



January 7, 2015

Social Security Administration  
5509 Donnybrook Ave.  
Tyler, TX 75703

Re: Claim Number \_\_

To Whom It May Concern:

By way of introduction, let me explain that the Texas Home School Coalition Association is a statewide organization of home educators, with almost 60,000 home school students on our mailing list. As the advocacy organization for the state of Texas, we act as a liaison with state and federal agencies in regard to issues related to home education. In fact, the state department of education, the Texas Education Agency (TEA), refers calls received by that agency regarding home education to our organization for verification or resolution.

Mrs. T\_\_ H\_\_, a member of our association, contacted our office regarding a notification she received from the Social Security Administration in November 2014. This notification stated that the Social Security payments for her son, J\_\_ H\_\_, would be stopped due to J\_\_'s upcoming birthday on January 8, unless the family completed the SSA-1372 form to verify that J\_\_ is still attending a secondary school. On January 5, the H\_\_s received a letter stating that J\_\_'s Social Security benefits had been stopped completely. I am requesting an appeal for reconsideration on her behalf.

Mrs. H\_\_ is seeking continuation of J\_\_'s Social Security benefits until he graduates from their home school high school. Jacob is 17 years old and is a junior this school year. His expected date of graduation is May 2016. Furthermore, J\_\_ is enrolled in her home school high school, full-time, completing 40 hours of classwork weekly. His course of study includes the following subjects: Government; Pre-Calculus; Biology; Literature Composition; Greek; and Web Design. As Mrs. H\_\_ is a member of our association she is in full compliance with the laws of the state of Texas, with regard to J\_\_'s home schooling.

According to the state of Texas, a home school is a private school, and, therefore, benefits should be extended through Jacob's graduation date. For reference:

**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]*

J\_\_ H\_\_ 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 Mrs. T\_\_ H\_\_. Should you have any questions regarding these facts, I would be happy to visit with you personally.

Sincerely,



Tim Lambert

cc: J\_\_ and T\_\_ H\_\_, United States Senator John Cornyn, United States Senator Ted Cruz, United States Congressman Louie Gohmert, Texas home schoolers