

<b>SOCIAL SECURITY ADMINISTRATION</b>	<b>SPECIAL DETERMINATION</b>
	OFFICE
NAME OF WAGE EARNER OR SELF EMPLOYED PERSON  Barbara Q. ~, ~	SOCIAL SECURITY CLAIM NUMBER  XXX-XX-XXXXC8
NAME OF CLAIMANT (if other than wage earner)  Little John ~, ~	RELATIONSHIP TO CLAIMANT  Dependent Child

**Issue:** Does Little John ~, ~ meets the requirements for home schooling and full time attendance to continue receiving students benefits as described in section 202 (d)(7)(A) of the Social Security Act?

**Facts:**

1. Little John age 18 is the son of Barbara Q. ~, ~ a wage earner receiving disability benefits.
2. On September 26, 2009, Little John submitted a SSA-1375 BK (student form) to the Paris, TN field office to request payment continuation as “full time student”.
3. The SSA-1372 form indicated “Gateway Christian School” as the school attending 20 hrs per week. However, the beneficiary indicated under the “type of school” question “homeschooling”.
4. RS 00205.275 indicates that the school must be recognized as an educational institution (EI) and development must be documented. Section “F” of the same regulation instructs to look for legal precedent opinion (LPO) to be able to determine if the school meets Federal requirements.
5. Research was done and precedents exist – PR 07905.047 Tennessee (c) PR 09-067 dated December 1, 2008 states:

*“To be eligible for child's benefits on the earnings record of an insured person who is entitled to old-age or disability benefits, a claimant eighteen years or older who is not disabled must be a full-time elementary or secondary school student. See Social Security Act § 202(d)(1)(B)(i); 42 U.S.C. § 402(d)(1)(B)(i); 20 C.F.R. §§ 404.350(a)(5), 404.367 (2008). An individual can meet this requirement if he or she attends a school that provides elementary or secondary education as determined under the law of the state in which the school is located. 20 C.F.R. § 404.367(a). Attendance means attendance at a school facility, unless a student is home schooled. See id.; Because Claimants reside in Tennessee, we look to Tennessee law to determine if their educational program qualifies them as full-time secondary school students.*

*Tennessee law expressly recognizes church-related schools. Tenn. Code Ann. § 49-50-801. (2008). A church school is defined as a school operated by a denominational, parochial, or other bona fide church organization that meets the standards of accreditation or membership in various organizations including ACSI. Id. Gateway is accredited by ACSI. In addition, the Tennessee Department of Education classifies Gateway as a Category IV school. See Tennessee Department of Education 2008-2009 Non-Public School Listing, above. Category IV schools are those schools which are "church related" and exempt from regulations according to Tenn. Code Ann. § 49-50-801. Based on Gateway's accreditation and categorization, we believe Gateway is a church-related school under Tennessee law”*

**Conclusion:**

Gateway Christian School is considered an Educational Institution, which requires Little John to take weekly test and study under parental supervision of no less of 20 hrs per week. Therefore, Little John ~, ~ meets the requirements for home schooling and full time attendance to continue receiving student benefits as described in section 202 (d)(7)(A) of the Social Security Act.

DETERMINATION MADE BY	DATE	APPROVED BY	DATE
CR's Name		Direct Supervisor	
TITLE		TITLE	
<input type="checkbox"/> CLAIMS REPRESENTATIVE <input type="checkbox"/> CLAIMS EXAMINER <input type="checkbox"/> CLAIMS AUTHORIZER <input type="checkbox"/> OTHER (Specify)		<input type="checkbox"/> CLAIMS AUTHORIZER <input type="checkbox"/> CLAIMS EXAMINER <input type="checkbox"/> OTHER (Specify)	