



**Benefits  
Assistance  
Resource Center**

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**PARENT-TO-CHILD  
DEEMING**

I. Introduction ..... 1

II. How the SSA Determines the Amount of Parent(s) Deemed Income and Resources ..... 2

III. How the SSA Applies Parental Deemed Income and Resources to Determine a Child's Eligibility for SSI and Benefit Payment Amount ..... 4

IV. Factors that Change Deeming Status and Needs to be Reported to the SSA ..... 7

V. What is the Relevance, Impact, and Application of Parent-to-Child Deeming for Benefits Planning, Assistance, and Outreach (BPAO) Activities? ..... 7

VI. Frequently Asked Questions ..... 9

VII. Resources and Websites ..... 11



**I. INTRODUCTION TO PARENT-TO-CHILD DEEMING**

**Who is subject to Parent-to-Child Deeming?**

When applying for or receiving Supplemental Security Income (SSI), the eligibility and amount of payment for a child SSI recipient below the age of 18, is determined by considering the income and resources of parent(s) responsible for the child SSI recipient's welfare.

This approach is called "Parent-to-Child Deeming" by SSI program regulations and policies. It is based on the concept that, in some situations, parent(s) who have a responsibility for child SSI recipient(s) share their income and resources with their child or children receiving SSI. It does not matter if money is actually provided to an SSI eligible child below the age of 18 for deeming to apply.

**From whom are income/resources deemed under Parent-to-Child Deeming?**

Parent-to-child deeming only applies to deeming of income and resources from an ineligible parent, or ineligible parents, to an SSI eligible child, or SSI eligible children, below the age of 18. Once the child reaches age 18, deeming of income and resources from her/his parents no longer applies. Generally, the child needs to be living with her/his parent(s), but there are some exceptions to living outside of a parent's home when Parent-to-Child deeming could apply.

**Under what circumstances does Parent-to-Child Deeming Occur?**

For Parent-to-Child deeming to apply, there **must be** at least one each of the two following people involved.

1. At least one "ineligible parent" responsible for the child SSI recipient's welfare who is subject to deeming income &/or resources to the child SSI recipient. SSI defines "ineligible parent" as a parent who is not eligible for SSI. A parent that receives SSI cannot deem income or resources to a child SSI recipient.

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2. At least one "eligible child" or potentially eligible child who is medically qualified to receive SSI and is also subject to receiving deemed income &/or resources from an ineligible parent or parents. SSI defines "eligible child" for Parent-to-Child Deeming purposes as a child below 18 who is currently or could be eligible for SSI. In Parent-to-Child Deeming situations SSI also uses the term "ineligible" to refer to brothers and sisters below the age of 18, of an "eligible" child, who are not eligible for SSI.



## II. HOW THE SOCIAL SECURITY ADMINISTRATION DETERMINES THE AMOUNT OF PARENT(S) DEEMED INCOME AND RESOURCES

Supplemental Security Income (SSI) evaluates and "counts" parental income by separating into two major categories:

**Earned Income** is the first category of parental income SSI "counts" in Parent-to-Child deeming situations, and is generally defined as Social Security taxable gross wages from a parent or the combined gross wages from two parents. Earned income also can include, when applicable, net self-employment earnings (NESE) from a parent or two parents engaged in self employment, which is generally defined as the net taxable income from a small business, after all business expenses have been deducted from gross business sales income, but prior to paying IRS taxes (also prior to any parent/owner's draws from the business)

**Unearned Income** is the second category of parental income SSI "counts" in Parent-to-Child deeming situations and is about what it sounds like – any income the parent(s) receive that is not earned due to direct work efforts, such as unemployment insurance benefits, workers compensation benefits, interest on savings accounts, veterans benefits, dividends from stocks, annuity payments, retirement income, Social Security Disability Insurance (SSDI) monthly checks, rental property income, and generally any type of income that is not earned directly as a result of work efforts of the parents.

### Additional Income Exclusions from Ineligible Parents Income in Sequential Order

**STEP 1. Allocations for ineligible children below the age of 18:** SSI allows for the difference between the SSI Federal Benefit Rate (FBR) for a Couple and the FBR for a single SSI recipient to be excluded when determining deemed income from parent(s); from the parent(s). This is referred to as an "allocation". One allocation is deducted for each ineligible child.

