

**Addendum to the Supporting Statement for the SSA-3368
Disability Report - Adult
20 CFR 404.1512 and 416.912
OMB No. 0960-0579**

Background

This is a request for modification of the Form SSA-3368, Disability Report - Adult, related to new regulation, Removing the Education Category - Inability to Communicate in English - from the Disability Determination Process, RIN 0960-AH86. This new regulation will eliminate one of the five existing education categories, namely the “inability to communicate in English” (20 CFR 404.1564 and 416.964). The new regulation will not affect the other educational categories. We will amend the Medical Vocational Guidelines in 20 CFR Part 404, Subpart P Appendix 2, as appropriate, under the new regulations.

The effect of this regulation is to remove the consideration of English proficiency when determining a claimant’s education category. We will consider the claimant’s actual education attained without regard to the claimant’s proficiency in the use of English and assign the claimant to one of the four remaining education categories, as appropriate: illiteracy; marginal education; limited education; and high school education and above.

Sections 223(d)(2)(A) and 1614(a)(3)(B) of the Act require SSA to consider a claimant’s education when determining an adult’s claim of disability. Sections 205(a) and 1631(d)(1) of the Act authorize SSA to establish procedures for collecting and verifying relevant evidence. We collect such evidence using Form SSA-454-BK, Continuing Disability Review Report. The information we collect assesses a claimant’s level of education, and assigns the claimant to a specific education category.

Revisions to the Collection Instrument

SSA is making the following revisions to this collection due to the new regulation, RIN 0960-AH86:

- **Change #1:** We are revising the question about the highest grade completed in 5.A. to combine 12/High School Graduate/GED/equivalent.
- **Justification #1:** We are making this change to conform to the revisions to the education categories, namely the “inability to communicate in English” in 20 CFR 404.1564 and 416.964. In accordance with the new rules, we consider the claimant’s formal education without regard to their English proficiency. Therefore, we are revising the question to capture education completed foreign countries.
- **Change #2:** We are revising the question about special education in 5.B. as follows:

- o We are changing the wording to receive special education and adding IEP for clarify.
 - o We are adding questions about the last grade special education was received, dates attended, and phone and fax numbers for the school.
- **Justification #2:** We are making this change to conform to the revisions to the education categories, namely the “inability to communicate in English” in 20 CFR 404.1564 and 416.964. In accordance with the new rules, we may need to develop for school records to document the claimant’s literacy.
- **Change #3:** We are adding a question about the ability to read and write a simple message in any language with examples in 5.D.
- **Justification #3:** We are making this change to conform to the revisions to the education categories, namely the “inability to communicate in English” in 20 CFR 404.1564 and 416.964. In accordance with the new rules, we need to document a claimant’s literacy in any language.

SSA will implement these Changes immediately upon OMB’s approval of the Final Rule for RIN 0960-AH86.

These revisions do not affect the public reporting burden.