of a lack of a birth certificate or social security number.⁶² The Missouri Department of Elementary and Secondary Education ("DESE") has stated that they do not collect information on the legal basis for any student's current residence in the United States.



A Note on Children of Divorced or Separated Parents

As part of divorce or legal separation proceedings, parents are required to submit a proposed parenting plan which should include custody and parenting time, decision-making rights and responsibilities, how disputes will be resolved, and the amount of child support.⁶³ The court must then make a custody decision, with joint custody generally considered to be in the best interest of a child.⁶⁴ Joint legal custody allows parents to make decisions together about the child's health, education, and welfare.⁶⁵ Joint physical custody means the child spends time with each parent, though not necessarily equal time.

When joint physical custody is awarded, only one parent's address will be designated as the address of the child "for mailing and educational purposes."⁶⁶ Unless otherwise determined in the parenting plan, this is the address used to determine where a child should attend public school. When this address is an issue, the courts use a "best interests of the child" standard to make a decision.⁶⁷

A Note on Non-Parent Guardians and Caregivers

Unfortunately, Missouri law is not always very clear when it comes to the wide range of family living and caretaking arrangements that students might have. One scenario where this can be confusing is when a student is living with an adult who is not their parent. There are many reasons why this might be, and schools should not discriminate based on family status.

As discussed above, the general rule is that students are able to attend school in the district where their parent or “guardian” is domiciled. Sometimes the word “guardian” is used in a broad sense to mean any adult caretaker, but typically in the law it refers to a “legal guardian” – an individual who has been appointed by a court to take care and have custody of a minor child.⁶⁸ Note: a “temporary guardianship agreement” is not the same thing as a court-appointed legal guardianship, even if it is notarized.⁶⁹



If you have court-appointed legal guardianship of a child, you can enroll them in school in the district where you are domiciled. Under Missouri law, anyone can apply for the guardianship of a minor.⁷⁰ The process involves filing a petition in court and providing information like the minor’s personal information, the value of any property involved, and the names of relevant individuals connected to the case. Additionally, the application must clearly state the reason for seeking guardianship and include information about any existing guardians. While it can be helpful to obtain court-appointed legal guardianship if you intend to be the primary caregiver for a child, you should not be required to obtain this status in order to enroll them in school.⁷¹

If you are a caregiver for a child but have not been appointed as their legal guardian by a court, you may be asked to provide additional documentation of your relationship to them. Relative caregiver affidavits are documents that are supposed to allow a competent adult related to a child by blood, marriage, or adoption to consent to educational services for that child in their care. Some school districts only allow relative caregiver affidavits to be used when a child is re-enrolling in a school district where they have already attended, and other school districts don’t accept these affidavits at all.⁷² Some school districts require caregivers to use a “special enrollment waiver” process to document proof of residency. See the “Proof of Residency Waivers” section above for more information about waivers (and when a waiver is not appropriate).⁷³

However, in the EJP’s experience, oftentimes there may be additional legal protections at play when a child is staying with neither their parent nor a court-appointed legal guardian, and requiring documentation may not be appropriate.

Specifically, such children may be considered “unaccompanied youth” under the McKinney-Vento Act if they also lack a fixed, regular, and adequate nighttime residence.⁷⁴ Unaccompanied youth must be immediately enrolled in school, even if they cannot produce proof of residency or other paperwork normally required to enroll.⁷⁵

See the [“Enrollment for Students Experiencing Homelessness”](#) section for more details.



It is therefore the EJP’s position that it is likely not lawful for a school district to have a blanket requirement that all caregivers need a court-appointed legal guardianship in order to enroll a child in their care. And in fact, this is the position of DESE as well. DESE’s “Determining Residency” webpage clearly states that “[a] school district should not require a court-ordered guardianship before enrolling a child who is not living with a parent.”⁷⁶

ENROLLMENT FOR STUDENTS EXPERIENCING HOMELESSNESS

Missouri Proof of Residency Exception

As discussed above, the general rule of residency does not apply to students who are experiencing homelessness. Missouri law defines the term “homeless child” or “homeless youth” as “a person less than twenty-one years of age who lacks a fixed, regular, and adequate nighttime residence.”⁷⁷ The statute then lists several specific situations that qualify as homeless, including when a child is sharing the home of others due to loss of housing, economic hardship, or a similar reason.

The definition under Missouri law is very similar to the definition in the federal McKinney-Vento Act, described more in the next section. School districts in Missouri have to follow the federal law, which includes many additional protections for students experiencing homelessness beyond just enrollment; the state law is just emphasizing that these students do not have to show proof of residency.

Federal Protections: The McKinney-Vento Act

The McKinney-Vento Homeless Assistance Act is a federal law that addresses the problems that students experiencing homelessness face in enrolling, attending, and succeeding in school.⁷⁸ It legally ensures that these children and youth have immediate and equal access to public education no matter where they reside. It protects educational access, stability, and support.

Who is Covered?

Under this law, students experiencing homelessness are children and youth who lack a fixed, regular, and adequate nighttime residence – the same definition that is in Missouri’s statute. But what does that really mean?

- **Fixed:** securely placed for fastened; not subject to change or fluctuation
- **Regular:** standard, recurring residence is one used on a “regular” (nightly) basis
- **Adequate:** sufficient for a specific requirement; lawfully and reasonably sufficient meet physical and psychological needs

The McKinney-Vento Act lists out specific categories of students who fit this definition. To determine if you are eligible for McKinney-Vento protections, the school district should first check to see if you fall into one of the specific categories. Even if not, the district should still ask if your nighttime residence is fixed, regular, and adequate, because some living situations do not fit neatly into a category but are still eligible.

The categories of students who are living in McKinney-Vento situations are:

- Children abandoned at a hospital
- Children or youth living in cars, parks, abandoned buildings, public spaces or bus stations, or similar settings
- Children or youth living in a public or private place not designed or ordinarily used as a regular sleeping accommodation for humans
- Children or youth living in motels, hotels, trailer parks, or camping grounds due to having no other adequate options⁷⁹
- Children or youth living in emergency or transitional shelters
- Children or youth living in substandard housing
- Children or youth living in shared housing due to loss of housing, economic hardship, or a similar reason (“doubling up” – the most common reason students are considered homeless in Missouri)
- Migratory children, as defined by federal law, living in any of the above circumstances

In addition, the McKinney-Vento Act defines an “unaccompanied youth” as any minor (child under 18 years old) not living with a parent or guardian who lacks a fixed, regular, and adequate nighttime residence, regardless of whether they were forced out of their parents’ or guardians’ home or ran away.

Enrollment Responsibilities of Schools

Under McKinney-Vento, schools must ensure immediate enrollment for eligible students without delay – even if they cannot show paperwork (like proof of residency or previous school records) normally required for enrollment, AND even if the student has missed application or enrollment deadlines.⁸⁰ If you think your child might be eligible for this protection, contact the school district’s Homeless Liaison (sometimes called a Students-in-Transition, or “SIT”, Coordinator) and tell them that you want to enroll your child. A list of Homeless Liaison contacts in the St. Louis area can be found on [DESE’s website](#).