As an example in 2002 the couple SSI FBR = \$817 and the single FBR = \$545 so the difference =  $(\$817 - \$545) = \$272$ . Therefore, during 2002 an "allocation" of \$272 applies to the parent(s) income for each ineligible child below 18 years old. The allocation is applied to unearned parental income first. Any remaining amount is applied to earned parental income.

If the ineligible child has any countable income, the \$272 allocation is applied to reduce the ineligible child's countable income 1<sup>st</sup> and then the balance, if any, is applied to reduce the parents income before any other exclusions are applied .

**STEP 2. GIE Exclusion:** Next, SSI allows for \$20 to be excluded from the parent(s) unearned income as a General Income Exclusions (GIE). If no unearned exists this exclusion is applied to the parental earned income.

**STEP 3. EIE Exclusion:** SSI then allows \$65 to be excluded exclusion (EIE) to be excluded from the parents earned income. If there is no parental earned income this exclusion does **not** apply and cannot be applied to unearned parental income.

**STEP 4. Reduction of parental income of \$1.00 for every \$2.00 earned:** SSI then divides the remaining parental earned income by 2 to further reduce the parental earned income, in essence only counting ½ of the parental earned income.

**STEP 5. Allocation for ineligible parent(s):** SSI then allocates the FBR for a single SSI recipient to be excluded from parental income for a single ineligible parent, or the FBR for a SSI eligible couple to be excluded from income for two ineligible parents or an ineligible parent and ineligible spouse. In 2002 a single ineligible parent would exclude \$545 and two ineligible parents or a parent and a spouse would exclude \$817.

## Income Exclusions

The following items are not included when deeming the income of an ineligible parent.

- A. Income excluded by Federal laws other than the Social Security Act;
- B. Any public income-maintenance payments received by an ineligible spouse or parent, and any income counted or excluded in figuring the amount of those payments;
- C. Any income of an ineligible spouse or parent used by a public income-maintenance program to determine the amount of that program's benefit to someone else;
- D. Any portion of a grant, scholarship, or fellowship used to pay tuition or fees;
- E. Money received for providing foster care to an ineligible child;
- F. The value of food stamps and the value of Department of Agriculture donated foods;
- G. Food raised by an ineligible spouse or parent and consumed by household members;
- H. Tax refunds on income, real property, or food purchased by the family;
- I. Income used to fulfill an approved plan for achieving self-support (for blind and disabled individuals);
- J. Income used to comply with the terms of court-ordered support, or child support payments enforced under Title IV (Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services, Part D-Child Support and Establishment of Paternity) of the Social Security Act
- K. The value of in-kind support and maintenance;
- L. Payments received by certain recipients under the Alaska Longevity Bonus program;

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- M. Disaster assistance;
- N. Certain home energy and support and maintenance assistance;
- O. Income received infrequently or irregularly;
- P. Work expenses if the ineligible spouse or parent is blind;
- Q. Income of an ineligible spouse or parent paid under a Federal, State, or local governmental program to provide chore, attendant, or homemaker services; and
- R. Certain housing assistance.

### **Deeming of Parent's Resources -- What counts and what does not count?**

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SSI allows for any resources excluded for an SSI eligible individual to be excluded for an ineligible parent(s). Therefore, the parent(s) are allowed to own one car, own one home if they live in it, own home furnishings per SSI's policies for value of those furnishings, all property for self support (PESS) such as all capital equipment, property and liquid resources used in a trade or business is excluded, and basically all of SSI's allowed exclusions for an eligible SSI individual.

**An additional exclusion (not allowed for an SSI eligible individual) applies to parents that are subject to deeming to an SSI eligible child (or children).** Pension funds owned by an ineligible spouse or by an ineligible parent or spouse of a parent are excluded from resources for deeming purposes. Pension funds are defined as funds held in Individual Retirement Accounts (IRA's) or in work-related pension plans.

SSI allows the parent(s) to also exclude countable resources of \$2,000 in the case of one parent, or \$3,000 in the case of two parents (or one parent and the parent's spouse) and then deems the balance of those countable resources that exceed those limits to the eligible child. The eligible child may also exclude up to \$2,000 of resources.

