

Estimate of the Information Collection Burden for the
School Breakfast Program (OMB #0584-0012)

This document explains the calculation of the information collection burden for the School Breakfast Program, OMB #0584-0012, as submitted for the renewal of the existing regulation. A notice was published in the Federal Register on September 15, 2008, at page 53188. No comments were received in response to the agency's notice.

AFFECTED PUBLIC: STATE AGENCIES

REPORTING REQUIREMENTS

1. Section 220.5 states that funds to be paid to any State for the School Breakfast Program shall be made available by means of Letters of Credit issued by FNS in favor of the State agency (SA). The SA shall: (a) obtain funds needed for reimbursement to School Food Authorities (SFA) through presentation by designated State officials of a payment Voucher on Letter of Credit in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (b) submit requests for funds only at such times and in such amounts, as will permit prompt payment of claims or authorized advances; and (c) use the funds received from such requests without delay for the purpose for which drawn.

FNS estimates that there are 57 SAs that will each file 40 reports annually for a total of 2,280 responses ($57 \times 40 = 2,280$). The estimated average number of burden hours per response is 0.25 resulting in estimated total burden hours of 570 ($2,280 \times .025 = 570$).

2. Section 220.13(b)(1) states that each SA shall maintain Program records as necessary to support the reimbursement payments made to SFAs.

FNS estimates that there are 57 SAs that will each file 4 reports annually for a total of 228 responses ($57 \times 4 = 228$). The estimated average number of burden hours per response is 3.2 resulting in estimated total burden hours of 729.60 ($228 \times 3.2 = 729.60$).

3. Section 220.13(b)(2) states that each SA shall submit to FNS a final Report of School Program Operations (FNS-10) for each month which shall be limited to claims submitted in accordance with § 220.11(b) and which shall be postmarked and/or submitted no later than 90 days following the last day of the month covered by the report. States shall not receive Program funds for any month for which the final report is not submitted within this time limit unless FNS grants an exception.

FNS estimates that there are 57 SAs that will each file 4 reports annually for a total of 228 responses ($57 \times 4 = 228$). The estimated average number of burden hours per response is 5 resulting in estimated total burden hours of 1,114 ($228 \times 5 = 1,114$).

4. Section 220.13(l) states that on or before August 31, 2007, and each subsequent year through 2010, State agencies must report to FNS data, for the prior fiscal, that includes: (i) the name of each school food authority; (ii) the city in which each participating school food authority was headquartered and the name of the state; (iii) the amount of funds provided to the participating organization, i.e., the amount of federal funds reimbursed to each participating school food authority; and (iv) the type of participating organization, e.g., government agency, educational institution, non-profit organization/secular, non-profit organization/faith-based, and “other.”

FNS estimates that there are 57 SAs that will each file 1 report annually for a total of 54 responses ($57 \times 1 = 57$). The estimated average number of burden hours per response is 1 resulting in estimated total burden hours of 57 ($57 \times 1 = 57$).

5. Section 220.15(c) states that audits at the State level shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department’s implementing regulations at 7 CFR part 3052.

FNS estimates that there are 19 SAs that will each file 1 report annually for a total of 19 responses ($19 \times 1 = 19$). The estimated average number of burden hours per response is 3 resulting in estimated total burden hours of 57 ($19 \times 3 = 57$).

6. Section 220.19 states that whenever it is determined that a State agency has materially failed to comply with the provisions of this part, or with FNS guidelines and instructions, FNS may suspend or terminate the Program in whole, or in part, or take any other action as may be available and appropriate. A SA may also terminate the Program by mutual agreement with FNS. FNS and the SA shall comply with the provisions of 7 CFR part 3016 concerning grant suspension, termination and closeout procedures. Furthermore, the SA or FNSRO were applicable, shall apply these provisions, or the parallel provisions of 7 CFR part 3019, as applicable, to suspension or termination of the Program in SFAs.

FNS estimates that there are 57 SAs that will each file 2 reports annually for a total of 114 responses ($57 \times 2 = 114$). The estimated average number of burden hours per response is 9 resulting in estimated total burden hours of 1,026 ($114 \times 9 = 1,026$).

