

**Addendum to the Supporting Statement for Form SSA-454-BK
Continuing Disability Review Report
20 CFR 404.1589 & 416.989
OMB No. 0960-0072**

Background

This is a request for modification of the Form SSA-454-BK, Continuing Disability Review Report, 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 Instruments

SSA is making the following revisions to Form SSA-454-BK due to the new regulation, RIN 0960-AH86:

Change #1: We added the question, “Can you read and understand English?” to Section 1, and numbered it 1G. We also included Yes and No check boxes.

Justification #1: These changes will conform to the regulation considering a claimant’s education when determining an adult’s claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant’s education category.

Change #2: We added the question, “Can you write more than your name in English?” to Section 1, and numbered it 1H. We also included Yes and No check boxes.

Justification #2: These changes will conform to the regulation considering a claimant’s

education when determining an adult's claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant's education category.

Change #3: We relabeled the original question 1G as 1I.

Justification #3: We did this to have the questions in sequential order.

Change #4: We revised the wording in Section 7A to add the line, "If YES, describe the education you received:", and added additional fill-ins underneath to collect the Name of School; Telephone; Fax; Mailing Address; Type of program; Date(s) of attendance; Date completed (or scheduled to be completed); and Degree attained, if any.

Justification #4: These changes will conform to the regulation considering a claimant's education when determining an adult's claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant's education category.

Change #5: We revised the wording in Section 7B to add the line, "If YES, describe the training you received:", and added additional fill-ins underneath to collect the Name of Training Facility; Telephone; Fax; Mailing Address; Type of program; Date(s) of attendance; Date completed (or scheduled to be completed); and Certificate/License attained, if any.

Justification #5: These changes will conform to the regulation considering a claimant's education when determining an adult's claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant's education category.

SSA is making the following revisions to the EDCS Screens for the SSA-454-BK due to the new regulation, RIN 0960-AH86:

Change #1: We added the question, "Can you read and understand English?" in the Your Language Information section. We also included Yes and No check boxes.

Justification #1: These changes will conform to the regulation considering a claimant's education when determining an adult's claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant's education category.

Change #2: We added the question, "Can you write more than your name in English?" in the Your Language Information section. We also included Yes and No check boxes.

Justification #2: These changes will conform to the regulation considering a claimant's education when determining an adult's claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant's

education category.

Change #3: We revised the wording under the Education Section to reflect, “Have you received any education since your last disability decision?”. In addition, we added the line, “If YES, describe the education you received:”, and added additional fill-ins underneath to collect the Name of School; Telephone; Fax; Mailing Address; Type of program; Date(s) of attendance; Date completed (or scheduled to be completed); and Degree attained, if any.

Justification #3: These changes will conform to the regulation considering a claimant’s education when determining an adult’s claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant’s education category.

Change #4: We revised the wording under the Job Training or Vocational School Section to reflect, “Have you received any type of specialized job, trade, or vocational training since your last disability decision?”. In addition, we added the line, “If YES, describe the education you received:”, and added additional fill-ins underneath to collect the Name of School; Telephone; Fax; Mailing Address; Type of program; Date(s) of attendance; Date completed (or scheduled to be completed); and Degree attained, if any.

Justification #4: These changes will conform to the regulation considering a claimant’s education when determining an adult’s claim of disability. The effect of the regulations is to remove the consideration of English proficiency when determining a claimant’s education category.

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.

**Addendum to the Supporting Statement for Form SSA-3441
Disability Report-Appeal
20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513,
404.1740(b)(4), 416.1540(b)(4), and 20 CFR 405, Subpart C
OMB No. 0960-0144**

Background

This is a request for modification of the Form SSA-3441, Disability Report - Appeal, 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 Instruments

SSA is making the following revisions to Form SSA-3441 due to the new regulation, RIN 0960-AH86:

Change #1: In 8B, we added “GED classes” and “college classes” to the question.

Justification #1: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. This now requires us to consider a claimant’s formal schooling without regard to the claimant’s proficiency in English. Therefore, additional collection is required.

Change #2: In 8B, under Date(s) attended, we added two new questions to collect Certificates/licenses/degrees attained, if any and Date of attainment.

Justification #2: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. Requesting information on

when education was attained will allow adjudicators to determine how relevant the information is in the disability adjudication process.

SSA is making the following revisions to the i3441 due to the new regulation, RIN 0960-AH86:

Change #1: We changed the question, “Have you completed any type of special job training, trade or vocational school” to, “Since you last told us about your education, have you completed or are you enrolled in any type of GED classes, specialized job training, trade school, vocational school, or college classes?”

Justification #1: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. This now requires us to consider a claimant’s formal schooling without regard to the claimant’s proficiency in English. Therefore, additional collection is required.

Change #2: Under the revised question, we added two new questions to collect Certificates/licenses/degrees attained, if any and Date of attainment.

Justification #2: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. Requesting information on when education was attained will allow adjudicators to determine how relevant the information is in the disability adjudication process.

SSA is making the following revisions to the 3441 EDCS Screens due to the new regulation, RIN 0960-AH86:

Change #1: Under the Education Information section, we changed the question to, “Since you last told us about your education, have you completed or are you enrolled in any type of GED classes, specialized job training, trade school, vocational school, or college classes?”

Justification #1: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. This now requires us to consider a claimant’s formal schooling without regard to the claimant’s proficiency in English. Therefore, additional collection is required.

Change #2: Under the revised question, we added two new questions to collect Certificates/licenses/degrees attained, if any and Date of attainment.

Justification #2: We are adding this information due to the new regulation to eliminate the “inability to communicate in English” education category. Requesting information on when education was attained will allow adjudicators to determine how relevant the information is in the disability adjudication process.

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.

**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:

- We are changing the wording to receive special education and adding IEP for clarify.
 - 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.

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

- Texting
- Mail
- Social media
- Video chat (for example, Skype or Facetime)
- 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.

Addendum to Supporting Statement for Form SSA-3373-BK
Function Report – Adult
20 CFR 404.1512 and 20 CFR 416.912
OMB No. 0960-0681

Background

This is a request for modification of the Form SSA-3373-BK, Function 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.

Revision to the Collection Instrument

SSA is making the following revisions to Form SSA-3373-BK due to the new regulation, RIN 0960-AH86:

- **Change #1:** We are changing Question 19a, 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
 - Texting
 - Mail
 - Social media
 - Video chat (for example, Skype or Facetime)
 - 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.