

ELIMINATING APPLICATIONS THROUGH COMMUNITY ELIGIBILITY

OMB CLEARANCE NUMBER 0584-0026

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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, OMB control number 0584-0026, titled “Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools”, expiration date 04/30/2016. Section 104(a) of the HHFKA (P.L. 111-296) amended section 11(a)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1759a(a)(1)) by adding a new subparagraph (a)(1)(F) to establish the community eligibility provision, also known as the community eligibility option (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf>).

The community eligibility provision is a 4-year reimbursement alternative for high poverty local educational agencies (LEAs) and schools participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). It is intended to improve access to free school meals in eligible high poverty LEAs and schools, and eliminate the administrative burden associated with collecting household applications.

- 2. Indicate how, by whom, how frequently, 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.**

This information is required to administer and operate this provision in accordance with the NSLA. State agencies enter into agreements with LEAs for local level program operation and delivery of

program benefits to eligible children. LEAs must submit monthly claims to receive reimbursement. All meals claimed for reimbursement must meet Federal requirements and be served to enrolled children. LEAs and schools participating in the community eligibility provision serve all meals at no charge to all enrolled students for one or more 4-year cycles. To participate, the LEA or school must meet the minimum identified student percentage (students certified for free school meals without the use of a household application divided by enrolled students, multiplied by 100) the year prior to the 1st year of the cycle, and calculate a free and paid meal reimbursement rate using a factor of 1.6 or as otherwise specified by Food and Nutrition Service (FNS). State agencies must confirm the eligibility to participate. The purpose of the annual notification requirement is to promote and disseminate information about the community eligibility provision to eligible and potentially eligible LEAs and schools. FNS would not be able to properly monitor SA and SFA compliance without this data collection. The purpose and respondent type for each instrument is detailed in the attached Burden Narrative.

- 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. All State agencies participating in the NSLP transfer their information electronically through the Verification Data Reporting System

(<http://www.fns.usda.gov/nsfp>). In addition, each State agency maintains its own website to communicate electronically with SFAs in their state. Approximately 70% of SFAs communicate with State agencies 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.

The community eligibility is a new provision. There are no other similar information collections available for the notification requirement or for calculating the reimbursement rates using the identified student percentage. When available, existing data collections are permitted to be used as a proxy in the calculation of the identified student percentage. Local educational agencies or State agencies are encouraged to use existing data sources to meet this requirement. For example, if school-specific identified student data are not readily available, State agencies would be permitted to use the number of students directly certificated through the Supplemental Nutrition Assistance Program and other assistance programs divided by the number of enrolled students as a proxy for identified student percentage. Data to calculate the LEA wide identified student percentage used to (numbers of identified students and enrolled students) develop the LEA notification list are reported annually on the FNS-742, School Food Authority Verification Summary Report.

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 LEAs and schools may be included in the data collection and notification effort, they deliver the same program benefits and perform the same functions as larger ones. Thus, they report the

same kinds of information. FNS estimates that approximately 1-3%, or 626, of SFAs 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 ability to participate in the community eligibility provision, and thus eliminate household applications for meal benefit determinations and provide free meals to all students is dependent on the claiming percentage that is generated from the data collection. Notifications are critical for dissemination of eligibility status. The consequence for not collecting the data and making the notifications in the timeframes outlined is the inability to operate the provision.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **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 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 is embedded in the Proposed Rule, "National School Lunch Program and School Breakfast Program: Eliminating Applications through Community Eligibility as Required by Healthy, Hunger-Free Kids Act of 2010" that published in the Federal Register. Comments will be received on the information collection during the 60-day comment period.

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 has phased in the community eligibility provision over a three year period as required by the HRFKA. Community eligibility was made available in eligible LEAs and schools in three States (Illinois, Kentucky and Michigan) starting with the school year beginning July 1, 2011. An additional four States (Ohio, New York, District of Columbia, and West Virginia) were added for the school year beginning July 1, 2012. Four more States (Florida, Georgia, Maryland, and Massachusetts) were added for the school year beginning July 1, 2013. FNS has conducted a number of webinars for the phase-in States and Regional Offices, and facilitates monthly conference calls to receive feedback and provide individual assistance and guidance. FNS has worked with Department of Education and the Federal Communication Commission to assess impact of community eligibility on other educational services.

- 9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.**

No payment or gift will be 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 (5 USC 552a), which requires the safeguarding of individuals against invasion of privacy. 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 data collection.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**
 - 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.**

This is a revision of the currently approved collection, OMB control number 0584-0026, titled “Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools”, expiration date 04/30/2016. As a result of program changes, the revisions result in an overall reduction of 6,491 hours from current approved burden (965,645 - 959,154). A decrease of 6,571 reporting burden hours is realized through the reduction in household and LEA reporting requirements associated with preparing

and processing student household applications for free and reduced price school meal eligibility. A slight increase of 80 hours of recordkeeping burden is realized due to new notification requirements for State agencies and LEAs. The attached Burden Table reflects the estimated burden associated with this information collection for each type of respondent. A summary table follows:

Burden Summary (Recordkeeping and Reporting):

Affected Public: Individuals/Households, Local Educational Agencies, and State Agencies

Estimated Number of Respondents: 8,278,357

Estimated Number of Responses per Respondent: 2.213

Estimated Total Annual Responses: 18,322,111

Estimated Time per Response: 0.0523

Estimate Total Annual Burden on Respondents: 959,154

SUMMARY OF BURDEN (OMB # 0584-0026) 7 CFR 245	
TOTAL NO. RESPONDENTS	8,278,357
AVERAGE NO. RESPONSES PER RESPONDENT	2.213
TOTAL ANNUAL RESPONSES	18,322,111
AVERAGE HOURS PER RESPONSE	0.0523
TOTAL BURDEN HOURS FOR PART 245 WITH REVISIONS	959,154
CURRENT OMB INVENTORY FOR PART 245	965,645
CURRENT REVISION REQUESTED	(6,491)

- **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 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 \$24.62 per staff hour.

TOTAL COST TO PUBLIC = 959,154 hours X \$24.62 per hour = \$23,614,371

- 13. 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.**

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 will spend approximately 40 hours in communication with State agencies (SA) regarding the application and notification process for community eligibility: $\$41.85 \times 40 = \$1,674$ (estimated annualized cost to federal government).

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

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

Under the statute, State agencies are required to publish a list of eligible or potentially eligible schools and notify eligible or potentially eligible LEAs of the community eligibility provision. This proposed rule would require State agencies to make both the list of schools and the list of LEAs notified readily accessible on the State agency website in a format prescribed by FNS. FNS intends to develop a template for State agencies to use in displaying the required information. In lieu of having the State agencies submit the list of LEAs to the Department for publication, the FNS intends to develop a Community Eligibility Provision website which will link to the applicable portion of the State agencies’ websites that identify both the list of schools and the list of LEAs. 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 of the OMB 83-I "Certification for Paperwork Reduction Act."**

There are no exceptions to the certification statement.