In this context, being enrolled means you are attending classes and participating fully in school activities, including extracurricular activities, summer school, and enrichment programs.

In addition, school districts must provide transportation to and from school to all qualifying students upon request.⁸¹ This must be arranged without delay. Examples of transportation options include a school bus, taxi cabs, public transportation tokens/vouchers, or mileage reimbursement. The only information the district should need to change transportation is the new pick-up/drop-off address. Transportation paperwork should not create a barrier to enrollment, attendance, or success in school.



Enrollment in the Student’s Best Interest

McKinney-Vento is clear that eligible students can continue attending their school of origin unless this is not in their best interest.⁸² The school of origin is the school the child attended when last permanently housed, OR the school in which the child was last enrolled.⁸³ The presumption is that the school of origin is in the child’s best interest, unless the parent or guardian has requested otherwise (or, in the case of an unaccompanied youth, unless the youth has requested otherwise).

The child may also attend their school of residency if that is in their best interest instead. The child’s school of residency is any public school within the district where the child is staying where permanently housed students attend. To determine what the child’s best interest is, schools should use a student-centered approach and consider factors⁸⁴ like:

- the distance of a commute and the impact it may have on the student’s education;
- personal safety issues;
- a student’s need for special instruction;
- the length of anticipated stay in a temporary shelter/ temporary location; and
- the time remaining in the school year.



Dispute Resolution

If a dispute, or disagreement, arises between the family and the school about eligibility, enrollment, or school selection, the school district's Homeless Liaison must carry out dispute resolution procedures as quickly as possible. The Homeless Liaison must provide a written explanation of the reasons for its decision, in a manner and form that parents, guardians, and/or unaccompanied youth can understand. This information should include the right to appeal.

During the dispute, the district is required to immediately enroll the child in the school preferred by the family. The child should also be allowed to fully participate in school activities and should receive transportation from the school district if needed.

You can also make an informal complaint to the "DESE" State Homeless Coordinator at any time. The State has to address informal complaints as quickly as possible with a six-step process that starts with talking with the school Homeless Liaison and can end with sanctions against the school district, including additional documentation requirements for the district to show its compliance progress, lowering an accreditation ranking, withholding funding, or other appropriate sanctions. The Missouri State Homeless Coordinator can be reached at (573) 522-8763.

Remember:

- ☐ If you believe your child qualifies under McKinney-Vento, immediately contact your school's Homeless Liaison.
- ☐ Your child must be enrolled immediately – even without paperwork.
- ☐ Transportation assistance is available upon request.
- ☐ If the district disagrees with you, they need to provide you with dispute resolution and immediately enroll your child in the meantime.



ENROLLMENT FOR STUDENTS IN FOSTER CARE

Rights Under Federal Law

Students in foster care also have protections under both state and federal law. On the federal level, two laws work together to promote educational stability for students in foster care – the Fostering Connections to Success and Increasing Adoptions Act, which is geared toward child welfare agencies (Children’s Division in Missouri),⁸⁶ and the Every Student Succeeds Act, which creates parallel obligations for educational agencies (school districts).⁸⁷

Under this framework, students in foster care should remain in their school of origin unless it is determined that it is not in their best interest to stay there.⁸⁸ This presumption exists to reduce the number of school moves a student has to go through when they are in foster care. A student’s school of origin is the school they were enrolled in when they entered foster care or changed foster homes.

Every time a student in foster care changes foster care placements, there should be a Best Interest Determination (“BID”) meeting that happens “as quickly as possible to prevent educational discontinuity.”⁸⁹ For example, this meeting happens when a student first enters foster care, or when they move from one foster home to another. Recently updated federal guidance encourages this meeting to happen within three business days of the time of the placement in foster care or prior to any planned placement change.⁹⁰ A student in foster care must remain in their school of origin until the BID process is completed.

The BID meeting should be child-centered, considering factors such as:

- a child’s attachment to their school of origin
- relationships with staff and peers
- placements of siblings
- safety of the school environment
- preferences of the student’s parent(s)
- availability of services to meet the child’s educational and social/emotional needs⁹²

If it is not in the student’s best interest to remain in their school of origin, they can enroll in their school of residency (the school where they are staying in foster care). They must be immediately enrolled in the new school – even if they don’t have the documentation normally required for enrollment.⁹³ According to recent federal guidance, “a student is not fully enrolled if...not attending school or fully participating in classes, extracurricular activities, and out-of-school and summer opportunities.”⁹⁴

School districts must collaborate with the Children’s Division to determine how transportation will be provided, arranged, and funded for the duration of the student’s time in foster care. Transportation must be set up “without undue delay,” that is, within three business days of the completion of the BID process.⁹⁵ Note: the cost of transportation should NOT be a factor in determining which school is in the student’s best interest, and neither should “administrative burden.”⁹⁶ School records should be automatically transferred for foster children after immediate enrollment.

Each school district must designate someone to be the foster care Point of Contact, or Foster Care Liaison.⁹⁷ This person works with the Children’s Division to set up BID meetings and collaborates with caseworkers, foster parents, biological parents, and other agencies if appropriate in order to serve the best educational interest of each student in foster care. DESE, at the state level, also has a Foster Care Coordinator for Education, who can be reached at (573) 751-8280.⁹⁸ If a disagreement arises in the BID process, there is a [dispute resolution process, which can be found on DESE’s website](#).⁹⁹ School districts should ensure that the student remains in their school of origin while any dispute is being resolved.¹⁰⁰

Rights Under State Law

Missouri has a Foster Care Education Bill of Rights that should work together with the federal laws discussed above. For example, this statute reiterates that each school district should designate a staff member as the educational liaison for children in foster care.¹⁰¹ In addition, school districts should accept full or partial course work for credit when completed by a student in foster care in public school or non-public school.¹⁰² And foster care students' grades should not be lowered as a result of absences that have to do with changes in placements or court appearances.¹⁰³

Missouri law also emphasizes that a student in foster care "has the right to remain enrolled in and attend [their] school of origin or to return to a previously attended school in an adjacent district."¹⁰⁴

In 2023, the Missouri legislature passed House Bill 447, which included an amendment related to the BID process. This bill added some language to the Foster Care Education Bill of Rights indicating that when a BID meeting hasn't happened within 10 days of a foster care placement change, and the distance between the new foster care placement and the school of origin is more than 10 miles, then enrolling in the school of residency should be deemed to be in the student's best interest.¹⁰⁵

The EJP has concerns that this new state law may conflict with federal law, which is clear that staying in the school of origin should always be presumed to be in a foster care student's best interest, and that the BID process should consider a variety of child-centered factors instead of just distance. In August 2023, DESE issued a legal reminder that school districts need to follow federal law and recommended that BID meetings take place within 72 hours to avoid situations like the one HB 447 refers to.¹⁰⁶



OTHER SPECIAL ENROLLMENT CATEGORIES

Military Families



Under Missouri law, there are certain registration allowances for children in military families.

