



Texas Home School Coalition ASSOCIATION

Dedicated to Serving and Protecting the Home School Community of Texas

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November 8, 2010

Mrs. Araceli Austin, Service Representative
Social Security Office
2717 Terrell Rd.
Greenville, TX 75402

Claim Number : _____

Dear Mrs. Austin:

By way of introduction, let me explain that the Texas Home School Coalition Association is a statewide organization of home educators with almost 70,000 home school families on our mailing list. Our mission is to serve the home school community and protect the right of parents to teach their children at home.

I am responding in regard to a recent phone conversation you had with Mrs. B___ C___ and her daughter, J___ C___, on November 5. In response to your inquiry as to whether or not J___ was in school, Mrs. C___ confirmed for you herself and assured you that she would have our office verify for you that Joy is being educated at home.

As the C___'s are a member family of the Texas Home School Coalition Association and have been members in good standing since April 2006, I can assure you that J___ C___ is a full-time student who is receiving 35 hours of instruction per week and is in full compliance with the laws of the state of Texas.

According to 20 CFR §404.367, a full-time elementary or secondary school student is defined as meeting the following conditions:

“(a) You attend a school which provides elementary or secondary education as determined under the law of the State or other jurisdiction in which it is located. Participation in the following programs also meets the requirements of this paragraph:

“(1) **You are instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which you reside;** or

“(2) You are in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which you reside which is administered by the local school or school district/jurisdiction.

“(b) You are in full-time attendance in a day or evening noncorrespondence course of at least 13 weeks duration and you are carrying a subject load which is considered full-time for day students under the institution's standards and practices.

If you are in a home schooling program as described in paragraph (a)(1) of this section, you must be carrying a subject load which is considered full-time for day students under standards and practices set by the State or other jurisdiction in which you reside;

“(c) To be considered in full-time attendance, your scheduled attendance must be at the rate of at least 20 hours per week unless one of the exceptions in paragraphs (c) (1) and (2) of this section applies. If you are in an independent study program as described in paragraph (a)(2) of this section, your number of hours spent in school attendance are determined by combining the number of hours of attendance at a school facility with the agreed upon number of hours spent in independent study. You may still be considered in full-time attendance if your scheduled rate of attendance is below 20 hours per week if we find that:

The school attended does not schedule at least 20 hours per week and going to that particular school is your only reasonable alternative; or

“(2) Your medical condition prevents you from having scheduled attendance of at least 20 hours per week. To prove that your medical condition prevents you from scheduling 20 hours per week, we may request that you provide appropriate medical evidence or a statement from the school.

“(d) You are not being paid while attending the school by an employer who has requested or required that you attend the school;

“(e) **You are in grade 12 or below;** and

“(f) You are not subject to the provisions in §404.468 for nonpayment of benefits to certain prisoners and certain other inmates of publicly funded institutions.

“[48 FR 21928, May 16, 1983, as amended at 48 FR 55452, Dec. 13, 1983; 56 FR 35999, July 30, 1991; 61 FR 38363, July 24, 1996]”

J__ C_____ meets the criteria detailed above in every respect for a full-time home school student under Texas J___ has enclosed a *Student’s Statement Regarding School Attendance*; and Mrs. C_____, as the administrator of her school and J___’s primary teacher, has provided a *Certification by School Official*. Should you have any questions regarding these facts, I would be happy to visit with you personally.

Sincerely,



Tim Lambert

cc: Mr. and Mrs. K__ C_____; Katy Wren, SSA Office; U.S. Senator John Cornyn; U.S. Senator Kay Bailey Hutchison; U.S. Congressman Pete Olson; Texas home schoolers

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