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Estimate of the Information Collection Burden for OMB #0584-0026

7 CFR Part 245 - Determining Eligibility for Free and Reduced Price Meals

This document explains the calculation of the information collection burden for the information collection titled 7 CFR Part 245 - Determining Eligibility for Free and Reduced Price Meals, OMB #0584-0026, as submitted for the revision of the existing regulations and associated forms. A notice was published in the Federal Register on January 13, 2016 in Vol. 81, No. 8, pp. 1602-1603.

REPORTING REQUIREMENTS

AFFECTED PUBLIC: STATE AGENCIES (SA)

1. 7 CFR Part 245.6(i) requires SAs and LEAs to obtain prior written consent from parent or guardian to use or disclose information other than specified by regulation.

There are 54 SAs that submit 1 report annually for a total of 54 responses. The estimated average burden per response is 0.25 hours for a total estimated burden of 13.5 hours. This burden is being decreased by 0.5 hour due to correcting the number of SAs.

2. 7 CFR Part 245.6(j) requires SAs to enter into written agreement with the agency receiving children's free and reduced price meal eligibility information.

There are 54 SAs that submit 1 response annually for a total of 54 responses. The estimated average burden per response is 0.25 hours for a total estimated burden of 13.5 hours. This burden is being decreased by 0.5 hour due to rounding for two fewer SAs for this activity.

3. 7 CFR Part 245.12(g) requires that SAs notify FNS when there is a change in the State's TANF Program that would no longer make households automatically eligible for free meals.

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There are 54 SAs that will submit 1 response annually for a total of 54 responses. The estimated average burden per response is 0.1 hours for a total estimated burden of 5.6 hours.

4. 7 CFR Part 245.12(h)(4) requires State agencies submit to FNS upon request, the number of schools on Provision 1, Provision 2 or Provision 3 and extensions.

FNS estimates that 43 (out of 54 SAs) will submit 1 response upon request for the number of Provision 1, 2 or 3 schools for a total of 43 responses annually. The estimated average burden per response is 1.5 hours for a total burden of 64.5 hours.

5. 7 CFR Part 245.13(e) requires SAs that fail to meet the direct certification benchmark to develop and submit a Continuous Improvement Plan (CIP) within 90 days of notification.

FNS estimates that one third of the 54 SAs (18 SAs) will need to submit a CIP. Each SA will submit 1 response upon request for a total of 18 responses annually. The estimated average burden per response is 3 hours for a total burden of 54 hours.

Activities being removed from this information collection:

1. **7 CFR Part 245.4(c) requires Puerto Rico and Virgin Islands SAs to conduct a triennial survey to develop factor for withdrawal of funds from Letter of Credit.**

Two SAs submit 0.33 reports annually for a total of 0.66 responses. The estimated average burden per response is 70 hours for a total estimated burden of 46 hours. Since there are less than nine entities affected, this burden is being removed from this information collection causing a decrease of 46 burden hours.

2. **7 CFR Part 245.4(b & d) requires Puerto Rico and Virgin Islands SAs to submit triennial survey design, results, and factor for funds withdrawal to FNS for approval.**

Two SAs submit 0.33 reports annually for a total of 0.66 responses. The estimated average burden per response is 5 hours for a total estimated burden of 3 burden hours. Since there are less than nine entities affected, this burden is being removed from this information collection causing a decrease of 3 burden hours.

Activity moved within this information collection (from reporting to public notification):

7 CFR Parts 245.12(a)(2) and 245.3(a) require each SA to annually announce the family-size and income standards. MOVED TO PUBLIC NOTIFICATION

There are 54 SAs that submit 1 response annually for a total of 54 responses. The estimated average burden per response is 0.1 hour for a total estimated burden of 5.4 hours.

AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)

- 1. 7 CFR Part 245.6(c)(6)(i) requires LEAs to notify households in writing of approval of meal applications.**

FNS estimates that out of 19,822 LEAs, 19,600 will submit an average of 275 responses annually for a total of 5,390,000 responses. The estimated average burden per response is 0.02 hours for a total burden of 107,800 hours. This adjustment is due to a decreased number of households submitting applications resulting in a decrease in burden of 17,348 hours. Since the number of LEAs also decreased, the average number of responses per LEA decreased from 300 to 275.

- 2. 7 CFR Part 245.6(c)(6)(ii) requires LEAs to notify households in writing that children are eligible for free meals based on direct certification and that no application is required.**

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FNS estimates that out of 19,822 LEAs, 19,600 will submit an average of 260 responses annually for a total of 5,096,000 responses. The estimated average burden per response is 0.02 hours for a total burden of 101,920 hours. This adjustment is due to an increased number of households being directly certified resulting in an increase in burden of 39,346 hours. The average number of responses per LEA increased from 150 to 260.

- 3. 7 CFR Part 245.6(c)(7) requires LEAs to notify households in writing of denied benefits.**

FNS estimates that out of 19,822 LEAs, 19,600 will submit an average of 10 responses annually for a total of 196,000 responses. The estimated average burden per response is 0.02 hours for a total burden of 3,920 hours. This adjustment is due to reductions in the number of LEAs and in the responses per LEA, which decrease of 3,172 burden hours.

- 4. 7 CFR Part 245.6(j) requires SFAs to enter into written agreement with the agency to disclose children's free and reduced price eligibility information.**

FNS estimates that out of 19,822 LEAs, 2000 will submit 1 response annually for a total of 2000 responses. The estimated average burden per response is 0.5 hours for a total burden of 1,000 hours. This adjustment is due to a decrease in the number of LEAs which have these agreements, which offset an estimated increase in the time to complete these responses, for a total decrease of 2,462 burden hours.