If a student's family, residing in Missouri, needs to move in with other relatives or into a community that supports military families because of a parent's military duties stationed or assigned within or outside Missouri, the student is permitted to attend the school in the district where the relative's home or military community is located.¹⁰⁷ This enrollment is based on the domicile of the military guardian/military family support community. If the parent's military duties conclude during the academic year, the student can continue to complete the school year in the current district.¹⁰⁸

Furthermore, proof that one or both of the child's parents are being relocated to Missouri under military orders can replace proof of residency in the district for enrollment purposes.¹⁰⁹ In this case, the school district must allow remote registration.¹¹⁰ The school district cannot require the student, parent, or legal guardian to physically appear within the district to register. Proof of residency is not required at the time of this remote registration, but it must be provided within 10 days of the student's commencement of attendance in the school district.¹¹¹

Families Owning Property in Two or More Districts

Missouri law creates a special enrollment category for families who own certain types of property in two or more districts. If you are a property owner (or the beneficiary of a trust), and you own a house or agricultural land in a district where you are not actually domiciled but is in the same county as your domicile, you can choose to send your children to a public school (not including charter schools) in that other district.¹¹¹

There are some limits to this rule, though. This rule applies only as long as you are paying school taxes in the non-residential district. You can only send up to four of your children to a school outside of the district where you reside. And this rule only applies if you own a single-family home or a building that has up to four apartments.¹¹²

Before you send your child to a school district where you own property but do not reside, there are a few things you have to do. You have to write a letter to all the school districts involved and let them know where your child will be going to school. You need to send this letter 30 days before your child starts at the new school. You also have to show that you've been paying at least \$2,000 in school taxes every year for the property you own in the school district where your child will go to school. Finally, you need to show that you've owned this property for at least the last four years.¹¹³



One last thing to keep in mind is about transportation. Neither the school district where you live nor the one where your child goes to school has to provide transportation services under this rule. You are responsible for transporting your child.

Before you send your child to a school district where you own property but do not reside, there are a few things you have to do. You have to write a letter to all the school districts involved and let them know where your child will be going to school. You need to send this letter 30 days before your child starts at the new school. You also have to show that you've been paying at least \$2,000 in school taxes every year for the property you own in the school district where your child will go to school. Finally, you need to show that you've owned this property for at least the last four years.¹¹³

One last thing to keep in mind is about transportation. Neither the school district where you live nor the one where your child goes to school has to provide transportation services under this rule. You are responsible for transporting your child.

Students in Districts That Have Lost Accreditation

There are options under Missouri law for students who reside in districts that have lost state accreditation, which is the process of evaluating performance based on standards set by DESE. The rules that control these options are complicated and somewhat beyond the scope of this guide, but we provide a quick summary here. If you have more questions about your specific situation, seek the advice of an attorney.¹¹⁴

When a student has been attending a school in their district of residence for at least a full semester and that school district (or the school) becomes unaccredited, the student can transfer to another school in their district.¹¹⁵ If there isn't space at their desired school, as determined by their school board, then the student can apply to DESE for a transfer outside of the district. They can transfer to a school in an accredited school district in the same county or a neighboring county. This includes charter schools.

The school district of residence has to pay for transportation to the receiving district.¹¹⁶

Charter Schools

Charter schools in Missouri have specific rules that are outlined in the Missouri Revised Statutes.¹¹⁷ Charter schools are only found in certain areas: Kansas City (Kansas City 33 School District, or KCPS), St. Louis City

(St. Louis Public Schools, or SLPS), and the Normandy Schools Collaborative.

Typically, students must reside in one of these districts to attend a charter school there. However, there are some exceptions. Exceptions include:¹¹⁸

1. If a student lives in a district that is not accredited, and this district is in the same or a neighboring county as the charter school.
2. Non-resident students who are eligible to attend a district's school through an urban voluntary transfer program (like VICC, the "deseg" program in the St. Louis region).
3. If the charter school focuses on helping students who have dropped out of school or are at risk of dropping out, then students from the same or a neighboring county may be eligible if they live in a residential care facility, a transitional living group home, or an independent living program, and their last school was in the same district as the charter school.
4. In the case of a workplace charter school, a student may be eligible to attend if their parent works in the business district and the student applies on time.
5. Also, if a student moves out of the district that contains the charter school during the semester, they can continue attending that school until the semester ends. But the school is not required to provide transportation.
6. If the school district changes its boundaries and a student attending a charter school finds themselves outside the district, they are allowed to finish the school year at the charter school.

Lastly, the rules in Missouri law about the educational rights of foster children also apply to charter schools.¹¹⁹ See the "[Enrollment for Students in Foster Care](#)" section above. And the rules and guarantees provided by the McKinney-Vento Act, found in the "[Enrollment for Students Experiencing Homelessness](#)" section, also apply to any children experiencing homelessness attending these schools.¹²⁰

