

**SCHOOL BREAKFAST PROGRAM 7 CFR PART 220**

**OMB CLEARANCE NUMBER 0584-0012**

**REVISION OF A CURRENTLY APPROVED COLLECTION**

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**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This is a revision of the currently approved information collection. Section 4 of the Child Nutrition Act (CNA) of 1966 (42 U.S.C. 1772) authorizes the School Breakfast Program. The School Breakfast Program is a nutrition assistance program whose benefit is a breakfast that meets nutritional requirements prescribed by the Department in accordance with Section 4(e) of the CNA. That provision requires that “Breakfast served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research.”

Children may receive breakfast free or at a reduced price under the same eligibility criteria requirements for free or reduced price lunches in Section 9 of the National School Lunch Act (P.L. 110-161) as amended and 7 CFR Part 245, Determining Eligibility for Free and Reduced-price Meals and Free Milk in Schools (OMB No. 0584-0026, Expiration 03/31/2013). This information collection is required to administer and operate this program in accordance with the NSLA (National School Lunch Act). The Program is administered at the State and school food authority (SFA) levels and the operations include the submission and approval of applications, execution of agreements, submission of claims, payment of claims, providing monitoring and technical assistance. All of the reporting and recordkeeping requirements associated with the

SBP are currently approved by the Office of Management and Budget and are in force.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The information being requested is required to administer and operate the program in accordance with the NSLA. The program is administered at the state and school food authority levels, and the operations include the submission and approval of applications, execution of agreements, submission of claims, payment of claims, monitoring and providing technical assistance. This data is collected using FNS-10 approved under Report of School Program Operations (OMB No. 0584-0002, Expiration Date: 8/31/2012) which has a separate ICR package. States, SFAs, and schools under this Act are required to keep accounts and records as may be necessary to enable the FNS to determine whether the program is in compliance with this Act and the regulations. FNS would not be able to properly monitor State agency and SFA compliance without this data collection.

Reports on SAE Funds Usage: SAs administering the NSLP, SBP, SMP, and/or the CACFP report quarterly on their use of SAE funds via the FNS-777, Financial Status Report (OMB No. 0584-0067 expiration 4/30/2013) The requested information includes the amount of SAE funds obligated and expended to date. FNS uses this information to determine its financial liability to the SA for the fiscal year in which the reported obligations and expenditures were incurred. Burden associated with using this form is account for under the OMB Control Number reference above.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

FNS is committed to complying with the E-Government Act, 2002 to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. Form used to gather data for this information collection request are used by all 56 state agencies participating in the SBP transfer their completed FNS-777 and FNS 10 forms to FNS electronically via the Food Programs Reporting System (FPRS) at <https://www.FPRS.usda.gov>.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above .**

There is no similar data collection available. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements, state administrative agency requirements. FNS solely administers and monitors the SBP.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

Information being requested or required has been held to the minimum required for the intended use. Although smaller SFA record fewer financial transactions involving the SBP, they delivered the same program benefits and perform the same function as any other SFA. Thus, they maintain the same kinds of information on file. FNS estimates that 1-3% of respondents are small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The information is collected for the purpose of administering an ongoing program. Applications can be accepted and agreements executed at any time, although SFAs generally execute agreements at or shortly before the beginning of each school year. SFAs submit claims for reimbursement for every month they operate the SBP because funds for the SBP are budgeted on a fiscal year basis. If the data is collected less frequently, FNS would not be able to properly monitor program funding and program trends.

**7. Circumstances that would cause an information collection to be conducted in a manner that is inconsistent with 5 CFR 1320.5:**

- **requiring respondents to report information to the agency more often than quarterly;**

Monthly reporting is used instead of quarterly; therefore, this is inconsistent with the

requirement of 5 CFR 1320.5. Monthly reporting is necessary for SFAs to receive reimbursement for breakfasts served and to ensure program accountability.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances. The collection of information is conducted in a

manner consistent with the guidelines in 5 CFR 1320.5

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.**

A 60 day notice was published on March 21, 2012 in the Federal Register, Vol 77, No.55, P. 16515. The comment period for the information collection ended on May 21, 2012. No comments were received in response to the agency's notice.