RECORDKEEPING

1. Section 220.7(a) states that the SFA shall make written application to the SA, or FNSRO where applicable, for any school in which it desires to operate the School Breakfast Program, if such school did not participate in the Program in the prior fiscal year.

FNS estimates that there are 57 SAs that will each file 173 reports annually for a total of 9,861 responses ($57 \times 173 = 9,861$). The estimated average number of burden hours per response is .025 resulting in estimated total burden hours of 2,465.25 ($9,861 \times 0.25 = 2,465.25$).

2. Section 220.9(d) states the SA, or FNSRO where applicable, shall determine whether a school is in severe need based on the following eligibility criteria: (1) The school is participating in or desiring to initiate a breakfast program; and (2) At least 40 percent of the lunches served to students at the school in the second preceding school year were served free or at a reduced price. Schools that did not serve lunches in the second preceding year and that would like to receive reimbursement at the severe need rate may apply to their administering State agency. The administering SA shall approve or deny such requests in accordance with guidance, issued by the Secretary that determines that the second preceding school year requirement would otherwise have been met.

FNS estimates that there are 57 SAs that will each file 1 report annually for a total of 57 responses ($57 \times 1 = 57$). The estimated average number of burden hours per response is 6 resulting in estimated total burden hours of 342 ($57 \times 6 = 342$).

3. Section 220.11 (b) states that, to be entitled to reimbursement, each SFA shall submit to the SA, or FNSRO where applicable, a monthly Claim for Reimbursement.

FNS estimates that there are 57 SAs that will each file 1727 reports annually for a total of 96,439 responses ($57 \times 1727 = 96,439$). The estimated average number of burden hours per response is 0.6 resulting in estimated total burden hours of 59,063.40 ($96,439 \times 0.6 = 59,063.40$).

4. Section 220.12(a) states that SAs and SFAs shall establish such rules or regulations as are necessary to control the sale of foods in competition with breakfasts served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value in the food service areas during the breakfast periods.

FNS estimates that there are 57 SAs that will each file 1 report annually for a total of 57 responses ($57 \times 1 = 57$). The estimated average number of burden hours per response is 2 resulting in estimated total burden hours of 114 ($57 \times 2 = 114$).

5. Section 220.13(b) states that each SA shall maintain Program records as necessary to support the reimbursement payments made to SFAs.

FNS estimates that there are 57 SAs that will each file 40 reports annually for a total of 2,280 responses ($57 \times 40 = 2,280$). The estimated average number of burden hours per response is 0.083 resulting in estimated total burden hours of 189.24 ($2,280 \times 0.083 = 189.24$).

6. Section 220.13(c) states that each SA shall promptly investigate complaints received or irregularities noted in connection with the operation of either program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions.

FNS estimates that there are 57 SAs that will each file 1 report annually for a total of 57 responses ($57 \times 1 = 57$). The estimated average number of burden hours per response is 2 resulting in estimated total burden hours of 114 ($57 \times 2 = 114$).

7. Section 220.13(f) states that each SA shall provide program assistance as follows: (1) Each SA or FNSRO where applicable shall provide consultative, technical, and managerial personnel to administer programs, monitor performance, and measure progress toward achieving program goals. (2) SAs shall conduct reviews of schools participating in the Program for compliance with the provisions of this part when such schools are being reviewed under the provisions identified under § 210.18(i) of this title. Compliance reviews of participating schools shall focus on the reviewed school's compliance with the required certification, counting and breakfast service procedures.

FNS estimates that there are 57 SAs that will each file 52 reports annually for a total of 2,964 responses ($57 \times 52 = 2,964$). The estimated average number of burden hours per response is 2 resulting in estimated total burden hours of 5,928 ($2,964 \times 2 = 5,928$).

8. Section 220.14(d) states that State agencies shall maintain all records pertaining to action taken relating to claims against SFAs to disallow any portion of a claim and recover any payment made to a SFA that was not properly payable. State agencies will use their own procedures to disallow claims and recover overpayments already made. Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain.

