



# Texas Home School Coalition ASSOCIATION

*Dedicated to Serving and Protecting the Home School Community of Texas*

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Social Security Administration  
8455 Dishman Rd., Suite A  
Beaumont, Tx 77713-9900

Claim Number \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

This letter is in response to the decision rendered by the Beaumont, Texas, Social Security Administration Office on July 22, 2014, regarding the continuation of survivor benefits for \_\_\_\_\_.

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 to protect the right of parents to teach their children at home.

\_\_\_\_\_ lives with her aunt, \_\_\_\_\_, who is a member of our association. Ms. \_\_\_\_\_ contacted our office on July 30, 2014, regarding \_\_\_\_\_'s survivor benefits being denied. \_\_\_\_\_ is seeking continuation of her benefits until she graduates from home school high school in December of 2015.

On \_\_\_\_\_'s behalf Ms. \_\_\_\_\_ submitted the required documentation to the Beaumont office and received notification stating that the claim was denied because a "class in good citizenship was not being taught." Ms. \_\_\_\_\_ appealed the decision on July 8, 2014, stating that \_\_\_\_\_ had previously been taught good citizenship through her other curricula of social studies, Texas history, and U.S. history. A letter from Ms. \_\_\_\_\_ was attached to further explain this point and to let them know that \_\_\_\_\_ will be taking a separate course of study in good citizenship during her upcoming senior school year. On July 22 the Beaumont office sent a Notice of Reconsideration stating again that benefits are not payable because a "separate class in good citizenship is not being taught."

Ms. \_\_\_\_\_ then called the local office in Beaumont, speaking to a woman named Ira, who told her the next step would be to take the appeal before the administrative law judge. Ms. \_\_\_\_\_ is currently awaiting the documentation needed to file that appeal. At this time I have been informed your office has not yet received the Request for Hearing; however, you should be receiving it soon, as it was mailed on August 15.

It is my assertion that an appeal should not be necessary. Ms. \_\_\_\_\_ has provided the documentation and assurance that \_\_\_\_\_ will indeed be attending and completing a "separate good citizenship" class as required by Texas statute. The class in which she will be

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enrolled is titled *We the People: The Citizen and the Constitution* by the Center for Civic Education. I would also note that Texas public schools teach a course in good citizenship, otherwise known as civics, in one semester the senior year of high school. Therefore the idea that this course of study should be taught in every year of study is for a home school is unfounded.

Furthermore, Ms. \_\_\_\_\_ has provided documentation that \_\_\_\_\_ will be enrolled in her home school high school, Dayton Christian Education, full-time, completing 28 hours of classwork weekly. Ms. \_\_\_\_\_ is a member of our association and is in full compliance with the laws of the state of Texas, as listed below, with regard to \_\_\_\_\_'s home schooling.

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;**

“(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]”*

\_\_\_\_\_ does indeed meet 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. \_\_\_\_\_ and \_\_\_\_\_. Should you have any questions regarding these facts, I would be happy to visit with you personally.

Sincerely,

A handwritten signature in black ink that reads "Tim Lambert". The signature is written in a cursive style with a long, sweeping underline.

Tim Lambert

cc: Ms. \_\_\_\_\_; United States Senator John Cornyn; United States Senator Ted Cruz; United States Congressman Steve Stockman