- **Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported.**

FNS consults with Regional Offices regarding any proposed changes as the result of legislative, regulatory or administrative changes. Regional offices are in constant contact with State agencies which provides feedback on FNS processes and procedures for this information collection.

**9. Explain any decision to provide any payment or gift to respondents, other than**

**remuneration of contractors or grantees.**

No payment or gift was provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The Department will comply with the Privacy Act of 1974. No confidential information is associated with this information collection.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature included in this clearance package.

**12. Provide estimates of the hour burden of the collection of information.**

**The statement should include:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval**

**covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

The following tables reflect the estimated burden associated with this information collections for each type of respondent.

**ESTIMATED ANNUAL BURDEN FOR 0584-0006, SCHOOL BREAKFAST PROGRAM  
– REVISION OF A CURRENTLY APPROVED COLLECTION**

<b>Reporting</b>						
Description of Activity Required	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per response	Annual Burden Hours
SA prepares and submits cash requests for its letter of credit , for use in paying SBP claims.	220.5	56	36	2,016	0.25	504
SA reports cash disbursed to SFAs in payment of their SBP claims.	220.13(b)(1)	56	4	224	3.2	716.8
SA prepares written responses to USDA audits of SBP operations at the State and local levels.	220.15(c)	19	1	19	3	57
Grant Closeout Report	220.19	56	1	56	2	112
<b>Total SA Reporting</b>		<b>56</b>	<b>---</b>	<b>2,315</b>	<b>---</b>	<b>1,389.8</b>
SFA prepares claim for reimbursement and submits to the	220.11(b)	20,697	10	206,970	1.08	223,527.6

SA						
Revised claim for reimbursement and supporting statement justifying the adjustment.	220.11(b)	1,034	1	1,034	0.75	775.5
Prepares written responses to SA audits of SBP operations.	220.15(c)	82	1	82	2	164
<b>Total SFA Reporting</b>		<b>20,697</b>	---	<b>208,086</b>	---	<b>224,467.1</b>
Schools operating the SBP submit counts of paid, reduced-price and free breakfasts served to the SFA.	220.11(b)	88,769	10	887,690	0.05	44,384.5
<b>Total Schools Reporting</b>		<b>88,769</b>		<b>887,690</b>		<b>44,384.5</b>
<b>Total Reporting</b>		<b>109,522</b>	---	<b>1,098,091</b>	---	<b>270,241</b>

### Record Keeping

Description of Activity Required	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
SA reviews and approves applications.	220.7(a)	56	3	168	0.25	42
SA determines whether school is in severe need based criteria: identifies the	220.9(d)	56	1	56	0.5	28

methods to be used in determining whether schools meet the criteria and maintains on file.	220.11(b)	56	1,034	57,904	0.6	34,742
SA processes revised claims received from SFAs for SBP reimbursements and makes appropriate entries in its accounting records.	220.12(a)	56	1	56	1	56
SA shall establish rules or regulations to control the sale of foods in competition with breakfasts served under the program.	220.13(b) (1)	56	36	2,016	0.083	167.328
SA makes appropriate accounting entries to recognize the receipt of cash withdrawn from its letter of credit for the SBP.	220.13(c)	56	1	56	2	112
SA prepares and files reports on investigations of complaints received or regulations noted in SBP operations (including records of action taken on findings).						
<b>Total SA Record keeping</b>		<b>56</b>	<b>---</b>	<b>60,256</b>	<b>---</b>	<b>35,147.7</b>