Ineligible children below the age of 18 have no resource limits. Their resources are not counted toward the parent(s) nor the SSI eligible child's resources. For instance, a 12 year old ineligible child could own a whole life insurance policy, or a restricted college trust fund, perhaps set up by her/his grandparents, that cannot be accessed by her/his parent's nor by the SSI eligible child, with an unlimited cash surrender value on the insurance/savings policy or college fund.



### **HOW THE SOCIAL SECURITY ADMINISTRATION APPLIES PARENTAL DEEMED INCOME AND RESOURCES TO DETERMINE A CHILD'S ELIGIBILITY FOR SSI AND BENEFIT PAYMENT AMOUNT**

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#### **Deemed Income as unearned income to the child:**

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After SSI calculates the amount of deemed income from a parent(s) to a child - the deemed income is then treated as unearned income to the child. From that point on, the child's income exclusions and calculations are the same as any single SSI recipient, using the standard income exclusions that would apply to a single individual plus the Student Earned Income Exclusion (SEIE) assuming the child meets the SEIE criteria.

**Other forms of income/resources the child may have:**

A child subject to Parent-to-Child deeming may have a variety of other forms of income, such as an SSDI check from a parent that is retired, disabled, or is deceased, an annuity payment, a veterans child benefit from a parent, wages or self employment income. The SSI eligible child's "other" income is taken into consideration after the parental deemed income amount has been calculated.

**How Deemed Income/Resources may cause ineligibility for the child.**

In some situations, a child SSI recipient may clearly be eligible for SSI based on her/his own personal income and resources, yet could be determined ineligible for SSI due to the deemed income or resources from a parent or parents. If for instance, parental deemed income (which is treated as "unearned income" to the child) exceeds \$20 more than the SSI single FBR in 2002 of \$545 plus any applicable state SSI supplements, then the child would be found ineligible for SSI due to receiving too much parental deemed income. The same holds true for resources – where the child is allowed \$2000 in personal resources, and the parents \$3,000 for a couple, or a total of \$5,000 – and if, as an example, the total resources exceed that amount then the child would be found ineligible for SSI due to excess personal and/or deemed resources from her/his parents.

**Example of how deemed income affects an eligible child's payment amount.**

Parental deemed income may also cause an eligible child's SSI payment to be reduced. For example: John is 14 and has a disability that is medically determinable as eligible for SSI. He lives with his two parents, Mark and Sandy, and his younger sister, Susan (age 10) who does not have a disability. Mark, John's father, is currently receiving \$600 per month SSDI and not employed. Sandy, John's mother, earns \$1,200 per month in gross wages. John and his sister, Susan, each receive \$150 Title II checks from their father's SSDI eligibility due to the fact that they are minor children below the age of 18, which is not due to either John or Susan having or not having a disability. It's simply due to the fact that they are below the age of 18 and their father, Mark, is receiving SSDI due to his disability.

**STEP 1:** Apply the 2002 Child allowance of \$272 to John's younger sister, Susan's, unearned income, as an ineligible child below the age of 18 (Susan does not have a disability and is ineligible for SSI – yet her income and exclusions are part of the deeming process as a member of the family)

\$272	Deeming allowance for ineligible children below 18 years old
<u>-\$150</u>	Title II Susan's monthly unearned income:
\$122	Remaining allowance

**STEP 2:** Apply the remaining ineligible child allocation (not all used in reducing Susan's income above to John's father, Mark's, SSDI check.

\$600	Marks' SSDI check (John's father)
<u>-\$122</u>	Child allowance not all used in reducing Susan's countable income
\$478	

**STEP 3:** Subtract the General Income Exclusion (GIE) from John's father's remaining unearned income.

\$478	Mark's remaining unearned income from step 2
<u>-\$ 20</u>	GIE
\$458	

**STEP 4:** Subtract the Earned Income Exclusion (EIE) from John's mother's earned income.

\$1200	Sandy's earned income (John's mother)
<u>-\$ 65</u>	EIE
\$1135	

**STEP 5:** Divide Sandy's remaining earned income by two

$\$1135/2 = \$567.50$

**STEP 6:** Add Mark's (John's father's) countable unearned income to Sandy's (John's mother's) countable earned income (from steps 3 and 5 above)

\$ 458.00	Mark's countable unearned income
<u>\$ 567.50</u>	Sandy's countable earned income
\$1,025.50	

