

**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.