APPENDIX 1: SCHOOL ENROLLMENT FLOWCHARTS

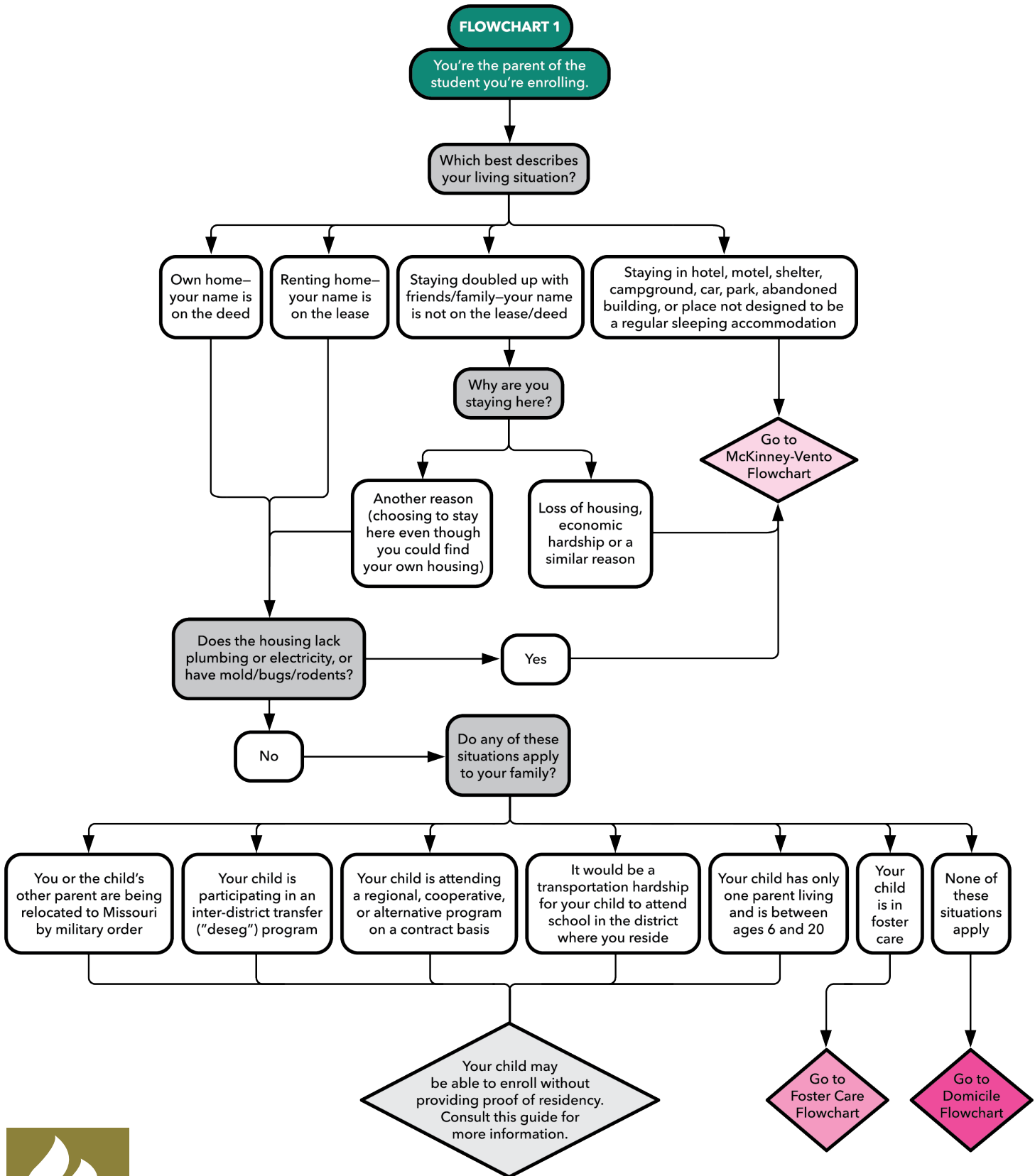
How to Use This Appendix

The six flowcharts in this appendix are designed to work together to allow parents, students, and caregivers to visualize some of the complicated parts of enrollment in Missouri. All the information they contain can be found in more detail throughout the text of this guide, and we encourage reading the relevant section in the guide once you have determined how you might enroll using the flowcharts.

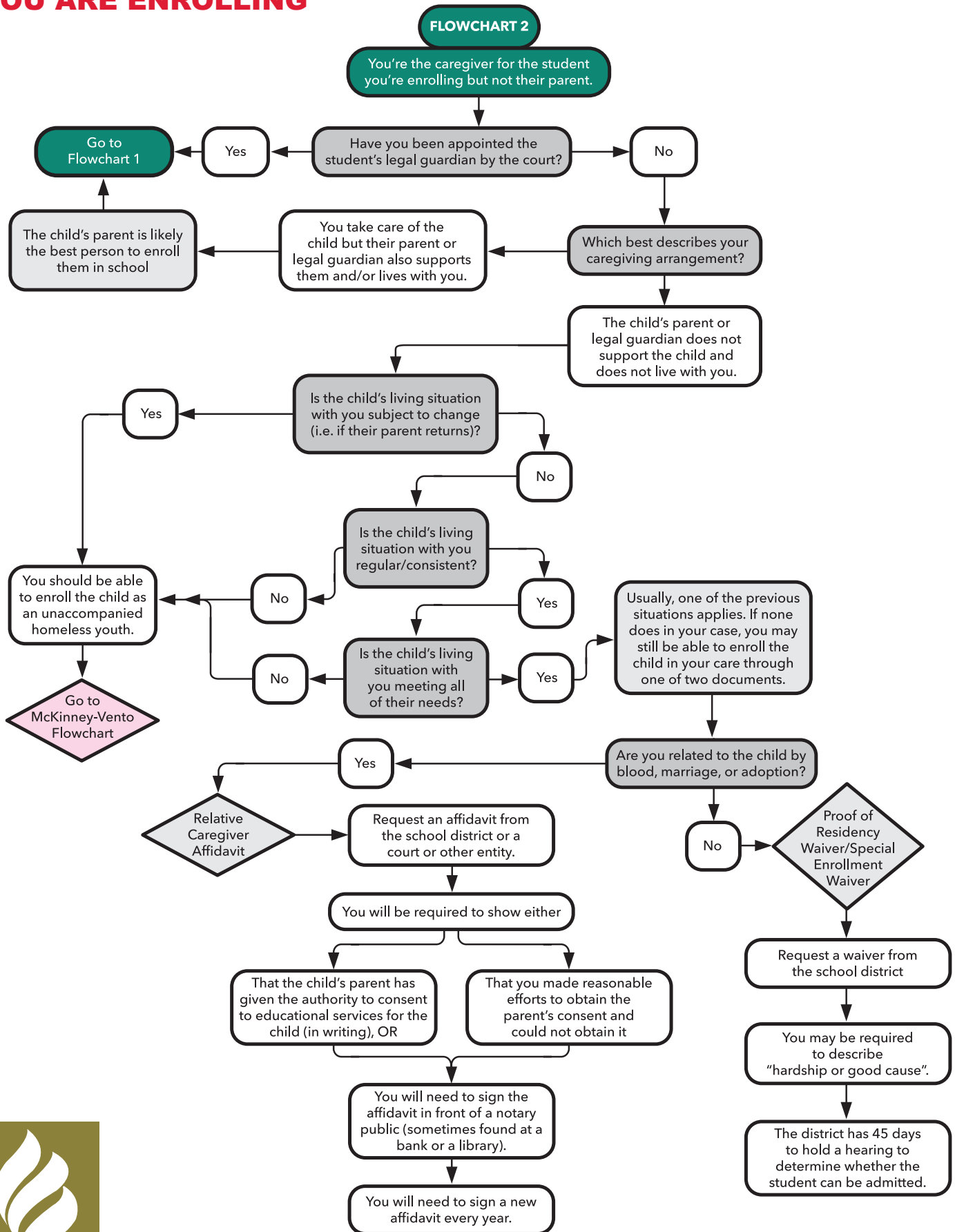
There are two types of flowcharts. Flowcharts 1, 2, and 3 (in green) are each starting points. Flowcharts 4, 5, and 6 (in pink) are each next steps. Choose which of the three top green statements in the starting flowcharts best fits your situation. If you land on a statement that says, “Go to ____ Flowchart,” then look at the next three flowcharts (4, 5, and 6) to see where you go next.