**STEP 7:** Subtract the parent 2002 deeming allocation of \$817 from the total countable amount from Step 6

\$1,025.50	(total countable income from John's mother and father from Step 6)
<u>- 817.00</u>	(parent deeming allocation for a couple – note: a single parent only subtracts)
\$ 208.50	\$545 in 2002 but in this case John's parents are married)

**\$208.50 IS THE DEEMED INCOME TO JOHN FROM HIS PARENT'S INCOME**

**STEP 8:** Add John's \$150 Title II benefits from his father to the deemed income from his parents in step 7 to calculate John's total unearned income:

\$150.00	John's Title II benefit from his father, Mark's, SSDI award
<u>\$ 208.50</u>	John's deemed income from his parents
\$358.50	

**STEP 9:** Subtract John's allowed \$20 General Income Exclusion (GIE) from John's total unearned income

\$ 358.50	John's total unearned income
<u>- 20.00</u>	GIE
\$338.50	

**STEP 10:** Subtract John's total countable income from the SSI award in his state, with no state supplement, of \$545 for 2002 to calculate John's SSI check amount.

\$ 545.00	SSI Federal Benefit Rate for a single individual with no state supplement
- 338.50	John's total countable income
\$ 206.50	SSI check

**\$206.50 IS JOHN'S CALCULATED SSI CHECK AMOUNT**

#### **IV. FACTORS THAT CHANGE DEEMING STATUS AND NEED TO BE REPORTED TO THE SOCIAL SECURITY ADMINISTRATION**

The following factors affect or change deeming status and need to be reported to SSI:

1. Changes in parent(s) income and/or resources.
2. Changes in family members who reside in the household (parents or children).
3. If an ineligible parent becomes eligible for SSI, deeming would cease (none of the SSI eligible parent's income or recourse would be deemed to the SSI eligible child) in a single parent household. In a two parent household – income is first deemed to the eligible parent from the ineligible parent – so if there is an eligible parent (still receiving SSI after spouse-to-spouse deeming) then there is no deeming of income or resources to the eligible child.
4. If another child in the household become eligible or ineligible, deeming to this first eligible child is affected and the change needs to be reported to SSI.

#### **V. WHAT IS THE RELEVANCE, IMPACT, AND APPLICATION OF PARENT-TO-CHILD DEEMING FOR BENEFITS PLANNING, ASSISTANCE, AND OUT-REACH (BPAO) ACTIVITIES?**

Generally, BPAO project staff will be providing assistance to working age individuals between the ages of 14 and 65. Although parent-to-child deeming applies to any child below the age of 18, BPAO support for children younger than 14 is not expected from BPAO staff, other than to provide information and referral service. This age range is noted as specifically relevant due to application of Parent-to-Child deeming; the ability in states to work with some restrictions from the Department of Labor at age 14; and the IDEA mandate to schools to begin vocational planning at age 14. Therefore, a student could be engaging BPAO staff for advice and assistance as early as age 14.

Presuming that BPAO project staff are providing benefits analysis services that eventually outline an array of work related choices for SSI recipients, the following applications could be useful to consider for 14 – 18 year old youth.

- a. An eligible 14 – 18 year old child could possibly be receiving less SSI than the potential SSI Federal Benefit Rate (FBR) of \$545 in 2002 due to deemed income from a parent. SSI reports on their statistical analysis that in fact a fair percentage of youth in that age range do receive reduced SSI benefits due to parental deemed income. If the example child in this situation was receiving an SSI check reduction of perhaps \$250 less SSI than the potential \$545 FBR, each month, and was perhaps 15 years old, a logical work incentive choice that should be presented to the child (assuming a thorough benefits analysis of all choices is developed) would be to outline the possible choice to set aside that \$250 in a Plan for Achieving Self Support (PASS) to perhaps achieve a vocational goal of the child's choosing. The PASS analysis would show that setting aside \$250 per month from the age of 15 – 18 for 3 years, would equate to a \$9,000 PASS potential for achieving a vocational goal.
- b. The student could also be shown how SSI's Student Earned Income Exclusion (SEIE) would apply if the student chose to work, and if applicable, once working, how Blind Work Expenses (BWE), Impairment Related Work Expenses (IRWE) and 1619(b) provide significant earning capacity and incentives to work during the ages of 14 – 18 and beyond.
- c. Families with parents that are on SSDI or SSI may also have children on SSI and/or SSDI –even children younger than 14, so in dealing with complex family benefits planning – choices by parent(s) to work or not to work impact not only on the parent's benefits but also would impact their children's benefits below age 18 if applicable and would need to be discussed and analyzed to promote informed choice for parents to work or increase earnings from current work activities.

