Social Security Administration

RS 00205.275 Home Schooling

A. DEFINITION

Home schooling is a private educational program in which the student is taught within the home by a parent/teacher. It is a program of study completely by choice. (This differs from a homebound program, which is discussed in **RS 00205.335**.)

B. POLICY - GENERAL
Student benefits are payable if:

- The student meets the Federal standards for full-time attendance (FTA) (**RS 00205.300C**);
- The law of the State in which the home school is located recognizes home school as an educational institution (EI);
- The home school the student attends meets the requirements of State law in which the home school is located; and
- The student meets all the other requirements for benefits.

IMPORTANT: See **GN 01010.810** – **GN01010.845** for instructions about requesting, using, and documenting legal precedent opinions (LPO), and see **GN 01010.845** for instructions about when to request a new LPO. See **PR 07905.000** for LPOs about educational institutions, and see **PR 08005.000** for LPOs about home schooling.

C. POLICY - HOME SCHOOL PARENT/TEACHER RESPONSIBILITIES

The child's home school instructor must submit evidence that State requirements for home schooling are met. Depending on the State requirements, this evidence may include:

- A copy of the certificate of intent;
- Documentation that State-mandated tests were taken;
- The education level of the home school teacher;
- A list of the courses being taught; or
- A copy of the attendance log or chart.

The home schooling instructor is the certifying school official for FTA purposes on Form SSA-1372, Student's Statement Regarding School Attendance.

IMPORTANT: Some States only require parent reporting/monitoring until the student attains the State's compulsory education age which, in most cases, is age 16. In these cases, if the State recognizes home schooling as an EI, and the home school parent/instructor certifies that the student is in FTA, determine the child to be a student.

NOTE: If the student's courses are from a correspondence school, the home school teacher must instruct the student using the course material. See **RS 00205.330** for the treatment of correspondence courses without home school teacher involvement.

1. Examples of Individuals Who Meet Requirements of State Law

a. EXAMPLE 1
Jessica is home schooled. A home correspondence school based in another State furnishes her curriculum.
Jessica's mother teaches her at home 25 hours per week and administers tests that are forwarded to the school for grading.
State law (where Jessica's home is located) requires:

- The parent to file a certificate of enrollment with the local school board;
- The parent to teach specific courses; and
- Attendance of 20 hours per week for the duration of the regular public school term.

Jessica's mother submitted a copy of the certificate of enrollment signed by the local school official and a list of the courses being taught, and she certified Jessica's attendance as 25 hours per week. Since Jessica's home schooling meets all State requirements, she may be entitled as a student as long as all other factors of entitlement are met.

b. EXAMPLE 2

Jamie lives in a State that requires the parent to:

- File an annual certificate of intent to home school;
- Teach specific subjects; and
- Instruct for 20 hours per week.

The State also requires the child to be tested annually by the State.

Jamie's home schooling instructor submits a copy of the certificate of intent and State-mandated tests, a list of the courses being taught, and a copy of the attendance log or chart. Since Jamie's home school meets all State requirements, he can be entitled as a student as long as all other factors of entitlement are met.

2. Example of an Individual Who Does Not Meet State Law Requirements

Ryan's mother teaches him at home and he lives in the same State as Jessica and takes courses from the same home correspondence school. As proof, his mother certified that his attendance is 25 hours per week and presented a list showing that the required courses were being taught; however, Ryan's mother has not filed a certificate of enrollment with the local school board as required by State law.

Until Ryan's mother files the certificate of enrollment, Ryan does not meet the requirements for student benefits. If Ryan's mother files the certificate, he can be entitled when the home school is in compliance with State law and all student requirements are met.

IMPORTANT: If the State only requires the certificate of enrollment for children of compulsory school age, usually age 16 or below, Ryan would meet the requirements for student benefits since the State recognizes home school as an EI and his mother has certified that he is in FTA.

D. PROCEDURE - AGE 18 CONVERSION CASES

If the child attains age 18 before the home school determination is made, terminate benefits and explain to the claimant that:

- Benefits cannot be paid before a home school determination is made;
- A notice will be sent but it will not include the home school decision; and
- A separate notice will be sent when the home school decision is completed.

NOTE: Either the FO or the PC, whichever makes the home school decision, should send this notice.

E. PROCEDURE - INITIAL OR REENTITLEMENT CLAIMS

In initial or reentitlement claims, explain to the claimant that:

- Benefits cannot be paid until a home school decision is made; and
- A notice will be sent when the home school decision is completed.

F. PROCEDURE - DOCUMENTING THE HOME SCHOOL DECISION

Develop and document State and Federal requirements as follows:

STEP	ACTION
1	The student should take Form SSA-1372, Student's Statement Regarding School Attendance, to the home school parent/teacher for certification and return it to the FO. Does completed Form SSA-1372 indicate the student is in FTA according to Federal standards (**RS 00205.300**)? If **yes**, go to step 2. If **no**, document the file and deny the claim (disallowance code 41, student not in FTA) or terminate entitlement. Forward the SSA-1372 (**GN 01020.250**, **GN 01020.350**) to the PC for retention (**GN 01085.025**, **GN 01085.030**) after the appeal period has passed (**GN 03101.010**) if the student has not filed an appeal.
2	Has a legal precedent opinion (LPO) for home schooling been established for the State in which the home school is located? (See **PR 07905.000** to determine if an educational institution precedent exists and **PR 08005.000** to determine whether a home school precedent exists.) If **yes**, go to step 3. If **no**, obtain an opinion following the procedures in **GN 01010.815**. When the opinion is received, go to step 3.
3	Does the LPO from **PR 07905.000** or **PR08005.000** indicate a home school is a recognized EI in the State in which the home school is located? If **yes**, document the file (**GN 01010.840**) with the LPO. Review the precedent opinion to determine the type of documentation needed. Request the appropriate documentation from the home school parent/teacher regarding the State requirements specified in the LPO from the PR part of POMS, and go to step 4. If **no**, document the file (**GN 01010.840**) with the LPO and deny the claim (disallowance code 38, student not attending an educational institution) or terminate entitlement. Forward the SSA-1372 (**GN 01020.250, GN01020.350**) to the PC for retention (**GN 01085.025**, **GN 01085.030**) after the appeal period has passed (**GN 03101.010**) if the student has not filed an appeal.
4	Does the information presented by the home school parent/teacher indicate that State requirements are met? If **yes**, document the file and award benefits or continue entitlement if all other requirements are met. Forward the SSA-1372 (**GN 01020.250**, **GN 01020.350**) to the PC for retention (**GN 01085.025**, **GN 01085.030**). If **no**, document the file and deny the claim (disallowance code 38, student not attending an educational institution) or terminate entitlement. Forward the SSA-1372 (**GN 01020.250**, **GN 01020.350**) to the PC for retention (**GN 01085.025**, **GN 01085.030**) after the appeal period has passed (**GN 03101.010**) if the student has not filed an appeal.

NOTE: If there are questions about any aspects of the claim, contact your regional office or PC Operations Analysis staff.