

**Supporting Statement for
Teacher Questionnaire, Form SSA-5665-BK
Request for Administrative Information, Form SSA-5666
ODAR Cover Letter to Teacher Questionnaire, HA-85
ODAR Cover Letter to Request for Administrative Information, HA-86
20 CFR 404.1513, 416.913, and 416.924a(a)
OMB No. 0960-0646**

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 223(d)(5) and 1631(e) of the *Social Security Act (Act)* and 20 CFR 416.912(a) and 404.1512(a) of the *Code of Federal Regulations* authorize the Social Security Administration (SSA) to collect information found on Forms SSA-5665-BK and SSA-5666.

Sections 202 and 223(a) and (d) of the *Act* require SSA to apply a statutory definition of disability for minor children (individuals between the age of 15.5 to 18 years) in Title II child-in-care claims, and for adult children (under age 22 years) claiming Title II Childhood Disability Benefits. Section 1614(a)(3)(C) of the *Act*, as amended by *Public Law 104-19*, requires SSA to apply a statutory definition of disability for children (individuals under the age of 18 years) applying for Title XVI Supplemental Security Income (SSI) payments based on disability. Sections 221 and 1633 of the *Act* allow the Commissioner of SSA to make appropriate or necessary administrative and other arrangements to carry out the functions of the agency under Titles II and XVI, respectively.

20 CFR 404.1513 and 416.924a(a) of the *Code of Federal Regulations* require SSA to consider all relevant evidence in the case record when determining whether a child has a disability under Title II or XVI of the *Act* (initial, reconsideration, or continuing disability determination). This may include medical evidence, school records, and employment history. 20 CFR 416.924a(a)(2) requires that when determining the effects of the child's impairment(s), SSA obtain information about the child's functioning from teachers, parents, and others who have the opportunity to observe the child on a day-to-day basis. Education programs are an important source of evidence and often provide formal assessment results and other information from a variety of disciplines. Evidence from educational programs varies a great deal in format, content, reliability, and usefulness. The need exists, therefore, for an information collection instrument that ensures a degree of uniformity and consistency in the quantity and quality of information received about children's impairment-related limitations. The same need occurs in Title II cases involving disabled minor children and disabled adult children. We use Forms SSA-5665-BK and SSA-5666 for this purpose.

2. Description of Collection

When determining the effects of a child's impairment(s), SSA obtains information about the child's functioning from teachers, parents, and others who have the opportunity to observe the child on a daily basis. SSA uses Forms SSA-5665-BK and SSA-5666 to make one-time requests for teacher reports; results of formal testing; therapy progress notes; individualized education programs; and other records of a child's educational aptitude and achievement. Forms SSA-5665-BK and SSA-5666 are available electronically to school and training program administrators on SSA's website. State Disability Determination Services (DDS) or SSA may send a request for completion of the SSA-5665-BK to a child's local school administrative office or training program, which refers the request to the child's teacher(s), who then accesses the form through the link. The teacher(s) forwards the completed SSA-5665-BK to the school's or training program's administrative office, which uploads it to SSA's Electronic Records Express (ERE) system, OMB No. 0960-0753. The DDS or SSA may send a request for completion of the SSA-5666 and copies of the child's school records to the central or local administrative school office, depending on which office maintains the child's individual academic records. The administrative office or training program can also upload the child's records via ERE. Respondents are teachers and other education personnel.

3. Use of Information Technology to Collect the Information

SSA provides fillable and printable PDF versions of Forms SSA-5665-BK and SSA-5666 on SSA's website. Respondents may download the fillable versions, complete them, and submit them through SSA's Electronic Records Express (ERE) System (OMB No. 0960-0753). Based on our data, 100% of respondents complete the fillable PDF forms and submit them electronically through ERE. This information collection does not currently allow for electronic completion under the Government Paperwork Elimination Act as it has been conveyed to SSA by OIRA, as we do not have a fully electronic version, which allows respondents to both complete and submit these forms. As per our 4/3/20 conversation with OIRA, we welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this unconnected to the PRA approval lifecycle.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does not affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not use Forms SSA-5665-BK and SSA-5666, the cost of the Title XVI and Title II disability programs would increase because non-uniform documentation of information about children’s functioning in school settings or training programs would be less efficient, less reliable, and less clear for purposes of quality assurance and any other reviews. Since we only collect the information once, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.

7. Special Circumstances

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 *CFR* 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

The 60-day advance Federal Register Notice published on October 8, 2020 at 85 FR 63630, and we received no public comments. The 30-day FRN published on December 8, 2020 at 85 FR 79064. If we receive any comments in response to this Notice, we will forward them to OMB.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects in accordance with 42 *U.S.C.* 1306, 20 *CFR* 401 and 402, 5 *U.S.C.* 552 (Freedom of Information Act), 5 *U.S.C.* 552a (Privacy Act of 1974), and OMB Circular No. A-130.

11. Justification for Sensitive Questions

The collection contains information that may disclose sensitive material in that it describes limitations imposed on a child’s daily functioning or impairment(s). However, SSA cannot make a disability determination without obtaining a description of the child’s ability to function on a day-to-day basis.

12. Estimates of Public Reporting Burden

Please see the burden chart below:

Modality of Completion	Number of Respondents (Ages 5-17)	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-5665-BK (electronic)	246,539	1	40	164,359	\$26.14*	4,296,344**
SSA-5666 (electronic)	91,186	1	30	45,593	\$26.14*	1,191,801**
Totals	337,725			209,952		5,488,145**

* We based this figure on average Elementary and Secondary School worker’s

hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes250000.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this information collection request is **209,952** hours (reflecting SSA management information data), which results in associated theoretical (not actual) opportunity cost financial burden of **\$5,488,145**.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$4,199,840. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$0
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$4,199,040
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$800
Quantifiable IT Costs	Any additional IT costs	\$0
Total		\$4,199,840

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have

calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC in 2017, the burden was 251,178 hours. However, we are currently reporting a burden of 209,952 hours. This change stems from a decrease in the number of responses from 404,564 to 337,725. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current Management Information data.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

SSA is not requesting an exception to the requirement to display the OMB approval expiration date.

1. Exceptions to Certification Statement

SSA is not requesting an exception to the certification requirements at 5 *CFR* 1320.9 and related provisions at 5 *CFR* 1320.8(b)(3).

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.