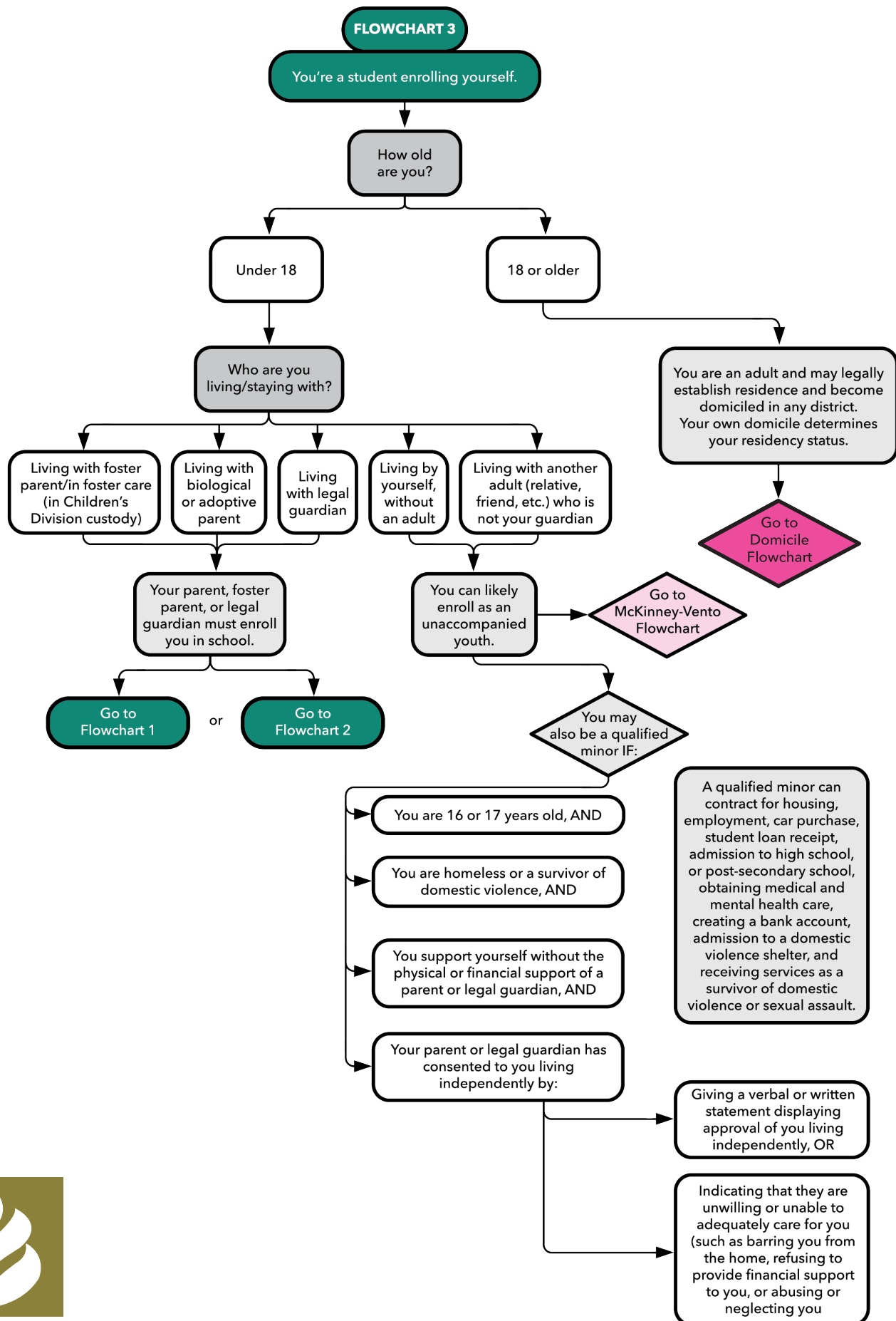
FLOWCHART 1: YOU'RE THE PARENT OF THE STUDENT YOU ARE ENROLLING



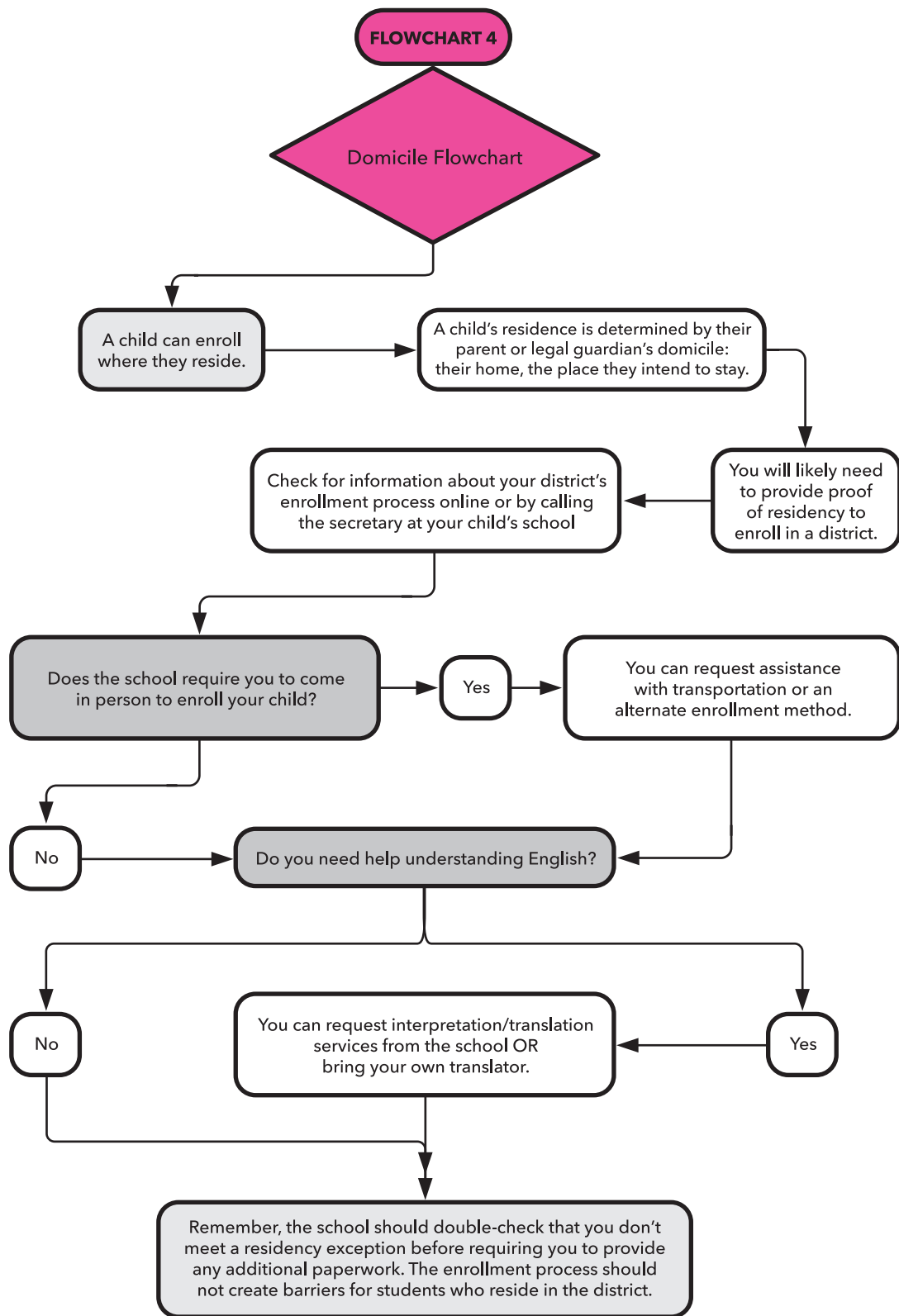
FLOWCHART 2: YOU'RE THE CAREGIVER OF THE STUDENT YOU ARE ENROLLING



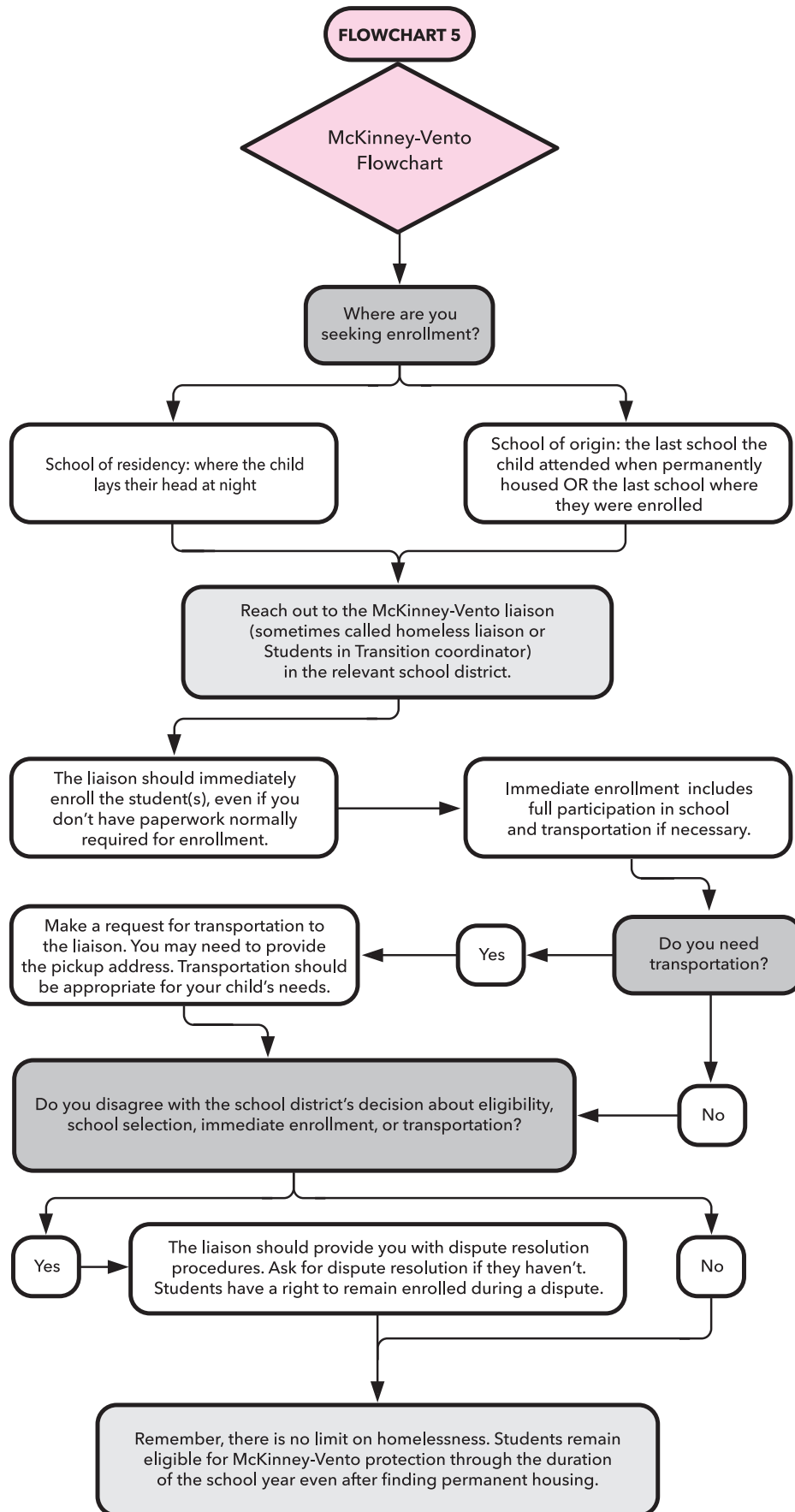
