



Texas Home School Coalition ASSOCIATION

Dedicated to Serving and Protecting the Home School Community of Texas

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February 28, 2013

Ms. Christy Lane
Social Security Administration
5825 16th Street
Lubbock, TX 79416

Claim Number _____

Dear Ms. Lane:

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.

Mr. and Mrs. D___ R___, members of our association, visited your office on Monday, January 14, regarding E___, after picking up forms the previous Friday and filling them out. Mr. and Mrs. R___ are seeking continuation of E___ R___' Social Security benefits until she graduates from their home school high school. E___ is nineteen years old, and her expected date of graduation is December 2013.

A representative from your office questioned Mr. and Mrs. R___ about their home school and then gave them a form, which I have attached, stating that Mr. and Mrs. R___ needed to bring in one document to prove E___'s attendance in home school.

Mrs. R___ contacted our office, and we provided her with a copy of the Social Security Administration's legal opinion on the matter, which is pertinent to this particular issue. Mrs. R___ submitted to your office the documentation of the Social Security Administration on home school students receiving benefits beyond the eighteenth birthday, other information regarding home schooling in Texas, and E___'s course listing.

A few weeks later Mr. and Mrs. R___ received by mail from your office all of the documents they originally submitted and a letter stating that the documents did not contain E___'s Social Security number.

This family followed up by returning to your office on Friday, February 15, with all requested documentation, including E___'s Social Security card and pertinent legal documentation, in an effort to finally complete the process.

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Mr. and Mrs. R___ were then specifically directed to you, Ms. Lane. Mrs. R___ stated that you asked numerous questions regarding their home school and also that they were informed that they would need to bring more documentation in order for any of their paperwork to be valid. You specifically asked Mrs. R___ if she was the teacher, whether she could bring evidence of her own educational background, and whether she kept attendance records.

Mrs. R___ explained that home schools are considered private schools in the state of Texas.

You stated, "They are not the same" and began to question whether E___ went to another building besides her home for school and whether other students attended with her. Mrs. R___ felt that you showed confusion and were bothered by the fact that this family had named their home school "Grace Christian Academy" instead of just calling it "home school."

When Mrs. R___ again tried to explain that home schools are considered private schools in Texas, just the same as any other Lubbock private school, it seemed to Mrs. R___ that you felt that their situation was very different and that if their school was a real private school, the school would simply fill out a form. I would point out to you that Mrs. R___ is, in fact, correct that the state of Texas views home schools as private schools and that parents are recognized as the school administrators.

Ms. Lane, it is our understanding that you left the meeting on two separate occasions to speak with your supervisor and eventually returned and informed Mrs. R___ that the course listing was not acceptable simply because Mrs. R___ had typed it up without a signature or other form of verification. The state of Texas does not regulate, monitor, or oversee private schools, and there is, therefore, no "authority to validate the school" other than the parent. It is evident that the legal documentation presented to you by Mrs. R___ from the Social Security Administration clearly recognizes that fact.

You then gave Mrs. R___ a form to fill out, stating that she should: confirm that their home school is named Grace Christian Academy, confirm her own level of education, and confirm how often E___ attended this school, even though Mrs. R___ had already previously presented this data to you.

You also gave another form to the family and required that E___ fill it out. Ms. Lane, you informed the R___ family that everything was to be sent to a special office that would look over the information and decide its validity and determine whether E___ would be approved, also clarifying that this process would take 30 to 60 days.

When asked why the process was now different from what the first Social Security representative had informed Mr. and Mrs. R___ about, you stated that because this family could not prove

full-time attendance, it was a different process and would have to go before a special committee.

It is obvious that the only reason for this requirement would be that you apparently refused to accept the documents presented by the family because they were not "validated" by some "official." These actions appear to be in direct conflict with the Social Security Administration's policies.

In addition, a document that Mrs. R___ received from your office reads as follows:

"The child's home school instructor must submit evidence to show the home schooling meets 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."

In fact, Mrs. R___ did present a list of courses being taught and also explained that attendance requirements were being met. However, as the R___ family are members of the Texas Home School Coalition Association, I can assure you that E___ is indeed a full-time student who is being taught at home and is in full compliance with the laws of the state of Texas regarding academic subjects and attendance.

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 non-correspondence 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;

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“(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:

“(1) 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]”

E__ R__ meets the criteria set out above in every respect for a full-time home school student under Texas law. Please accept this letter on behalf of Ms. R__ in lieu of Form SSA-561-U2, “Request for Reconsideration.” Should you have any questions regarding these facts, I would be happy to visit with you personally.

Sincerely,



Tim Lambert

cc: Mr. and Mrs. D__ R__; Mr. Eric Alfaro, Lubbock Office Supervisor, Social Security Administration; The Honorable John Cornyn, U.S. Senator; The Honorable Ted Cruz, U.S. Senator; The Honorable Randy Neugebauer, U.S. Representative; Texas home schoolers