

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.

**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 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-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 Degree(s) attained, if any and Date of attainment (MM/YYYY).

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.

- **Change #3:** We are revising the Privacy Act Statement on this form.

Justification #3: 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 #4:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #4: 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 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 Degrees(s) 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 respondents attained education will allow adjudicators to determine how relevant the information is in the disability adjudication process.

- **Change #3:** We are revising the Privacy Act Statement on the screen package.

Justification #3: 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 #4:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #4: 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 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 Degrees(s) 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.

- **Change #3:** We are revising the Privacy Act Statement on the screen package.

Justification #3: 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 #4:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #4: 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.

**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 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-3368 due to the new regulation, RIN 0960-AH86:

- **Change #1:** We are revising question 5.A. to include parenthesis after the question to explain to select 12, if you have education equivalent to high school from another country. In addition, we are requesting the Name of the school and mailing address.

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 in foreign countries.

- **Change #2:** We are revising the question about special education in 5.B. as follows:

- We revised the wording of the question to, “Did you receive special education, such as through an Individualized Education Plan (IEP) or equivalent education?”
- We added a question to determine the dates attended from and to (MM/YYYY).
- We added a question for the last grade you received special education with check boxes for grades pre-K through 12.
- We added a question for the reason(s) for IEP or equivalent education, with the option to select same as 5.A. or different from 5.A.

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 added the below three questions to collect information about the ability to read and write a simple message in any language, including yes and no boxes for 5.E. and 5.F.:
 - 5.D. What written language do you use every day in most situations (at home, work, school, in community, etc.)?
 - 5.E. In the language you identified in 5.D., can you read a simple message, such as a shopping list or short and simple notes?
 - 5.F. In the language you identified in 5.D., can you write a simple message, such as a shopping list or short and simple notes?

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.

- **Change #4:** We are revising the Privacy Act Statement on this form.

Justification #4: 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 #5:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #5: 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-3368 due to the new regulation, RIN 0960 AH86:

- **Change #1:** We are revising the question, “What is the highest grade of school that you completed?” to include parenthesis after that read, “Select 12, if you have education

equivalent to high school from another country.” In addition, we are requesting the approximate date completed (MM/YYYY); Name of school; and mailing address.

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 in foreign countries.

- **Change #2:** We are revising the question in the Special Education section as follows:
 - We revised the wording of the question to, “Did you receive special education, such as through an Individualized Education Plan (IEP) or equivalent education?”
 - We added a question to collect the last grade you received special education, with drop down box to select grades pre-K through 12.
 - We added a space to input reason(s) for IEP or equivalent education.

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 added the below three questions to collect information about the ability to read and write a simple message in any language in the Language Information section:
 - What written language do you use every day in most situations (at home, work, school, in community, etc.)?
 - Including a dropdown box to select a language, and a blank space to input other language if not listed.
 - In the language you identified above, can you read a simple message, such as a shopping list or short and simple notes?
 - Yes/No/Not yet answered check boxes
 - In the language you identified above, can you write a simple message, such as a shopping list or short and simple notes?
 - Yes/No/Not yet answered check boxes

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.

- **Change #4:** We are revising the Privacy Act Statement on the screen package.

Justification #4: 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 #5:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #5: 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.

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 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 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
- 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.

- **Change #2:** We relabeled question, “Describe the kinds of things he/she does with others” as 22b.

Justification #2: We made this change to further determine the ability to communicate to conform to the new regulation that eliminates the “inability to communicate in English” education category.

- **Change #3:** We re-lettered previous questions 20b-20d to 20-c-20e

Justification #3: We made this change to correct the lettering of the questions.

- **Change #4:** We are revising the Privacy Act Statement on this form.

Justification #4: 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 #5:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #5: 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.

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 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.

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 do you spend time with others? (check all that apply)”, with the below options:
 - In person
 - On the phone
 - Email
 - Texting
 - Mail
 - 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.

- **Change #2:** We made, “Describe the kinds of things you do with others” a standalone question 19b, and renumbered the original questions 19b-d to 19c-e.

Justification #2: We made this change to further determine the ability to communicate to conform to the new regulation that eliminates the “inability to communicate in English” education category, as well as correctly numbering each question.

- **Change #3:** We are revising the Privacy Act Statement on this form.

Justification #3: 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 #4:** We are updating the Paperwork Reduction Act Statement on this form.

Justification #4: 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.