

# Social Security

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## Program Operations Manual System (POMS)

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**TN 48 (08-15)**

SI 00501.020 Student - SSI

**CITATIONS:** 20 CFR § 416.1861, §416.1872

### A. Student Earned Income Exclusion (SEIE)

Certain SSI exclusions may apply to a child who is also a student. One of the exclusions is the SEIE described in SI 00820.510. Effective April 1, 2005, Section 432 of the Social Security Protection Act (SSPA) extended the SEIE to any SSI student under the age of 22. These students no longer need to meet the SSI definition of "child", see SI 00501.010. Students may now qualify for the SEIE provision as outlined in SI 00501.020B in this section.

The policy regarding the application of the student child definition for other exclusions has not changed. For more information, see SI 00501.010.

**NOTE:** Effective August 21, 2015, with the publication of this revised section, we may consider online schooling as a form of regular school attendance, if the student meets the requirements in SI 00501.020C in this section.

### B. Definition Of A Student For Purposes Of The SEIE

A student for purposes of the SEIE is a recipient (including a deemor or member of a couple) who is:

- under age 22; and
- regularly attending school, college, or training designed to prepare him or her for a paying job as described in SI 00501.020C.1 in this section.

For information related to the student earned income exclusion, see SI 00820.510.

## C. Policy For Regular Student Attendance

### 1. General requirements for students

Regular attendance means the student takes one or more courses of study and attends classes:

- in a college or university for at least 8 hours per week under a semester or quarter system;
- in grades 7 - 12 for at least 12 hours per week;
- in a course of training to prepare him or her for a paying job for at least 15 hours per week if the course involves shop practice, or 12 hours per week if it does not involve shop practice. This training includes anti-poverty programs, such as the Job Corps and government-supported courses in self-improvement; or
- for less than the amount of time indicated above for reasons beyond the student's control, such as illness, if circumstances justify the reduced credit load or attendance.

#### Examples of school attendance

##### School attendance less than the required hours

Kim is a physically disabled student who attends vocational school only one day per week due to the unavailability of transportation. Although her enrollment for attendance is less than 12 hours per week, Kim qualifies as regularly attending school because the lack of transportation is a circumstance beyond her control.

##### Enrollment in special course of study

Edward is a 19-year-old student attending a public high school. He does not attend regular classes but receives special training to meet self-improvement skills such as combing hair, dressing, and eating. Edward is not a student for SSI purposes despite attendance at a secondary school facility because he is not attending a curriculum for grades 7-12.

##### Student in a training course

Sara is a 21-year-old student who attends Perkins School for the Blind. She is in a training course 20 hours per week. Sara spends 15 hours per week learning office skills and 5 hours per week learning personal grooming skills. At the conclusion of the course, Sara will be able to use her office skills for a paying job (sheltered or in a competitive job market). The 15 hours per week that she spends on learning office skills meets the required attendance hours and qualifies her as a student for SSI purposes.

## **2. Additional types of students**

In addition to the general requirements above, a person may qualify as a student in any of the following categories provided the additional criteria are met:

### **a. Homeschooled students**

Homeschooling is a private educational program in which a parent or tutor educates the student at home. It is a program of study completed by choice. A homeschooled student is considered regularly attending school if he or she is instructed at home in grades 7-12 for at least 12 hours a week. Homeschool instruction must be in accordance with the homeschool laws of the state or other jurisdiction of the student's residence.

### **b. Homebound students**

A homebound student is an individual who is forced to cease actual physical presence in the classroom due to illness, injury, or other circumstances beyond the student's control. A homebound student may be regularly attending school, if he or she:

- must stay home because of a disability;
- studies a course or courses given by a school in grades 7-12, college, university, or government agency; and
- has a home visitor or tutor from school who directs the studying or training.

### **c. Online school**

An online school is one that offers Internet-based courses to students. Online schools vary considerably in the methods used to provide education to students. Some features of online schools may include:

- Virtual classrooms;
- E-mail for submission of assignments and communication with teachers;
- Telephone for communication with teachers;
- Access to teachers, either online, by telephone or in-person;
- Completion of credits and tests;
- Requirements for time spent online monitored by the school; and
- Individualized instruction.

