
EMERGENCY RULE

TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25 – Office of Childhood Chapter 200 – Child Care Subsidy

EMERGENCY AMENDMENT

5 CSR 25-200.060 Eligibility and Authorization for Child Care Subsidy. The department is amending sections (1) and (8).

PURPOSE: The purpose of this amendment is to update the rule and the incorporated by reference Child Care Subsidy Eligibility Policy Manual to allow the Department to exclude children who receive protective services or adoption subsidy from being mandatorily placed on the subsidy waiting list and clarify requirements of the waitlist. This amendment further establishes attendance requirements to ensure that eligibility for children not using the child care subsidy benefit can be discontinued, thereby enabling new families to advance from the waitlist.

*EMERGENCY STATEMENT: This emergency amendment allows for the Department to exclude a protective services child (as defined in 5 CSR 25-200.050) from being placed on the subsidy waiting list. Due to a high number of applications and current funding limits, the Department implemented a waitlist for the Child Care Subsidy Program beginning March 1, 2026, to help keep the program sustainable and available for as many families as possible. However, there may be funding sources that can be accessed to provide services for adoption subsidy and protective services children. This amendment further establishes attendance requirements to ensure that eligibility for children not using the child care subsidy benefit can be discontinued. An emergency rule is further necessary because authorizations that are not being used occupy limited subsidy capacity and delay services for families currently on the waitlist. Implementing attendance requirements allows the Department to redirect available resources to eligible families with immediate child care needs. This emergency rule is necessary to protect a compelling government interest because the Department is dedicated to, among other things, making sure that some of the State's most vulnerable children receive appropriate development services as soon as they are available. As a result, the Missouri State Board of Education finds a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Missouri State Board of Education believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 12, 2026, becomes effective May 27, 2026, and expires February 25, 2027.*

(1) Eligibility. To be eligible to receive Child Care Subsidy, the applicant shall meet the criteria established in the *Child Care Subsidy Eligibility Policy Manual* (Manual), revised [November 2022] May 2026, which is hereby incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education (department), Office of Childhood, and available at the department, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and its website at <https://dese.mo.gov/childhood/child-care-subsidy/child-care-manual> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions. Eligibility criteria includes information regarding:

(8) Wait Lists.

(B) The department's waiting list shall utilize a priority ranking system for participants, in the following order:

1. Children with special needs as defined in 5 CSR 25-200.050, **except that an adoption subsidy child and a protective service child may not be placed on the waitlist;**

2. Children classified as homeless as defined in the McKinney-Vento Homeless Assistance Act;

3. Eligibility units with an adjusted gross income under one hundred (100) percent of the Federal Poverty Level;

4. Eligibility units with an adjusted gross income of one hundred (100) percent of the Federal Poverty Level or greater.

*AUTHORITY: sections 161.092[,] and 207.020, [and 210.027.] RSMo 2016, and sections 208.044 [and], 208.046, and 210.027, RSMo Supp. [2022] 2025. 42 U.S.C. section 9858, et. seq., Executive Order 03-03. This rule originally filed as 13 CSR 35-32.060. Original rule filed Jan. 3, 2017, effective Aug. 30, 2017. Moved to 5 CSR 25-200.060, effective Aug. 28, 2021. Amended: Filed Aug. 25, 2022, effective April 30, 2023. Emergency amendment filed May 12, 2026, effective May 27, 2026, expires February 25, 2027. An emergency amendment and a proposed amendment covering this same material will be published in the June 15, 2026, issue of the **Missouri Register**.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency amendment is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency amendment is effective.