

**Addendum to the Supporting Statement for Form SSA-3380-BK**  
**Function Report – Adult Third Party**  
**20 CFR 404.1512, 404.1564, 416.912, and 416.964**  
**OMB No. 0960-0635**

**Background**

This is a request for modification of the Form SSA-3380-BK, Function Report – Adult Third Party, 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**

- **Change #1:** We are adding the Regulation citations for 20 CFR 404.1564 and 416.964 of the *Code of Federal Regulations* to this information collection.

**Justification #1:** We inadvertently did not include this citation previously, and are correcting for that now.

SSA is making the following revisions to Form SSA-3380-BK due to the new regulation, RIN 0960-AH86:

- **Change #1:** We are changing Question 22a, Social Activities, to read, “How does the disabled person spend time with others? (check all that apply)”, with the below options:
  - In person
  - On the phone
  - Email

- o Texting
- o Mail
- o Social media
- o Video chat (for example, Skype or Facetime)
- o Other:

**Justification #1:** We are making this change to conform to the regulation, Removing Inability to Communicate in English as an Education category, to reflect more modern means of communication, and whether the person is illiterate.

SSA will implement this Change immediately upon OMB's approval of the Final Rule for RIN 0960-AH86.

These revisions do not affect the public reporting burden.