

DEPARTMENT OF HEALTH & HUMAN SERVICES



Refer to:

Memorandum

Date: • ^{83C-9} **AUG 08 1991**
From: • Associate Commissioner
 for Disability

Subject: • Disability Determination Services Administrators' Letter
 Regarding Obtaining School Record8 in Disabled Child
 Claims--INFORMATION

To: All Regional Commissioners
 (Unnumbered)

In response to concern8 about developing cases involving school-age children, we have prepared our Disability Determination Administrators' (DDS) Letter. The letter explains the type8 of information to obtain from schools, how to obtain the information and what to do if school records, in whole or in part, are *not* available. We also provide an overview of our national efforts to ensure cooperation from the education community. These efforts will continue and we will keep you updated.

We are aware that many DDSs have already implemented procedures on this issue. Therefore, your comments and suggestions on how to improve this evidence development process vital to child disability claim adjudication will be appreciated. If you or your staff have any questions or comments on the attached letter, they may contact Diane Garro, Director, Division of Medical Vocational Policy on FTS 625-3821.


 Susan B. Parker

Attachment

cc:
 Janice L. Warden



AUG 08 1991

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION
OFFICE OF DISABILITY

DISABILITY DETERMINATION SERVICES ADMINISTRATORS' LETTER
NO. 180

TO : State Disability Determination Servicer
Administrators

SUBJECT: Obtaining School Records in Title XVI Disabled
Child Claims--INFORMATION

The development of functional information is extremely important under the new childhood disability rules. Since schools are a valuable source of this information, as well as a possible source of medical evidence, and, since school records will be requested in a large number of cases involving school-age children, we are issuing this reminder about the type of information we should try to obtain from schools, how to obtain this information, and what to do when school records, in whole or in part, are not available. We recommend that this letter be disseminated to both your adjudication staff and medical relations staff. We are also providing you with an update on our national efforts to help ensure cooperation from the educational community.

We realize that the need for functional information will result in a significantly greater number of requests to school systems and that special efforts, on both the national and local level, will be needed. As part of these efforts, we have developed (with the help of the Zebley Medical Relations Workgroup) a model letter that can be used for contact with individual school districts (tab A). This letter explains that we need to obtain information about academic performance, psychological evaluations, attendance, behavior, school-based therapeutic intervention, and the child's ability to perform age-appropriate activities. We also developed a factsheet, which contains essentially this same information (tab B). You may find the factsheet useful for meetings, briefings, and other contact with school personnel.

We have already briefed several national children's organizations, including educational organizations such as the National Association of State Directors of Special Education and the National Education Association, on the provisions and evidentiary requirements of the new childhood regulations. We have also identified other major educational agencies, such as the National Association of Independent Schools and the American Federation of Teachers, and are in the process of contacting them to explain the provisions of our program and to ask their assistance in informing their members of SSA's need for school records, urging their members to comply with your requests for records, and in helping us with the especially difficult problem of obtaining school evidence during the summer. We are contacting officials in the Department of Education to support this effort by conveying this same message through its network.

However, the bulk of the public relations work will need to be done on the local level as each disability determination services (DDS) learns how to work with the various school districts within its State or area of jurisdiction. The attached model letter and factsheet can be used by your medical relations staff in these efforts.

We understand that most DDSs have already started to contact the various school districts to determine the best way to secure their records, and recommend the other DDSs make this effort. The medical relations staff should inquire about the types of available records and ascertain how each school district stores its records to ensure that requests for these records are both appropriate and appropriately routed. The DDSs should also determine whether there are any prohibitions against direct contact (either oral or written) with any school personnel, such as teachers or guidance counselors. If special forms for release of information are needed, the medical relations staff should work with the regional office (RO) to have these forms available in the field offices (FOs) where they can be completed at the time of the initial interview.

Despite our best efforts, there will be times where school records, including teacher contacts, will not be available. This will be a particular problem during the summer months when many schools are closed. To help solve this problem, our model letter urges school districts to appoint a contact person who will be able to help get the records year round. If this does not occur, your staff will need to make the attempts discussed at the training sessions, which are as follows:

1. Attempt to contact the school. It is our understanding that in some school systems certain documentation should be available even during the summer months. Also, when summer school sessions are held, the school will be open and there may be personnel available who can help us get the records we need.

(Note: We do not intend that the DDS continue to contact a school once it has determined that the school is closed for the summer. The DDS should prepare a report of contact (RC) stating that the school is closed and the date it will reopen. The RC can then be placed in all claims files that would normally have required contact with the school, until such time as regular contacts can be resumed.)

2. If the school is closed, contact the Board of Education; there might be someone there who can obtain the records we need. (Again, if it is determined that the Board of Education cannot provide assistance, the DDS can record this information on an RC which can be used to document other claims files.)
3. Ask the parents (or person acting on the child's behalf) to submit their copy of the child's report card, individualized education plan (IEP), results of any standardized testing, or any other relevant school documents. If there is a problem with submitting this evidence because of photocopying costs, contact your RO to see if the claimant can get the documents photocopied at the FO.