An example of Parent-to-Child deeming applied to accessing a Plan for Achieving Self Support for a 15 year old child SSI recipient is presented below.

A family of three, two parents and a child named Jack, age 15, who was receiving SSI that was reduced by \$111.50 per month due to his parents gross income of \$1,982 per month (using 2002 figures for this example) chose to write a PASS for 28 months from April 99 - September 2001 (28 months)  $\$111.50 \times 28 = \$3,122.00$  total for Jack's work goal to become a carpenter's assistant. The PASS was incorporated into his school Individual Education Plan (IEP), and the school IEP was incorporated into his PASS. Jack's PASS was approved by SSI and he has continued to use his PASS to achieve his work goal over the past years, with several PASS amendments and a PASS extension.

The following formula was used to determine Jack's deemed income from his parents. (The following formula applies to Jack's situation but it should be noted that it only includes earned income from his parents since they did not have any unearned income and he had no other brothers and sisters below the age of 18. Other situations, such as deemed income from a single parent, or parental unearned income, or siblings below the age of 18 would require different variations of the formula listed).

Parent's gross monthly income:	\$1982.00
Less \$20 parent's unearned income exclusion:	- 20.00
	\$1962.00
Less \$65 parent's earned income exclusion:	- 65.00
	\$1897.00
Divided by 2	\$ 948.50
Less SSI Married Couple FBR for 2002	- 817.00
Deemed income to Jack on SSI	\$ 131.50
Less \$20 child unearned income exclusion	- 20.00
Countable unearned income	\$ 111.50

Jack's 2002 SSI check without a PASS:  
 $\$545 - \$111.50 = \$433.50$  SSI per month

Jack's 2002 SSI check with a PASS of \$111.50:  $\$545 - \$0 = \$545$

(All countable income is excluded in Jack's PASS, therefore, his SSI check is increased to the full FBR of \$545)

Additional PASS funds generated by Jack's SSI check increase of \$111.50 for 28 months = \$3,122 for his PASS work goal to become a carpenter's assistant.

Jack's PASS can be reviewed at the following web site:

[http://www.passplan.org/PASSdb/Examples/Jack\\_23.htm](http://www.passplan.org/PASSdb/Examples/Jack_23.htm)

## VI. Frequently Asked Questions

**Are there any situations where Parent-to-child deeming is waived or would not apply to an eligible child SSI recipient below the age of 18 with ineligible parent(s)?**

Yes. There is a provision that allows a waiver of the normal parent-to-child deeming rules. This waiver applies in very few circumstances. Beginning July 1, 1990, parental income or resources are not deemed to any child under age 18 who:

- A. Is disabled;
- B. Received SSI benefits limited to the \$30 reduced benefit rate because of residence in a medical treatment facility;
- C. Is eligible for Medicaid under a State home care plan; and
- D. Would be ineligible for SSI benefits because of deemed parental income or resources.

Information on this waiver can be found on the internet at:

SI 01310.201 Waiver of Parental Deeming Rules  
<http://policy.ssa.gov/poms.nsf/lnx/0501310201>

**Are child support payments counted as deemed income from parent(s)?**

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**No.** An eligible child who receives child support payments is considered to have an income in his/her right not deemed income. Child support payments count as unearned income of the child. One-third of these payments is excluded.

**What happens if an eligible child moves out of the household – into either another household or residential program? Is parental income still counted and deemed to the child?**

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If the child moves out but intends to return in the same month or following month and is temporarily absent, then deeming still continues. If a child moves out and is attending a educational or vocational school and returns home say on weekend or holidays and is subject to parental control, then SSA considers this to be a temporary absence.

If the child is not subject to parental control, it is not a temporary absence and deeming does not apply. At such young ages (below 18) parental control is a significant consideration. If a child moves into a private, non-medical facility, such as foster care, deeming does not apply, or if the child moves into a residential program approved by the state (i.e. group home or similar situation).

