

**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 is eliminating one of the five existing education categories, namely the “inability to communicate in English” (20 CFR 404.1564 and 416.964). The new regulation does not affect the other educational categories. We amended 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 1H. 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 1I. 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 1J.

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

- **Change #4:** We revised the wording in Section 7A to add fill-ins underneath to collect the Name of School; Date(s) of Attendance; Mailing Address; Type of Program/Degree; and Date completed (or scheduled to be completed).

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 date completed field in 7.B. to request the date in MM/YYYY.

Justification #5: To promote consistency in the way we collect information, we are revising dates related to determining a person’s education level to MM/YYYY throughout this and other forms.

- **Change #6:** In Section 7, we are adding the following three questions as 7.C., 7.D. and 7.E.:

7.C. What written language do you use every day in most situations (at home, work, school, in community, etc.)? _____

7.D. In the language you identified in 7.C., can you read a simple message, such as a shopping list or short and simple notes? YES NO

7.E. In the language you identified in 7.C., can you write a simple message, such as a shopping list or short and simple notes? YES NO

Justification #6: The information is necessary to determine whether a person may fall under “Illiteracy” category after we remove the “Inability to Communicate in English” category from our rules. The revision will help us to collect information necessary to determine whether a person (regardless of the language they speak) can read and write at least a simple message in a language.

- **Change #7:** Throughout the form, corrected the, “go to Section 5 – Medicines” page number from 9 to 11.

Justification #7: We made this change to reflect the correct page number.

- **Change #8:** We are revising the Privacy Act Statement on this form.

Justification #8: SSA's Office of the General Counsel is conducting a systematic review of SSA's Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the form.

- **Change #9:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #9: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated.

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 question, "Have you received any education since MM/YYYY?" with additional fill-ins underneath to collect the Name of School; Date(s) of Attendance; Mailing Address; Type of Program/Degree; and Date completed (or scheduled to be completed).

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:** In the Language Information section, we are adding the following three questions:

What written language do you use every day in most situations (at home, work, school, in community, etc.)? _____

In the language you identified above, can you read a simple message, such as a shopping list or short and simple notes? YES NO

In the language you identified above, can you write a simple message, such as a shopping list or short and simple notes? YES NO.

Justification #4: The information is necessary to determine whether a person may fall under “Illiteracy” category after we remove the “Inability to Communicate in English” category from our rules. The revision will help us to collect information necessary to determine whether a person (regardless of the language they speak) can read and write at least a simple message in a language.

- **Change #5:** We are revising the Privacy Act Statement on the screen package.

Justification #5: SSA’s Office of the General Counsel is conducting a systematic review of SSA’s Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the screen package.

- **Change #6:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #6: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated.

SSA will implement these Changes immediately upon OMB’s approval of this ICR, 0960-0813, within 60 days of the publication of the Final Rule, Removing Inability To Communicate in English as an Education Category (RIN 0960-AH86), which published February 25, 2020 at 85 FR 10586.

These revisions do not affect the public reporting burden.