

**0584-NEW - DIRECT CERTIFICATION AND CERTIFICATION OF HOMELESS,
MIGRANT AND RUNAWAY CHILDREN FOR FREE SCHOOL MEALS**

INTERIM RULE (RIN 0584-AD60)

SUPPORTING STATEMENT

OMB CLEARANCE NUMBER 0584-NEW

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Due to a change in staff, FNS was unable to meet the timelines for timely submission of the information collection following the publication of the interim rule. This ICR is for the interim rule titled “Direct Certification and Certification of Homeless, Migrant, and Runaway Children for Free School Meals,” which published April 25, 2011

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 new information collection. Upon approval from OMB, the burden associated with this collection will be merged into collection 7 CFR Part 210, National School Lunch Program, OMB Number 0584-0006, Expiration date 2/29/2016. The interim rule titled “Direct Certification and Certification of Homeless, Migrant, and Runaway Children for Free School Meals”, published April 25, 2011, incorporates into 7 CFR Parts 210 and 245 provisions from the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 (<http://www.gpo.gov/fdsys/pkg/PLAW-108publ265/pdf/PLAW-108publ265.pdf>), concerning the direct certification of children receiving Supplemental Nutrition Assistance Program (SNAP) benefits and also the certification of certain children who are homeless, runaway, or migratory.

The Richard B. Russell National School Lunch Act (NSLA), as amended, authorizes the National School Lunch Program (NSLP). Section 104 of the Child Nutrition and WIC Reauthorization Act of 2004 added section 9(b)(4) to the NSLA (42 U.S.C. 1758(b)(4)) to require local education

agencies to directly certify, without further application, any child who is a member of a household receiving Supplemental Nutrition Assistance Program (SNAP) benefits. Under the direct certification process, a local educational agency obtains documentation of a child's receipt of SNAP benefits from the State or local SNAP office. The intent is to improve school meal program access for low-income children, reduce paperwork for households and program administrators, and improve the integrity of the free and reduced price meal certification process.

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 purpose of this information collection associated with rulemaking is to comply with the requirements of Section 104 of Public Law 108-265 for State agencies and local educational agencies. Local educational agencies are now required to directly certify children from households receiving benefits from SNAP. The direct certification process is expected to enhance access to the school meals programs by needy children, decrease duplicative paperwork for households, decrease administrative costs of processing and reviewing applications, and improve program integrity.

FNS is requesting 52,145 recordkeeping burden hours for local educational agencies that are required to retain additional records containing the names of children directly certified for National School Lunch Program.

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 of 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. All State agencies participating in the National School Lunch Program that provide direct certification data to local educational agencies (LEAs) transfer their information electronically. In addition, each state agency maintains a website to communicate electronically.

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.

Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements, state administrative agency reporting requirements, and special studies by other government and private agencies. FNS solely monitors and administers the Child Nutrition Programs. This

information collection for obtaining eligibility information for free school meals directly from another agency will reduce duplicative paperwork for households who have already established their need for assistance to certain programs which serve low-income children and will streamline the free meal application and certification process for schools.

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 state agencies and local educational agencies will be involved in this data collection effort, they deliver the same program benefits and perform the same function as any other state agency and local educational agency. Thus, they report the same kinds of information. FNS estimates that none of the 54 State agencies are small entities and approximately 3% of the 20,948 local educational agencies are considered 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 eligibility information is collected annually from households for the purpose of administering an on-going program. The direct certification process is now required at least three times a year. More frequent direct certification efforts are permissible and encouraged. If this information is collected less frequently, duplicate paperwork for households could occur and the potential to

facilitate participation of children in the school meals programs would be unavailable. In addition, the data is used for statistical studies and research regarding program trends to determine appropriate management of the program. FNS submits an annual direct certification status report to Congress.

7. Explain any special 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;**
- **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 circumstances that will cause the information collection to be inconsistent with the guidelines of 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 Federal Register Notice is embedded in the interim rule titled "Direct Certification and Certification of Homeless, Migrant, and Runaway Children for Free School Meals", published April 25, 2011, in the Federal Register, Vol. 76, No. 79, p. 22794-22796. The comment period for the information collection ended on June 24, 2011. No comments were received on the information collection requirements during that time.

- **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.**

When FNS revises an information collection package, the information is posted on the Agency Web page for review and comment by Regional Offices, SAs, community groups, and the public. FNS also consults with Regional Offices regarding any proposed changes as the result of legislative, regulatory or administrative changes. Regional offices are in contact with State agencies which provide feedback on processes and procedures for the 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 complies with the Privacy Act of 1974. No confidential information is associated with the burden related to the analysis, implementation, record maintenance and reporting of direct certification data by the State agency to FNS.

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 information collection. 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.**

FNS is requesting new burden of 52,145 hours for recordkeeping of names of children that are directly certified or certified as homeless, runaway, or migrant by local educational agencies.

The following table summarizes the estimated burden associated with this revision.

**ESTIMATED ANNUAL BURDEN FOR 0584-0006
NATIONAL SCHOOL LUNCH PROGRAM, 7 CFR PART 210**

Recordkeeping (Local Educational Agencies)						
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
Local educational agencies must maintain records for directly certified children receiving SNAP benefits.	7 CFR 210.9(b)(19) and 210.15(b)(4)	20,858	3	62,574	0.5	31,287
Local educational agencies must maintain records for children that are certified based on TANF or FDPIR, or are homeless, runaway or migrant.	7 CFR 210.9(b)(19) and 210.15(b)(4)	20,858	1	20,858	1	20,858
Recordkeeping Interim Rule		20,858*	4.0	83,432	0.625	52,145

*Note: The total number of respondents has decreased since the publication of the interim rule. Based upon current estimates, the number of respondents is estimated as 20,858 (down from 20,948).

SUMMARY OF BURDEN (OMB #0584-0006) 7 CFR 210	
TOTAL NO. RESPONDENTS	20,858
AVERAGE NO. RESPONSES PER RESPONDENT	4
TOTAL ANNUAL RESPONSES	83,432
AVERAGE HOURS PER RESPONSE	.625
NEW BURDEN REQUESTED WITH INTERIM RULE	52,145

- **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 2012 National Occupational and Wage Estimates 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 staff is estimated at \$24.62 per staff hour.

TOTAL COST TO THE PUBLIC = 52,145 hours X \$24.62 per hour = \$1,283,810.

13. Provide estimates of the total annual cost burden to respondents or recordkeepers 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.

It is estimated that federal employees receiving an average General Schedule (GS) grade 12 step 6 wage based on the Washington DC-Northern Virginia locality area spend approximately 20 hours in communication with State agencies (SA) regarding direct certification requirements: $\$41.85 \times 20 = \837 (estimated annualized cost to federal government).

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

This is a request for a new information collection. FNS is requesting 52,145 burden hours for recordkeeping due to program changes associated with rulemaking.

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

This collection does not entail planned statistical use and there are no plans to publish the results of this collection for statistical analyses.

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.