A recipient who receives his or her education through online schooling is considered a student regularly attending school if:

- He or she studies a course or courses given by an online school in grades 7-12, a college or university, or a government agency (see SI 00501.020C.1 in this section); and
- The online school is authorized by the laws of the state in which the online school is located. In the case of a foreign school, the foreign school can qualify provided it is part of a secondary or post-secondary school system in a country or facility approved or authorized by the educational authorities in that country to provide secondary or post-secondary education.

## D. Periods Of Nonattendance

### 1. School break

A recipient remains a student when classes end if he or she attended classes regularly just before the school closed for school break and;

- tells us that he or she intends to resume attending regularly when school reopens; or
- resumes attending regularly when school reopens.

**NOTE:** If a student changes intent to return to school, determine that the recipient is no longer a student effective the month the intent changed.

**Example:**

Jane is a 19-year-old student who enrolled in a vocational course. In June 2014, she completed one-half of the courses, and reported her intent to return to school for the second half in late August 2014. In October 2014, you discovered that she did not return to school. Jane lost her student status effective August 1, 2014.

## **2. Absence due to a recommendation of a teacher or counselor**

A student's counselor or teacher may believe the student needs to stay out of class for a short time to enable him or her to continue studying or training. Consider the recipient to be a student regularly attending school, college, or training that prepares him or her for a paying job. The training courses must prepare the student for work or for a job that will meet the student's specific needs.

## **3. Attendance in the last month of school**

A recipient is a student regularly attending school for the month in which he or she completes or stops the course of study or training.

# **E. Developing, Obtaining And Documenting School Attendance And Enrollment**

## **1. Developing school attendance**

Develop school attendance **only** when the individual is:

- An applicant, recipient, or deemor aged 18 to 22 and alleges being a student;
- Under age 18 (but at least in grade 7), and only if he or she expects to earn over \$65 in a month; or
- Aged 18 to 22 and could be included in the parent-to-child and spouse-to-spouse deeming computations, such as an ineligible child. (see SI 00820.510)

## **2. Obtaining school attendance information**

Obtain the following information from the applicant or recipient:

- Name, address, and authorized website address of the school, institution, or instructor;
- Name, telephone number, and authorized e-mail address of the person to contact for verification; and
- Information on the course(s) of study, dates of enrollment, number of hours of attendance, and other activities of the individual.

## **3. Verifying and documenting school enrollment**

a. Verify student enrollment by:

- Examining school records such as an ID card, tuition receipt, or other comparable evidence; or
- Contacting the school or agency, but only if the student does not have the evidence as described in SI 00501.020E.2 in this section.

If you contact the school or agency, accept either a written or an oral statement. Include the date of contact, contact person's name, and telephone number.

b. Document or retain the enrollment information on:

- the Report of Contact (DROC) screen in the Modernized Supplemental Security Income Claims System (MSSICS); or
- the EVID on the Shared Process Menu (see GN 00301.285); or
- through the Non Disability Repository for Evidentiary Documents (NDRed)

**IMPORTANT:** If the recipient qualifies for SEIE follow the procedures in SI 00820.510C.

#### **4. Student's allegation of the number of hours of attendance**

If the student's allegation of attendance meets the regular attendance standards, accept his or her allegation of the number of hours of attendance without requesting school certification of attendance. If the student alleges a reduced credit load or attendance due to circumstances beyond his or her control, obtain an explanation from the student and document the information as described in SI 00501.020E.3 in this section.

#### **5. Special Education**

If a student takes special education classes that do not satisfy the standard academic or vocational training requirements, develop to determine whether the student meets the school attendance requirements. To determine if the student meets the school attendance requirements, see SI 00501.020C.1 in this section.

#### **6. Vocational or technical training**

If a student attends vocational or technical training, determine if the vocational or technical school or agency designed the training to prepare the student for a paying job. Contact the school or agency and accept the school's allegation that the course or program contains training to prepare the student for a paying job.

#### **7. Homeschooling**

##### **a. Regular school attendance in the form of homeschooling**

Determine whether the homeschooling is in accordance with the homeschool law of the state or other jurisdiction in which the student resides.

To determine whether a legal precedent opinion (LPO) exists for the state or other jurisdiction in which the homeschool is located, see PS 08005.000.

