



Pursuant to § 167.020.2(1),<sup>1</sup> “[e]xcept as otherwise provided in section 167.151, the term ‘residency’ shall mean that a person both physically resides within a school district and is domiciled within that district **or, in the case of a private school student suspected of having a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et seq., that the student attends private school within that district.**” (emphasis added). The residency of a private student with a diagnosed disability under IDEA is determined by the district in which the student attends private school. In this case, the student at issue has a diagnosed disability under IDEA. The student attended school and received special education services in the Nixa School District, where his parents physically reside and are domiciled, until his admission to CALO on or about September 8, 2012.

CALO is a private mental health treatment facility in Lake Ozark, Miller County, Missouri. The facility is not located within the boundaries of the Nixa School District. The student was placed at the private agency by his parents under the recommendation of a physician, not pursuant to a decision of an Individual Education Planning team meeting. Because this student has a diagnosed disability under IDEA and resides in CALO – a private school in another school district – this student’s residency is the district in which he attends private school. Therefore, pursuant to the statute, the student’s residence is not Nixa School District.

Furthermore, § 162.700.1 states that, “[t]he board of education of each school district in this state . . . and the board of education of each special school district shall provide special educational services for children with disabilities three years of age or more **residing in the district . . .**” (emphasis added). Public school districts are only responsible for providing special education services to resident students of its district. Because the student is not residing in the

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<sup>1</sup>Statutory references, unless otherwise noted, are to RSMo Supp. 2012.

Nixa school district, the Nixa Board of Education is not responsible for providing special education services to this student.

Accordingly, this Commission concludes that the residence of the student is not the Nixa School District, and the Nixa School District is not responsible for providing special education services to this student while he resides at CALO.

SO ORDERED on March 12, 2003.

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NIMROD T. CHAPEL, JR.  
Commissioner