If school records are not available, either because the school is closed or for some other reason, try to get the needed information from some other source. These sources may include--but are not limited to--family members, day camp counselors or other daycare providers, neighbors, and social workers. The kinds of sources who can supply relevant information and which sources to contact will, of course, vary from case to case; only those sources who might have the relevant information should be contacted.

For example, in addition to school documents like report cards or IEPs, a parent may have information about the child's functioning in school based on conversations with or notes from the teacher. A daycare provider may be able to provide needed information on how the child interacts with other children or how long the child can sustain various levels of physical activity. If necessary, a consultative examination can be purchased.

The information obtained from these sources should enable the adjudicative team to develop a balanced picture of the child's functioning during the 90-day period and thus permit adjudication of the majority of these cases without obtaining records from the school itself. Where this does not occur, and a sufficiently documented decision cannot be made, the case may have to be deferred until the school can be contacted.

We will keep you updated on the national publicity campaign and the results of our efforts with the educational community. Please refer any further questions on these issues to your regional office.


Susan B. Parker
Associate Commissioner
for Disability

Attachments:

Tab A - Model Letter

Tab B - Factsheet

cc:

All Regional Commissioners

LETTER TO SCHOOL DISTRICTS

Because of a February 1990, Supreme Court decision the Social Security Administration has changed its rules for determining disability in children's claims for Supplemental Security Income (SSI) payments. These changes will affect the school districts that serve children with physical and/or mental impairments in several ways. The most obvious effect will be in the number and extent of requests that SSA will make for children's school records.

In order to evaluate the severity of a child's impairment, it may be necessary to obtain information from schools about academic performance, psychological evaluations, attendance, behavior, and school-based therapeutic intervention (such as speech and language therapy). The child's teacher or counselor may also be asked to provide information about ways in which the child's impairment limits his/her ability to perform or function in an age-appropriate fashion.

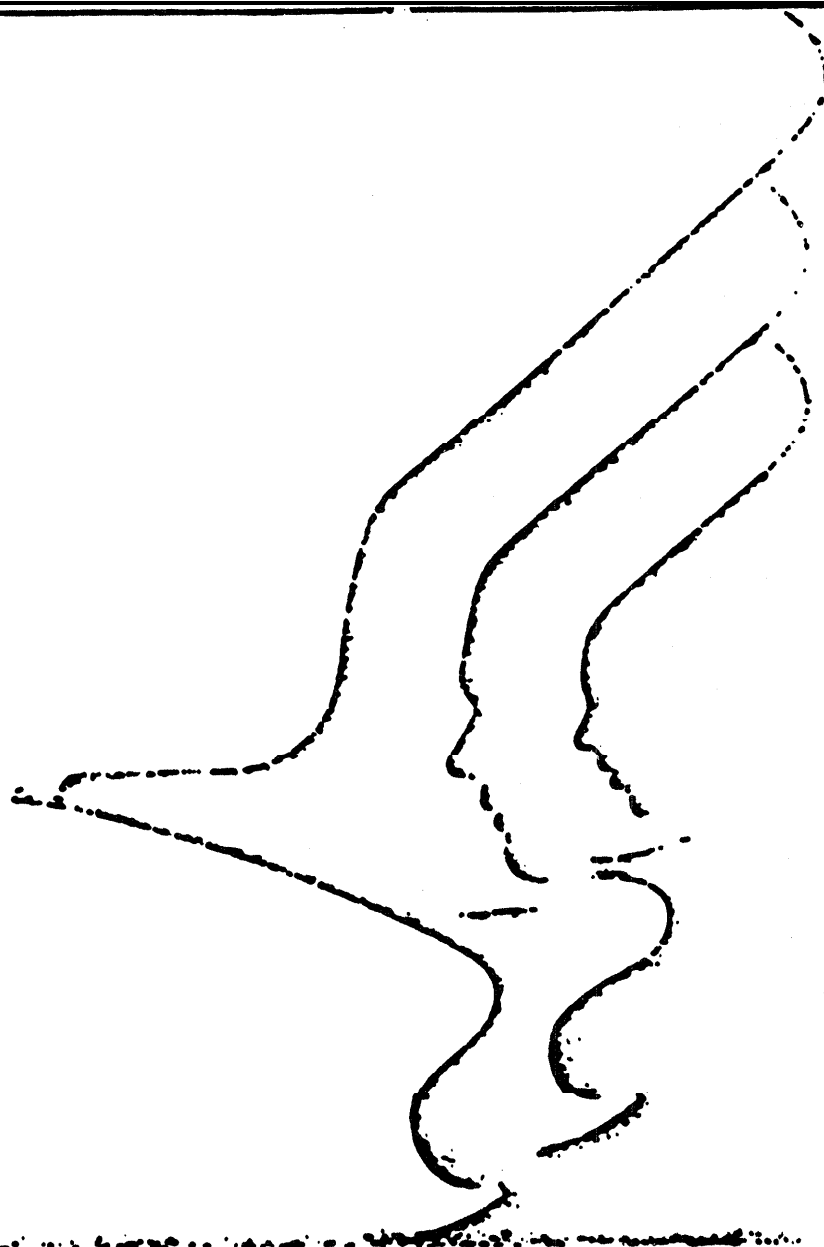
The information you provide will be essential for accurate decisions in these claims. We urge you to help us and the children by responding promptly and completely to requests for information so that eligible children can receive needed cash benefits and medical assistance.