Depending on the 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 homeschool teacher;
- A list of the courses; or
- A copy of the student's attendance log or chart.

**b. When a Legal Precedent Opinion (LPO) exists**

If a legal precedent opinion exists for the state or jurisdiction where the student resides, complete the following:

- Review the existing LPO (see PS 08005.000);
- Determine whether the homeschooling is in accordance with the law of the state or other jurisdiction of residence;
- Determine the type of documentation needed to prove the homeschooling meets the requirements of the law; and
- Request the appropriate documentation regarding the requirements specified in the LPO.

**c. When an LPO does not exist**



If a legal precedent does not exist for the state or jurisdiction where the student resides, obtain an opinion following the procedures in GN 01010.815.

Upon receipt of the opinion:

- Document the student's file or electronic claims record following the procedures in GN 01010.810F;
- Review the LPO to determine the type of documentation needed; and
- Request the appropriate documentation based on the requirements specified in the LPO.

**d. If the student does not submit the documentation specified in the LPO**

Determine that the homeschooling is not in accordance with the homeschool laws of the state or other jurisdiction of residence.

Document the recipient's file or electronic claims record following the instructions in SI 00501.020E.3 in this section.

## 8. Online schooling

**a. Regular school attendance is in the form of online schooling**

Determine if the online schooling is in accordance with the online school laws in the state or other jurisdiction where the online school is located.

**b. Documenting the online school determination**

The following chart provides the actions you should take to verify online schooling.

Step	Action
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Step	Action
1	<p>Obtain the following information from the student:</p> <ul style="list-style-type: none"> <li>• Name, address, and authorized website address of the online school, institution, or instructor furnishing the training;</li> <li>• Name, telephone number, and authorized e-mail address of the person to contact for verification, if necessary; and</li> <li>• Information regarding the course(s) of study, dates of enrollment, number of hours of attendance, and any other activities of the student.</li> </ul> <p>Does the school, institution, or instructor certify that the student's attendance meets the general requirements in SI 00501.020C in this section?</p> <p>If <b>yes</b>, go to <b>step 2</b>.</p> <p>If <b>no</b>, document the student's record according to SI 00501.020E.3 in this section. The recipient does not meet the attendance requirements, as defined in SI 00501.020C in this section. <b>Stop here.</b></p>
2	<p>Is there an established LPO for the online schooling in the state or country in which the school is located?</p> <p>If <b>yes</b>, go to <b>step 3</b>.</p> <p>If <b>no</b>, follow the steps to obtain an LPO by following the procedures in GN 01010.815. Include details about how the online school provides education to the student. When you receive the opinion, go to <b>step 3</b>.</p>

Step	Action
3	<p data-bbox="548 191 1443 323">Does the LPO indicate that the online schooling complies with the law of the state or country where the online school is located?</p> <p data-bbox="548 373 631 407"><b>If yes</b></p> <ul data-bbox="548 491 1443 743" style="list-style-type: none"> <li data-bbox="548 491 1443 575">• Document the student's record with the LPO following the instructions in GN 01010.810F; and</li> <li data-bbox="548 659 1443 743">• Document the student's record following the steps in SI 00501.020E.3 in this section.</li> </ul> <p data-bbox="548 827 631 861"><b>If no</b></p> <ul data-bbox="548 945 1443 1415" style="list-style-type: none"> <li data-bbox="548 945 1443 1029">• Document the recipient's record following the instructions in GN 01010.810F.</li> <li data-bbox="548 1113 1443 1247">• Determine that the online school is not in accordance with the online school laws of the state or other jurisdiction where the online school is located.</li> <li data-bbox="548 1331 1443 1415">• Document the recipient's record according to SI 00501.020E.3 in this section.</li> </ul>

## F. References

- SI 00501.010 Individual is a Child under SSI
- SI 00820.510 Student Earned Income Exclusion
- GN 00301.285 Statements and other Documentation

- PS 08005.000 All Opinions
- GN 01010.815 Request for Legal Opinion
- GN 01010.810 Legal Precedent Opinions

*To Link to this section - Use this URL:*

<http://policy.ssa.gov/poms.nsf/lnx/0500501020>

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