FNS estimates that there are 57 SAs that will each file 60 reports annually for a total of 3,420 responses ($57 \times 60 = 3,420$). The estimated average number of burden hours per response is 1.33 resulting in estimated total burden hours of 4,548 ($3,420 \times 1.33 = 4,548$).

AFFECTED PUBIC: SCHOOL FOOD AUTHORITY LEVEL

REPORTING REQUIREMENTS

1. Section 220.11(a) states that, to be entitled to reimbursement, each SFA shall submit to the SA, or FNSRO where applicable, a monthly Claim for Reimbursement.

FNS estimates that there are 18,765 SFAs that will each file 10 reports annually for a total of 187,650 responses ($18,765 \times 10 = 187,650$). The estimated average number of burden hours per response is 1.08 resulting in estimated total burden hours of 202,662 ($187,650 \times 1.08 = 202,662$).

2. Section 220.11(b) states a final Claim for Reimbursement shall be postmarked and/or submitted to the SA, or FNSRO where applicable, not later than 60 days following the last day of the full month covered by the claim. SAs may establish shorter deadlines at their discretion. Claims not postmarked and/or submitted within 60 days shall not be paid with Program funds unless FNS determines that an exception should be granted.

FNS estimates that there are 1002 SFAs that will each file 1 report annually for a total of 1,002 responses ($1,002 \times 1 = 1,002$). The estimated average number of burden hours per response is 0.75 resulting in estimated total burden hours of 751.50 ($1,002 \times .75 = 751.50$).

3. Section 220.15 states that audits at the institution (SFA) level shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department's implementing regulations at 7 CFR part 3052.

FNS estimates that there are 76 SFAs that will each file 1 report annually for a total of 76 responses ($76 \times 1 = 76$). The estimated average number of burden hours per response is 5 resulting in estimated total burden hours of 380 ($76 \times 5 = 380$).

RECORDKEEPING

1. Section 220.11(b) states that Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the SA to provide the Reports of School Program Operations.

FNS estimates that there are 18,765 SFAs that will each file 10 reports annually for a total of 187,650 responses ($18,765 \times 10 = 187,650$). The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 93,825 ($187,650 \times 0.5 = 93,825$).

2. Section 220.14(d) states that records of action taken to disallow improper SBP claims submitted by SFAs and to recover amounts improperly paid to SFAs must be maintained.

FNS estimates that there are 3,480 SFAs that will each file 1 report annually for a total of 3,480 responses ($3,480 \times 1 = 3,480$). The estimated average number of burden hours per response is 0.75 resulting in estimated total burden hours of 2,610 ($3,480 \times 0.75 = 2,610$).

AFFECTED PUBIC: SCHOOL SITE LEVEL

REPORTING REQUIREMENTS

1. Section 220.11(b) states Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the SA to provide the Reports of School Program Operations.

FNS estimates that there are 81,517 schools that will each file 10 reports annually for a total of 815,170 responses ($81,517 \times 10 = 815,170$). The estimated average number of burden hours per response is 0.05 resulting in estimated total burden hours of 40,758.50 ($815,170 \times 0.05 = 40,758.50$).

RECORDKEEPING

1. Section 220.8(a)(6) states that schools must keep production and menu records for the breakfasts they produce. These records must show how the breakfasts contribute to the required food components, food items or menu items every day. In addition, these records must show how the breakfasts contribute to the nutrition standards and the appropriate calorie and nutrient levels. If applicable, schools or school food authorities must maintain nutritional analysis records.

FNS estimates that there are 39,369 schools that will each file 180 reports annually for a total of 7,068,420 responses ($39,369 \times 180 = 7,068,420$). The estimated average number of burden hours per response is 0.117 resulting in estimated total burden hours of 829,111.140 ($7,068,420 \times 0.117 = 829,111.140$).

2. Section 220.11(b) states Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the SA to provide the Reports of School Program Operations.

FNS estimates that there are 81,517 schools that will each file 180 reports annually for a total of 14,673,060 responses ($81,517 \times 180 = 14,673,060$). The estimated average number of burden hours per response is 0.1 resulting in estimated total burden hours of 1,467,306 ($14,673,060 \times 0.1 = 1,467,306$).