SFA consolidates breakfast counts for all SP schools under its jurisdiction.	220.11(b)	20,697	10	206,970	0.5	103,485
Records of action taken to disallow improper SBP claims submitted by SFAs and to recover amounts improperly paid to SFAs.	220.14(d)	1,034	1	1,034	0.75	775.5
<b>Total SFA Recordkeeping</b>		<b>20,697</b>		<b>208,004</b>		<b>104,260.5</b>
Schools shall maintain production, menu, and nutritional analysis records to demonstrate that meals meet the Dietary Guidelines and other requirements.	220.8(a)	88,769	180	15,978,420	0.12	1,917,410
School cafeteria staff count and record breakfast by category.	220.11(b)	88,769	180	15,978,420	0.1	1,597,842
<b>Total Schools Record keeping</b>		<b>88,769</b>		<b>31,956,840</b>		<b>3,515,252</b>
<b>Grand Total Record keeping</b>		<b>109,522</b>		<b>32,334,622</b>		<b>3,654,660</b>

<b>SUMMARY OF BURDEN (OMB #0584-0012)</b>	
TOTAL NO. RESPONDENTS	109,522
AVERAGE NO. RESPONSES PER RESPONDENT	305.260
TOTAL ANNUAL RESPONSES	33,432,713
AVERAGE HOURS PER RESPONSE	0.1173970
BURDEN REQUESTED WITH SBP REVISION	3,924,902

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The estimate of respondent cost is based on the burden estimates and utilizes the U.S.

Department of Labor, Bureau of Labor Statistics, May 2010 National Occupational and Wage Statistics, Occupational Group (25-0000) (<http://www.bls.gov/bls/wages.htm>). The hourly mean wage (for education-related occupations) for functions performed by State agency and local education agency staff are estimated at \$24.25 per staff hour.

TOTAL COST TO PUBLIC = 3,924,902 hours X \$24.25 per hour = \$95,178,873.5

**13. Estimate of other total annual cost burden to respondents or record keepers. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There is no start-up or annual maintenance costs for this collection of information.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

Federal costs

We identified functions performed by FNS Regional Office (FNSRO) and Headquarters (HQ) staff related to the SBP and obtained estimates of the number of staff hours spent performing functions like management evaluations, financial monitoring of SAs, Program analysis, Policy development and Program monitoring.

Using the 2010 Federal Wage Salary Tables, we estimated the salary rate is \$29.00 per hour (the average hourly salary for a GS 11/12 which is the grade level of staff who performs these functions). Our computations are:

	<u>FEDERAL SALARIES</u>
Salaries (49,395 hours @ \$29.00)	\$1,432,455.00
10% for	
Administrative overhead	<u>\$143,245.00</u>
<b>Federal Cost</b>	<b>\$1,575,700.00</b>

**15. Explain the reasons for any program changes or adjustments reported in item 13 or 14 of the OMB 83-1.**

This is a revision of a currently approved collection. As a result of an increase in SFAs and schools, there is an adjustment increase in the number of responses by 10,257,805 (10,358,144 is the accurate number) and burden hours by 1,211,154 hours. This adjustment is mainly due to increase in SFAs (18,765 to 20,697), Schools (81,517 to 88,769); in contrast, there was a decrease in the number of State agencies (SA) who participated from 57 to 56 SA. Program

adjustments in reporting - (220.13(b)(2) - burden related to this citation was transferred to FNS 10, Report of School Program Operations 0584-0002 collection which accounts for -202,663 of the reported decrease . Burden related to 220.13 (I) is no longer valid due to expiration of citation and hence line item was removed from burden calculations. Program adjustment in record keeping - (220.13(f), 220.14(d) burden related to this citation is captured elsewhere in nutrition standards rule and hence burden is removed from this rule. Burden related to 220.8(a) was recorded in error earlier and the number of schools maintaining production records was corrected with this revision and that resulted in an increase in record keeping burden.

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

There are no plans to tabulate or publish any information in connection with this information collection.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not seeking approval concerning the display of the expiration date.

**18. Explain each exception to the certification statement identified in Item 19**

**"Certification for Paperwork Reduction Act."**

There are no exceptions to the certification statement.