As you know, our need to obtain information will continue during the summer months when many schools are closed. We urge you to appoint a contact person now who will be available year-round to help with these requests so that children's claims for benefits will not be delayed.

Enclosure

"A Guide to SSI for Groups and Organizations"

A GUIDE TO SSE
FOR GROUPS AND
ORGANIZATIONS



**SOCIAL SECURITY'S NEED FOR EDUCATIONAL INFORMATION
IN DECIDING
SUPPLEMENTAL SECURITY INCOME (SSI) CHILDHOOD DISABILITY CASES**

WHY SSA'S NEED FOR INFORMATION FROM SCHOOLS HAS INCREASED

- 0 In a case that will lead to some of the most widespread changes ever made in the evaluation of claims for disability, the Supreme Court in Sullivan v. Zebley held that the SSA's former rules for evaluating disability in SSI childhood cases were inconsistent with the law's definition of disability for children.
- 0 Final regulations to implement the decision were published on February 11, 1991. They were effective immediately.
- 0 Obtaining specific, up-to-date, reliable information on just how well a child is actually functioning day-to-day is very important in making disability decisions using the new rules.
- 0 School records and contact with appropriate educational personnel are valuable sources of evidence about how well an individual child is functioning. Accurate and insightful evidence from schools helps ensure that SSA disability decisions reflect the actual situation of the child.

WHAT SSA NEEDS FROM SCHOOLS AND SCHOOL PERSONNEL

- o SCHOOL RECORDS including records of:
 - academic performance, psychological evaluation, attendance, and behavior;
 - school-based therapeutic interventions and the use of other special services, including placement in special education classes or other specially adapted settings;
 - individual educational plans; and
 - other periodic assessments of the child.

- 0 **ASSESSMENTS BY TEACHERS AND OTHER APPROPRIATE PERSONNEL** about the child's ability to perform age-appropriately. (This includes comment on the child's ability to function in the classroom setting; to engage in self-care; to relate to peers and school personnel & dependently, appropriately and effectively; and any other indicator, of how the child's ability to function compares to other children of his or her age.
- 0 **INFORMATION ON SPECIAL ACCOMMODATIONS** that must be made to respond to the limitations imposed by the child's impairments and/or deficits in functioning.
- 0 **ANY OTHER RELEVANT INFORMATION** that will give SSA disability decisionmakers an accurate picture of how well the child is really doing.

HOW SSA DECISIONMAKERS WILL OBTAIN THE INFORMATION

- 0 **SSA will secure any necessary authorizations for release of information from the responsible parties** (generally, the child's parent(s) or guardians).
- 0 **Decisionmakers in the agencies making disability decisions for SSA will be requesting written records from appropriate sources** in the individual schools, and, where appropriate, from central administrative entities.

If local school systems use specific forms for this purpose, personnel who make disability decisions for SSA will try to use these forms.
- 0 **Additional personal and telephone contact with teachers and other personnel will be made, as necessary.**
- 0 **Information will be requested year-round, not just during the academic year, to the extent that the school system is able to accommodate the request. This is vitally important to ensure timely disability decisions for children at all points of the year.**

HOW YOU CAN HELP

- 0 Remember that this is not entirely new; SSA has a history of obtaining school information in childhood disability cases. However, the extent and volume of information needs has increased and the importance of clear information on functioning has been made paramount.
- 0 Familiarize school administrators and personnel with SSA's needs and the importance of meeting these needs for the children applying for disability benefits.
- 0 Ensure that appropriate points of contact are set up, year-round, if possible.
- 0 Establish liaisons with the State agencies making disability decisions for SSA, when appropriate.

State agencies have already begun to survey school systems about their record release policies and points of contact.

WHAT SSA IS DOING TO ENSURE SUCCESSFUL COOPERATION WITH SCHOOLS

- 0 Briefing representatives of national educational organizations on the new regulation and increased evidence needs.
- 0 Distributing information such as this fact sheet through targeted mailings and professional meetings and conventions. (Please feel free to duplicate this information for further distribution.)
- 0 Issuing special instructions to the State agencies making disability decisions directing them to make contact with school systems; provide liaison to schools through their medical relations staffs; and establish clear procedures for obtaining school information.
- 0 Inviting suggestions from you and other professionals in the field on how better, and more expeditiously, to obtain information from educational sources.