



Texas Home School Coalition ASSOCIATION

Dedicated to Serving and Protecting the Home School Community of Texas
Tim Lambert, President • PO Box 6747 • Lubbock Texas 79493
(806) 744-4441 • Fax: (806) 744-4446 • E-mail: staff@thsc.org • www.thsc.org

August 16, 2013

Mr. Eric Alfaro
Social Security Administration
5825 16th Street
Lubbock, TX 79416

Claim Number ____

Dear Mr. Alfaro,

This letter is in response to the decision regarding the benefits request of E___ R___.

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 want you to know that the R___ family has already been through this process once before, with positive resolution. SSI staff had refused to recognize home schooling as private schooling and denied benefits on that basis. They later reversed themselves and reinstated those benefits. However, benefits were dropped for a second time in June when the SSA asserted that E___ was no longer a full-time student. All of that information should be in her file. As we noted in our earlier letter, she is attending classes 35 hours per week and will graduate in May 2014. This is a list of her courses for the fall:

- Math
- History
- Language Arts
- Art
- Government/Social Studies
- Bible – Old and New Testament
- Science
- Foreign Language

According to SSI policy, 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

Mr. Eric Alfaro
August 16, 2013
Page 2

“(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;**

“(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. She has appealed the decision to deny her benefits and we submit this letter in support of that appeal. 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__; Ms. Christy Lane, 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