Legal Services of Eastern Missouri
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Health & Education Justice Initiative
Advancing justice in child health and well-being

KNOW YOUR RIGHTS: RESIDENCY EXCEPTIONS FOR ENROLLING IN SCHOOL

Did you know? Generally, students must attend a school in the school district where they live and must provide proof of residence in order to enroll in school. 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:

- **Homeless students** or **students who are in transition** who lack a fixed, regular, and adequate nighttime residence.
    - Includes students who are sharing the housing of others due to loss of housing, economic hardship, or similar reason.
    - Includes students who are unaccompanied and not in the physical custody of a parent or guardian and lack a fixed, regular, and adequate nighttime residence.
    - These students are entitled to immediate enrollment and do not have to provide any documents (birth certificate, immunizations, transcripts, or other education records) in order to enroll in school.
- **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.
- **Students who are wards of the state (in foster care) placed in a residential care facility** by state officials**.**
- **Students placed in a residential care facility** due to mental illness or developmental disability.
- **Students placed in a residential facility** by a juvenile court**.**
- **Students with a disability if they are in the district for reasons other than accessing the district's educational program.**
- **Students attending a regional or cooperative program or an alternative program** on a contractual basis.
- **Students attending a school in an adjoining district due to a "transportation hardship"** that has been approved by the commissioner of education**.**

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

Proof of Residency Waiver or Hardship Waiver: Non-resident students may be able to attend school in a school district due to an unusual or unreasonable hardship. Districts may call this a "special enrollment waiver" or a "residency waiver" or a "hardship waiver."

- **You can request a waiver from the district on the basis of "hardship or good cause**."
- What constitutes **"hardship or good cause" is determined by local school districts**. 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**.
- **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.
- 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.