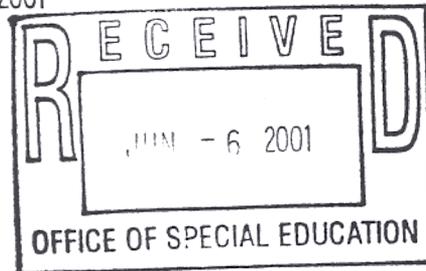




UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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**MEMORANDUM**

**TO:** Part C Coordinators  
Preschool Coordinators  
Directors of Special Education

**FROM:** Patricia J. Guard *Patricia J. Guard*  
Acting Director  
Office of Special Education Programs

**SUBJECT:** Information about New Childhood Regulations under the Supplemental Security Income (SSI) Program

The purpose of this memorandum is to provide you with information about the new regulations affecting the determination of childhood disability under the Social Security Administration's (SSA's) Supplemental Security Income (SSI) program. These changes may have an impact on the children you serve and their families. Attached is a document entitled "Supplemental Security Income (SSI) for Children," prepared by SSA staff for distribution. Our thanks to Ms. Regina Connell, a program specialist at SSI and agency representative on the Federal Interagency Coordinating Council, for her assistance. Please feel free to share this with your constituency groups, as appropriate.

How Can Early Intervention or Special Education Programs Assist SSI Enrollment?

There are a number of ways that staff providing services under the Individuals with Disabilities Education Act (IDEA) can assist and facilitate SSA in making the determination of childhood disability under SSI. The following examples are offered with the understanding that any sharing of personally identifiable information with another agency must have prior written parental consent.

- **Child Find Activities:** As a part of child find activities and as a service to parents, many states, with written parent consent, routinely include referrals to other federally or state-supported benefits programs, such as Medicaid, the State Children’s Health Insurance Program (SCHIP) or SSI. A number of states have streamlined program intake by developing a uniform intake application across a number of state agencies or have developed an intake system that electronically alerts the intake worker of other state programs for which the applicant might be eligible. This has the potential to reduce both stress for families and the amount of “shopping around” they have to do to access other possible public support or benefit programs.
- **Evaluation and Assessment:** With written parent consent, the results from the multidisciplinary evaluation and assessments conducted under IDEA, may be helpful for SSA in determining a child’s eligibility. These reports may also provide current insights or supporting information into the child’s daily functioning abilities. Copies of any periodic assessments of the child would also be helpful to confirm continued SSI eligibility.
- **Services:** Again, with written parent consent, providing the State agency disability adjudicator with a copy of the child’s individualized family service plan (IFSP) or individualized education program (IEP) could facilitate the decision on SSI eligibility. Education records, as defined by the IDEA, may also be useful in making the SSI eligibility determination. Observations and information from service providers (early intervention services, preschools, schools, child care settings) who work regularly with the child and the child’s family and others who know about the child’s daily functioning and behavior may also be useful for determining SSI eligibility. Specific information that provides a comparison between what the child can do compared to his or her same-age nondisabled peers is particularly useful.
- **Parents should inform SSA that their child receives services under the IDEA and be prepared to provide specific information about the types of services received, including the frequency, intensity and location of the services, so that appropriate evaluations, reports and plans of service can be obtained, with written parent consent.**

To obtain a copy of SSA’s final rules, “Social Security Income: Determining Disability for a Child under Age 18” (65 Fed. Reg. 54747, Sept. 11, 2000), download at: <http://www.nara.gov/fedreg>.

Attachment

## Supplemental Security Income (SSI) For Children

On January 2, 2001, the Social Security Administration started using updated rules for determining disability eligibility in children. This is important because the new rules help Social Security decision makers better evaluate the effects of all impairments by providing more uniform standards across age groups, and by helping decision makers obtain an even more comprehensive picture of a child's functioning. An overview of SSI (Supplemental Security Income) and the new rules are explained below.

### What Is SSI?

SSI is a national program administered by the Social Security Administration. It provides monthly payments to people who have limited income and resources and who are at least 65 years old, or blind, or disabled under Social Security rules.

SSI isn't just for adults. Disabled or blind children under age 18 can receive SSI, too. For a disabled child, the program can:

- provide monthly cash payments based on family income;
- qualify your child for Medicaid health care services in many states; and
- ensure referral of your child into the system of care available under State Title V programs for Children with Special Health Care Needs (CSHCN).

### Applying for SSI

If you think that your child may be eligible for SSI, you should apply on behalf of the child. Some States require families to apply for SSI before the child's eligibility for State programs will be considered. To apply for SSI payments for a child based on disability, you should call Social Security's toll-free number (1-800-772-1213) to make an appointment for an interview.

### Does My Child Qualify?

To receive SSI payments, a child must meet two sets of eligibility criteria:

- financial criteria based on the income and resources of the child and family; and
- medical criteria about the child's impairment or combination of impairments.

#### Financial Eligibility Criteria:

Whether a child qualifies depends on the child's income and resources as well as the family's income and resources. *Income* is money that the child and/or family has coming in each month, like wages or pensions. *Resources* are the child and/or family owns, like bank accounts or property.

The amount of income you can have while still permitting your child's eligibility depends on where you live. This is because some States supplement the federal SSI payments. It also depends on how many parents and other children live in the household. The amount of resources you can have while still permitting your child's eligibility does not depend on where you live. Social Security does not count some types of resources, such as your home or usually a car.

If you have a child with an impairment, and your family's income and resources are close to these amounts, it's worth making an appointment with Social Security to find out whether your child might be eligible for SSI payments.