More information on this question can be found at:

**SI 00835.790 Noninstitutional Care Situations**  
<http://policy.ssa.gov/poms.nsf/lnx/0501310140>

**SI 01310.165 Deeming Concept - Temporary Absence**  
<http://policy.ssa.gov/poms.nsf/lnx/0501310165>

**How does SSI gather the relevant information needed to make deeming determinations and any changes in amount of deemed income over time? How often is deemed income reviewed?**

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SSI first gathers the relevant deeming information at the time of application for SSI benefits for a child below the age of 18. Parents are required to show all income and resource information, IRS filings, and bank records. SSI has the right to secure all needed information or the application can be denied. After that, SSI reviews the non-medical information at least once yearly and over the more recent years, does this by mailings and phone calls, and it can also be done in person at local SSA field offices. Thereafter, SSI relies on parents to notify SSI of any changes occurring and to receive SSI, the parents are required to sign a form stating that they will report all changes in their living situations.

Is there a minimum age for deeming to apply?

There is no minimum age. Sometimes a child born with a disability applies for SSI via her/his parents and hospital support immediately upon birth. This is often due to the fact that in most states SSI also automatically qualifies the child for Medicaid and very young children born with significant disabilities may need extensive and costly Medical support.



## VII. Resources and Websites

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### 1. Social Security's Program Operations Manual System (POMS)

Section SI 01300.000 covers SSI's day to day operating policies for deeming applications at the following web address:

<http://policy.ssa.gov/poms.nsf/36f3b2ee954f0075852568c100630558/521b907c70ac19a785256a5f000b6c7f?OpenDocument>

### 2. Code of Federal Regulations (CFR's):

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED - [http://www.ssa.gov/OP\\_Home/cfr20/416/416-0000.htm](http://www.ssa.gov/OP_Home/cfr20/416/416-0000.htm)

§416.1160 What is deeming of income.

[http://www.ssa.gov/OP\\_Home/cfr20/416/416-1160.htm](http://www.ssa.gov/OP_Home/cfr20/416/416-1160.htm)

### 3. Social Security Handbook 2001:

Chapter 21 Supplemental Security Income.

[http://www.ssa.gov/OP\\_Home/handbook/handbook.21/handbook-toc21.html](http://www.ssa.gov/OP_Home/handbook/handbook.21/handbook-toc21.html)

2167. Deeming of income and resources.

[http://www.ssa.gov/OP\\_Home/handbook/handbook.21/handbook-2167.html](http://www.ssa.gov/OP_Home/handbook/handbook.21/handbook-2167.html)

### 4. SSA BPAO Manual On-Line:

[http://www.ilr.cornell.edu/ped/ssa\\_curriculum/](http://www.ilr.cornell.edu/ped/ssa_curriculum/)

### 5. PASS Examples On-Line at the Rural Institute, University of Montana

<http://www.passplan.org>

6. Work Incentive and Work/Supported Employment Related Organizations:

Virginia Commonwealth University

<http://www.ced.wvu.edu/Programs/Community/BPAO/index.htm>

<http://www.worksupport.com>

<http://www.vcu-barc.org/>

<http://www.vcu.edu/rrtcweb/witn/ssi.htm>

<http://www.spiconnect.org/>

<http://www.vcu.edu/rrtcweb/sec/>

University of Missouri -- <http://www.rcep7.org/ssa/>

Cornell University -- <http://www.ilr.cornell.edu/ped>

University of Montana-Rural Institute -- <http://ruralinstitute.umt.edu>

Institute for Community Inclusion -- <http://www.childrenshospital.org/ici>

Griffin-Hammis Associates, LLC -- <http://www.griffinhammis.com>

<p><b>Virginia Commonwealth University's</b></p>  <p>Give us a call or e-mail us....We are the answer to your Social Security Work Incentives questions!!!</p> <p><b>Virginia Commonwealth University</b> <b>Benefits Assistance Resource Center</b> <b>P.O. Box 842011</b> <b>1314 W. Main St.</b> <b>Richmond, VA 23284-2011</b> <b>(804) 828-1851 VOICE -- (804) 828-2494 TTY -- (804) 828-2193 FAX</b></p> <p><b><a href="http://www.vcu-barc.org">http://www.vcu-barc.org</a></b></p>	
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