



RESIDENCY

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Missouri Department of Elementary
and Secondary Education

Residency – §1 67.020, RSMo

- Determines right to register in a Missouri Public school
- Residency established through
 - Meeting statutory definition
 - Waiver of proof of residency
 - Meeting an exception to the statutory definition

<http://dese.mo.gov/schoolaw/freqaskques/Residency.htm>

<http://dese.mo.gov/divadm/govern/Checklist.html>



Statutory Definition of Residency

- Student resides and is domiciled within the district with a parent, military guardian or court-ordered legal guardian
- Raises the presumption of residency
- Based on the student's physical presence in the district



Waiver of Proof of Residency

- Student resides in district alone or with someone other than parent/guardian
- Waiver based upon hardship or good cause
- 45 day timeline for review of request
- Student enrolled until waiver acted upon, unless superintendent certifies danger
- Denial of waiver appealed to circuit court
- Standard established in Horton v. Marshall



Exceptions to the Statutory Definition

- Homeless
- Interdistrict Transfer Program
- Ward of the State
- Juvenile Court Placement
- Transportation Hardship Reassignment
- Orphaned, one parent living, no parental support
- Foster child seeking to remain in district



Enrollment of Homeless Children/Youth

- Homeless is an exception to residency requirement (§167.020.6, RSMo)
- Federal Law – immediate school enrollment required
- Contact district's homeless coordinator for more information on enrolling homeless children/youth – review schools residency and homeless policies



Federal No Child Left Behind Act* defines “homeless children and youth” as:

- Lacking a fixed, regular and adequate nighttime residence and includes those who are:
 - Sharing housing of other persons due to loss of housing, economic hardship or similar reasons
 - Living in motels, hotels, trailer parks, or camping groups due to lack of alternative adequate accommodations
 - Living in emergency or transitional shelters
 - Abandoned in hospitals
 - Awaiting foster care placement – those incarcerated and placed in foster care are not considered homeless

*See <http://www.nclb.gov/>



Guardianships

- Chapter 475, RSMo
 - Allows any person to file a petition in court for the appointment of guardianship of a minor
 - Issues:
 - Usually requires hiring an attorney
 - Payment of court costs
- §475.060(11), RSMo
 - Petition for the appointment of a guardian of a minor may be filed for the sole and specific purpose of:
 - School Registration or
 - Medical insurance coverage
 - Popularly known as “educational guardianship”



Power of Attorney

(Is not a guardianship)

- §475.024, RSMo
 - Temporary delegation of powers of parent
 - Parent of a minor may by a properly executed power of attorney
 - Delegate to another individual for a period not exceeding one year any of his or her powers regarding care or custody of the minor child
 - Does not require an attorney
 - Does not require going to court



Other Governance Areas

1. Boundary issues
2. Parent and/or patron concerns
3. Building issues
4. Board of Education issues
5. Transportation Hardship Requests
6. Calendar questions