FLOWCHART 3: YOU'RE A STUDENT ENROLLING YOURSELF



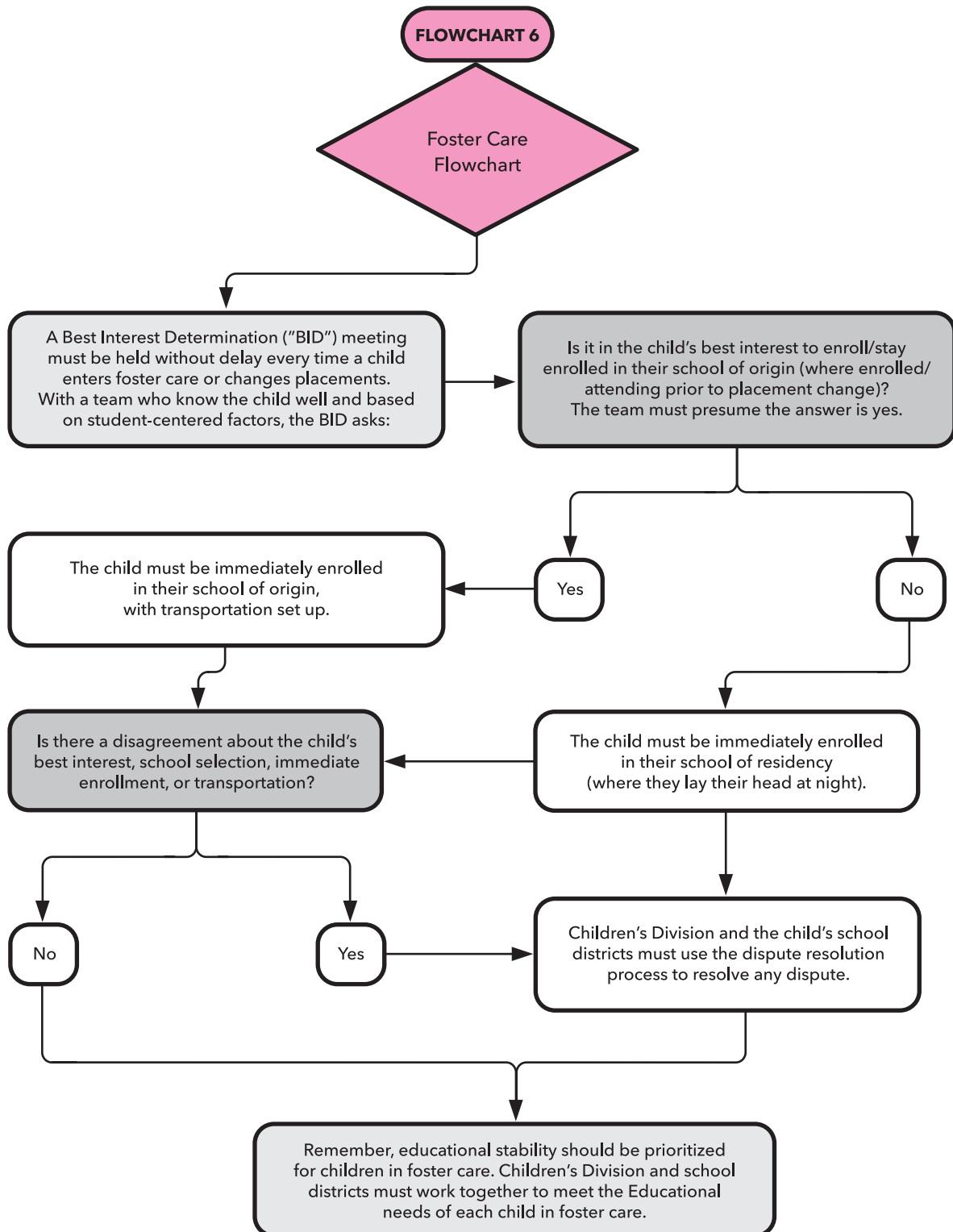
FLOWCHART 4: DOMICILE



FLOWCHART 5: MCKINNEY-VENTO



FLOWCHART 6: FOSTER CARE



APPENDIX 2: FREQUENTLY ASKED QUESTIONS

Who can enroll my child?