### **Medical Eligibility Criteria:**

To be considered disabled for SSI purposes, a child has to be severely affected by a medical impairment or combination of impairments. The standard is stricter than in many other disability-based assistance programs. Under Social Security Law, a child is disabled if he or she has a medically determinable physical or mental impairment or combination of impairments that:

- results in "marked and severe functional limitations," and
- has lasted or can be expected to last for a continuous period of not less than 12 months or can be expected to result in death.

Further explanation of the disability decision process follows in more detail

### **What Happens When I Apply?**

When you file a SSI claim for a child at your local Social Security office, SSA personnel first decide whether your child meets the income and resource criteria and other technical requirements. They will also ask you for information about your child's impairment(s), and for the names and addresses of doctors and other people who can give them additional information. It's very important to give complete addresses, phone numbers, dates of treatment, and kinds of treatment or services your child has received from doctors and other people who know about your child.

As part of the disability decision, the Social Security office also looks at any work the child is doing. Generally, a child who is working and earning more than \$740 per month will not be found disabled.

The local Social Security office does not make the rest of the disability decision. The Social Security office sends the claim to a State agency, where a team composed of a disability examiner and a medical or psychological consultant decides whether your child is disabled.

### **Obtaining Evidence about Your Child's Impairment(s) and Functioning:**

The State agency team contacts doctors, schools, teachers, therapists, relatives or others who can provide useful information about your child's impairment(s) and functioning.

The team does not examine your child, and they usually don't meet with you or your child face-to-face. But they may contact you for additional information. However, they will not base their decision solely on your statements about your child or, for example, on the fact that the child is enrolled in special education classes. But that kind of information is very important and useful.

If the State agency cannot get enough information from the child's doctors and other people to decide if your child is disabled, they will arrange and pay for an examination or testing by a qualified medical professional (who may be your child's own doctor, psychologist, or speech/language pathologist).

### **Evaluating the Child's Impairment or Combination of Impairments:**

Once the State agency has gathered evidence about the child's impairment(s) and his or her functioning, they first decide whether your child's impairment(s) limits his or her ability to function. If the impairment(s) is only a slight abnormality or a combination of slight abnormalities that causes no more than minimal functional limitations, they will find that he or she is not disabled. Most cases are not decided at this step.

If the child's impairment(s) causes more than minimal functional limitations, the State agency next uses a list of medical conditions (called the Listing of Impairments or "the listings") to decide if your child is or is not disabled. The listings cover the major body systems and include descriptions of common physical and mental impairments (such as cerebral palsy, mental retardation, asthma, and AD/HD) along with specific medical severity criteria. Your child is disabled if he or she has an impairment, or combination of impairments, that:

- "meets" (is exactly the same as) one of the impairments in the listings; or
- "medically equals" one of the listings; or
- "functionally equals" the listings.

Deciding whether your child's impairment(s) "meets" one of the listings is a matter of comparing your child's impairment to the specific criteria in the listings (not just the diagnosis). Deciding whether the impairment(s) "medically equals" a listing is a matter of deciding if the medical findings are equal in severity and duration to the criteria in a listing.

If your child's impairment(s) does not meet or medically equal a listing, the State agency team then decides whether it "functionally equals" the listings. They assess the effects of the impairment(s) on the child's ability to perform daily activities by looking at how *independently* a child can *initiate, sustain, and complete activities* of all sorts compared to children the same age who do not have impairments. To do this, they consider questions such as:

- What activities is your child able or not able to perform?
- Which activities are limited in comparison with those of same-age peers?
- What type and amount of help does your child need to complete age-appropriate activities?

Once they have a clear picture of the child's activities – what he or she can and cannot do – they decide how much the child is limited in each of six *domains*. The domains are broad areas of functioning intended to capture all of what a child can or cannot do. They are:

- Acquiring and Using Information,
- Attending and Completing Tasks,
- Interacting and Relating with Others,
- Moving About and Manipulating Objects,
- Caring for Yourself, and
- Health and Physical Well-being.

Decision makers must be careful to consider whether an impairment affects a child's abilities in one, or more than one, domain. If your child's impairment or combination of impairments causes "marked" limitations in two of these domains, or an "extreme" limitation in one domain, then his or her impairment(s) functionally equals the listings. SSA defines "marked" and "extreme" limitations in several ways. The most general definition of a "marked" limitation is an impairment(s) that interferes seriously with the child's ability to independently initiate, sustain, or complete activities in a domain(s), and an "extreme" limitation is an impairment(s) that interferes very seriously with these abilities. SSA uses other definitions of marked and extreme, for example, when considering the frequency of exacerbations, and a child's functioning on standardized tests.

The disability evaluation can take several months. When the State agency makes a disability decision, they notify you by letter.

## **Appeal Process**

If your child is denied SSI eligibility, the letter explains why. If you don't agree with the decision, you can file an appeal. If the decision on appeal is unfavorable, you can ask for a hearing before an Administrative Law Judge. And, if the Administrative Law Judge's decision is unfavorable, you can appeal further, eventually to the federal courts.

## **Other Sources of Information about Social Security Disability Programs**

The Social Security Administration's web site (<http://www.ssa.gov>) has useful information including many booklets in downloadable form. Simply follow the link for "Electronic Publications." Some of this information is also available in Spanish.

Health care and school professionals may order Social Security publications, free of charge, from the Social Security Administration's Public Information Distribution Center. See the SSA's web site at:  
<http://www.ssa.gov/disability/professionals/publications.htm>.

Parents may obtain information by visiting or writing any Social Security office, or by phoning the toll-free number, 1-800-772-1213, and speaking with a service representative between the hours of 7 a.m. and 7 p.m. on business days. Recorded information and services are available 24 hours a day, including weekends and holidays. People who are deaf or hearing impaired may call the toll-free TTY number, 1-800-325-0778, between 7 a.m. and 7 p.m. on business days.