Typically, a child's parent or legal guardian can enroll them. There are special circumstances where a caregiver who is not a legal guardian can also enroll (see [“A Note on Non-Parent Guardians and Caregivers”](#)) or when a student can enroll themselves (see [“When a Student's Own Domicile Is What Matters”](#) and the discussion of unaccompanied youth in [“Enrollment for Students Experiencing Homelessness”](#)). Check the table of contents in this guide for more details on your specific situation.

What is proof of residency, and why is it required?

Proof of residency is what is normally required for a student to enroll in school where they are living. This is because Missouri law allows children to go to public school for free in the district where they are a resident. What is required to show proof of residency varies by district, but it often can include documents like a deed or a lease, a utility bill, and/or mortgage statements. See the [“Documenting Proof of Residency”](#) section above for more information. Importantly, though, proof of residency is not always required for enrollment. The [“Proof of Residency: Exceptions”](#) section discusses situations when proof of residency is not required.

What if I don't have proof of residency because I'm experiencing homelessness?

If you lack a fixed, regular, and adequate nighttime residence, your child should be immediately enrolled in school even if you do not have proof of residency or other documents usually required. See the [“Enrollment for Students Experiencing Homelessness”](#) section in this guide.

What happens if I gave incorrect residency information?

If you made a mistake, you should try to correct the mistake as soon as you realize it. We understand that parents and caregivers are often just trying to make the best decisions for their children, especially when navigating difficult situations. It's important, however, to be truthful about your situation. The law does not protect those who are not truthful about their residency status.

Can my child stay in the same school if we move?

This depends on a few things. Usually, if you move from a permanent home in one district to a new permanent home in a different district, your child will have to switch to a school in the new district because their residency has changed. But your school district might have special rules that allow a child to finish the year in the district if it is close to the end of the year. See the [“Establishing Domicile and Moving to or From a School District”](#) section. There are also special protections for students in foster care or students experiencing homelessness who have to move where they are staying; in these situations, the law usually allows these children to stay in their “school of origin” unless it is not in their best interest. See the sections [“Enrollment for Students in Foster Care”](#) and [“Enrollment for Students Experiencing Homelessness.”](#)

APPENDIX 2: FREQUENTLY ASKED QUESTIONS

What if my child needs extra help because of gaps in learning during the enrollment process?

Compensatory services are makeup services for lost instructional time, often in the form of one-on-one tutoring for the number of hours missed due to something the district did or did not do. Students with disabilities have the right to compensatory services under the Individuals with Disabilities Education Act (“IDEA”), and it is the EJP’s position that students experiencing homelessness also have the right to compensatory services under the McKinney-Vento Act. DESE, Missouri’s state education agency, has required school districts to provide compensatory services to students experiencing homelessness when barriers to identification and enrollment resulted in lost learning time. This is a good term to know about and ask about regardless of your child’s situation. At the very least, if you have concerns about your child getting behind, you should ask the school about tutoring services and other supports that may be offered to all students.

What should I do if I don’t speak English?

Every child has the right to enroll in public school and receive an education, whether or not their family speaks English. Your immigration status also does not prevent your child from enrolling in school. If you need language assistance, contact the school district’s enrollment office and request an interpreter. Some districts may also have translated enrollment forms.

APPENDIX 3: ADDITIONAL RESOURCES

- DESE “Determining Residency” FAQ Page:
<https://dese.mo.gov/financial-admin-services/school-governance/residency/determining-residency>
- DESE List of Homeless Liaisons for the 2024-25 School Year:
<https://dese.mo.gov/media/pdf/homeless-liaisons-sy-2024-25>
- National Center for Homeless Children Resources on Enrollment:
<https://nche.ed.gov/enrolling/from-the-field>
- Education Justice Program EdRights App:
<https://lsem.org/edrights-app/>



Our promise to the community is ACTION. JUSTICE. HOPE. We ACT for others; we are a voice for JUSTICE; and our actions provide HOPE.

CITATIONS

1 The school-to-prison pipeline is a path from school to prison in which school disciplinary practices like suspension and expulsion lead to a greater likelihood that children will be involved in court systems. Dennis Parker, Segregation 2.0: America's School to Prison Pipeline, MSN (May 17, 2014), www.msnbc.com/msnbc/brown-v-board-students-criminalized-msna324866.

2 MO. CONST. art. IX, § 1(a).

3 RSMo § 167.020.2.

4 *Nonresidents and Residents with Other State Income*, Mo. Dep't of Revenue, <https://dor.mo.gov/taxation/individual/additional-resources/non-residents.html#domiciled>.

5 *Id.*

6 RSMo § 167.020.2(1).

7 RSMo § 167.020.2(2)-(3).

8 RSMo § 167.020.1; 167.020.6.

9 RSMo § 167.020.6.

10 *Id.*

11 *Id.*

12 *Id.*

13 *Id.*

14 *Id.*

15 *Id.*; RSMo § 167.121 (defining "transportation hardships" as including natural barriers, travel time, and distance).

16 RSMo § 167.151.2.

17 RSMo § 167.151.3(2).

18 RSMo § 167.151.1.

19 RSMo § 167.151.5.

20 *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 50121 (Aug. 11, 2000); *Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs*, U.S. Dep't of Justice & U.S. Dep't of Educ., Office for Civil Rights, 1 www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf; *Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them*, U.S. Dep't of Justice & U.S. Dep't of Educ., Office for Civil Rights, www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf.

21 See 42 U.S.C. § 11432(g)(3)(C)(i)(II).

22 RSMo § 167.020.2.

23 RSMo § 167.020.7.

24 RSMo § 160.261.9.

25 RSMo § 167.020.7.

26 RSMo § 167.171.3.

27 *Id.*

28 *Id.*

29 *Id.*

30 RSMo § 167.171.4.

31 RSMo § 167.164.

32 Determining Residency, Mo. Dep't of Elementary and Secondary Educ., <https://dese.mo.gov/financial-admin-services/school-governance/residency/determining-residency>.

33 "Directory information is information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Typically, 'directory information' includes information such as name, address, telephone listing, date and place of birth, participation in officially recognized activities and sports, and dates of attendance. A school may disclose 'directory information' to third parties without consent if it has given public notice of the types of information which it has designated as 'directory information,' the parent's or eligible student's right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information designated as 'directory information.'" *Protecting Student Privacy*, U.S. DEP'T OF EDUC. (last visited Jan. 21, 2025), <https://studentprivacy.ed.gov/content/directory-information> (citing 34 C.F.R. §§ 99.3 and 99.37). You have the right to refuse to let the school designate any or all of these types of information as directory information. 34 C.F.R. § 99.37(a)(2).

34 See 20 U.S.C. § 1232g(a)(5)(A); 34 C.F.R. § 99.3.

35 42 U.S.C. § 11432(g)(3)(G).

36 RSMo § 167.020.3.

37 Determining Residency, Mo. Dep't of Elementary and Secondary Educ., <https://dese.mo.gov/financial-admin-services/school-governance/residency/determining-residency>.

38 RSMo § 167.020.3.

39 *Id.*

40 *Id.*

41 RSMo § 167.020.4.

42 RSMo § 167.020.5.

43 RSMo § 167.020.2(1).

44 *Nonresidents and Residents with Other State Income*, Mo. Dep't of Revenue, <https://dor.mo.gov/taxation/individual/additional-resources/non-residents.html#domiciled>.

45 RSMo § 167.020.2(1).

46 *Nonresidents and Residents with Other State Income*, Mo. Dep't of Revenue, <https://dor.mo.gov/taxation/individual/additional-resources/non-residents.html#domiciled>.

47 *Fowler v. Clayton School Dist.*, 528 S.W.2d 955 (Mo. App. 1975).

48 *Trumbull v. Trumbull*, 393 S.W.2d 82 (Mo. App. 1965).

49 An example is the Ladue School District Enrollment policy which states, "any person intending to be domiciled within the district and who has a purchase contract or valid lease on a residence in the district may enroll their child or children prior to being domiciled in the district on a tuition basis under the guidelines in procedure JECA-AP2."

50 Determining Residency, Mo. Dep't of Elementary and Secondary Educ., <https://dese.mo.gov/financial-admin-services/school-governance/residency/determining-residency>.

51 *Id.*

- 52 RSMo § 431.056.1.
- 53 *Id.*
- 54 *Id.*
- 55 *Id.*
- 56 *Id.*
- 57 *Id.*
- 58 RSMo § 431.056.1(4)(b)b.
- 59 *Id.*
- 60 *Plyler v. Doe*, 457 U.S. 202 (1982).
- 61 *Title III - Immigrant*, Mo. Dep't of Elementary and Secondary Educ., <https://dese.mo.gov/quality-schools/student-support-services/immigrant-children-and-youth-grant>.
- 62 *Plyer Dear Colleague Letter*, U.S. Dep't of Justice, Civil Rights Division www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf
- 63 RSMo 473.360.8.
- 64 *Petition for Child Custody and Support*, Mo. Courts, www.courts.mo.gov/page.jsp?id=38351.
- 65 RSMo § 452.375.
- 66 RSMo § 452.375.1.
- 67 *In Your Child's Best Interest: A Handbook for Separating/Divorcing Parents*, Mo. Courts, www.courts.mo.gov/file.jsp?id=1783.
- 68 See RSMo § 475.010.
- 69 See RSMo § 210.123(2).
- 70 RSMo § 475.060.
- 71 See RSMo § 431.058 et seq.
- 72 See *Relative Caregivers, Limited Guardianships, and Student Enrollment: What Does Missouri Law Actually Require?*, EdCounsel, www.moare.com/vimages/shared/vnews/stories/598a11f249686/2017-12-01%20MARE%20Article%20-%20Relative%20Caregivers%2C%20Limited%20Guardianships%2C%20Student%20Enrollment.pdf.
- 73 See, e.g., *Special Circumstances Document*, Hazelwood Sch. Dist., www.hazelwoodschools.org/cms/lib/MO01909922/Centricity/Domain/2242/Special%20Circumstances%20Doc.REVISED.pdf.
- 74 42 U.S.C. § 11434a(6).
- 75 42 U.S.C. § 11432(g)(3)(C)(i).
- 76 *Determining Residency*, Mo. Dep't of Elementary and Secondary Educ., <https://dese.mo.gov/financial-admin-services/school-governance/residency/determining-residency>.
- 77 RSMo § 167.020.1.
- 78 42 U.S.C. § 11431 et seq.
- 79 The statutory language is "due to the lack of alternative adequate accommodations." 42 U.S.C. § 11434a(2)(B)(i).
- 80 42 U.S.C. § 11432(g)(3)(C)(i).
- 81 *Id.* § 11432(g)(1)(J)(iii).
- 82 *Id.* § 11432(g)(3)(A)(i).
- 83 *Id.* § 11432(g)(3)(I)(i).
- 84 *Id.* § 11432(g)(3)(B)(ii).
- 85 *Id.* § 11432(g)(3)(E).
- 86 See 42 U.S.C. § 675(1)(G).
- 87 See 20 U.S.C. § 6311 et seq.
- 88 *Id.* § 6311(g)(1)(E).
- 89 Non-Regulatory Guidance: Ensuring Educational Stability and Success for Students in Foster Care, U.S. Dep't of Educ. & U.S. Dep't OF Health and Hum. Serv. 17 (Nov. 2024) [hereafter Joint Guidance], https://oese.ed.gov/files/2020/09/Non-Regulatory-Guidance_06-23-2016.pdf.
- 90 *Id.*
- 91 *Id.*
- 92 *Id.* at 18.
- 93 20 U.S.C. § 6311(g)(1)(E).
- 94 *Joint Guidance* at 26.
- 95 *Id.* at 20.
- 96 *Id.* at 18.
- 97 20 U.S.C. § 6312(a)(3)(c)(5)(A).
- 98 See Foster Care, Mo. Dep't of Elementary & Secondary Educ. (last accessed Dec. 5, 2024), <https://dese.mo.gov/quality-schools/student-support-services/foster-care>.
- 99 *Dispute Resolution Procedures for Foster Care*, Mo. Dep't of Elementary & Secondary Educ. (last accessed Dec. 5, 2024), <https://dese.mo.gov/media/pdf/dispute-resolution-procedures-foster-care>.
- 100 20 U.S.C. § 6311(g)(1)(E)(i).
- 101 RSMo § 167.018.
- 102 RSMo § 167.019.2.
- 103 RSMo § 167.019.4.
- 104 RSMo § 167.019.1(1).
- 105 *Id.* § 167.019.1(2).
- 106 *Foster Care Students and Best Interest Determinations*, DESE Update Legal Reminders for LEAs, Mo. Dep't of Elementary & Secondary Educ. (Aug. 29, 2023).
- 107 RSMo § 167.020.2(1).
- 108 *Id.*
- 109 RSMo § 167.020.2(3).
- 110 RSMo § 167.020.8.
- 111 RSMo § 167.151.3(2).
- 112 *Id.*
- 113 *Id.*
- 114 RSMo § 167.895.2.
- 115 RSMo § 167.895.3.
- 116 RSMo § 167.131.
- 117 See RSMo § 160.400 et seq.
- 118 RSMo § 160.410.1.
- 119 RSMo § 160.410.7.
- 120 See 42 U.S.C. § 11432(g)(3).