- 5. 7 CFR Part 245.6a(f) requires LEAs to notify households of selection for verification.**

FNS estimates that out of 19,822 LEAs, 19,600 will submit 8 responses annually for a total of 156,800 responses. The estimated average burden per response is 0.25 hours for a total burden of 39,200 hours. This adjustment is due to a decrease in households submitting applications resulting in a decrease in burden by 23,374 hours. Since the

number of LEAs also decreased, the average number of responses per LEA also decreased from 12 to 8.

6. 7 CFR Part 245.6a(j) requires that LEAs provide households that failed to confirm eligibility with 10 days notice for receiving a reduction or termination of benefits.

FNS estimates that out of 19,822 LEAs, 19,600 will provide 2 notices annually for a total of 39,200 responses. The estimated average burden per response is 0.1 hour for a total burden of 3,920 hours. This is a correction of an error in the regulation previously cited since new regulations may change the citation of an existing regulation. There is no burden for 245.6a(c) which is a 'determination'; whereas there is burden for 245.6a(j) for sending a notice. This revision corrects this error. In correcting the error, the hours per response decreased from 0.3 hour to 0.1 hour and the number of responses per LEA was increased from one to two. Along with a decrease in LEAs, this resulted in a decrease of 2,963 burden hours.

7. 7 CFR Part 245.9(f) requires SFAs with schools under Provisions 1, 2, or 3 to identify those schools in its free and reduced policy statement and certify their eligibility for the first year of operation.

FNS estimates that out of 19,822 SFAs, 1,160 have Provision 1, 2, or 3 schools and will submit 1 response annually for a total of 1,160 responses. The estimated average burden per response is 0.25 hours for a total burden of 290 hours. The number of LEAs increased slightly resulting in an increase in burden of 17 hours.

8. 7 CFR Part 245.9(h) requires SFAs with schools under Provisions 2 or 3 to submit to FNS upon request all data and documentation used in granting extensions.

FNS estimates that out of 19,822 SFAs, 1,160 have Provision 2 or Provision 3 schools and will submit 0.25 responses annually for a total of 290 responses. The estimated average burden per response is 0.25 hours for a total burden of 72.5 hours. The

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number of SFAs and the frequency of response decreased resulting in a decrease in burden of 200 hours. This adjustment is due to updating the number of SFAs having Provision 2 or Provision 3 schools and correcting the frequency of response to once in every four years.

9. 7 CFR Part 245.10(a) requires LEAs to submit to State agency for approval a free and reduced price policy statement.

FNS estimates that out of 19,822 LEAs, there are 19,600 that will submit 1 report annually for a total of 19,600 responses. The estimated average burden per response is estimated to be 0.08 hours for a total burden of 1,568 hours ($19,600 \times 0.08 = 1,568$). A decrease in the number of LEAs resulted in a slight decrease in burden of 4 hours.

AFFECTED PUBLIC: HOUSEHOLD LEVEL

1. 7 CFR Part 245.6(a) requires households complete application form for free or reduced price meal benefits.

FNS estimates that there are 5,390,000 households that will submit 1 record annually for a total of 5,390,000 responses. The estimated average burden per response is 0.11 hours for a total burden of 592,900 hours ($5,390,000 \times 0.11 = 592,900$). With this renewal, FNS estimates that the time to submit the record will increase from 4 to 7 minutes. The increase in the estimated time offsets an expected decrease in the number of household completing application forms. This results in an overall increase of 14,557 burden hours.

2. 7 CFR Part 245.6a(a)(7)(i) requires households to send written evidence for verification of eligibility to LEA.

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FNS estimates that out of 5,390,000 households, 160,000 will submit 1 response annually for a total of 160,000 responses. The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 80,000. A decrease in number of households resulted in a decrease in burden of 15,000 hours.

- 3. 7 CFR Part 245.6a(a)(7)(ii) requires households to cooperate by providing collateral contacts for verification of eligibility.**

FNS estimates that out of 5,390,000 households, there are 1,000 that will each report 1 record annually for a total of 1,000 responses. The estimated average burden per response is 0.1 hours for a total burden of 100 hours. A decrease in number of households and hours per response resulted in a decrease of burden of 217 hours.

RECORDKEEPING REQUIREMENTS

AFFECTED PUBLIC: STATE AGENCIES

1. 7 CFR Part 245.4(e) and 245.9(j) require Puerto Rico and Virgin Islands SAs to maintain records on the survey and fund withdrawal factor.

This burden was previously removed due to only affecting 2 State agencies.

2. 7 CFR Part 245.6(b)(1)(iv) requires State agencies maintain agreements with the State agency conducting eligibility determinations for SNAP.

There are 54 (out of 56) State agencies that will maintain 1 record for a total of 54 responses. The estimated average burden per response is 0.1 hours for a total burden of 5 hours.

3. 7 CFR Part 245.12(h)(4) requires State agencies to maintain annual October data on the number of schools participating in Provisions 1, 2 and 3 and extensions granted.

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FNS estimates that 43 (out of 56) SAs have Provision 1, 2 or 3 schools and will maintain an average of 155 consolidated records (6,674 schools divided by 43 State agencies = 155 schools/State agency) for a total of 6,665 responses. The estimated average burden per response is 0.25 hours for a total burden of 1,666 hours.

4. 7 CFR Part 245.12(i) requires State agencies to maintain records on annual verification data collected from LEAs (FNS-742).

There are 54 SAs that will maintain 1 report and data collected for a total of 54 responses. The estimated average burden per response is 0.2 hours for a total burden of 11 hours.

5. 7 CFR Part 245.13(g) requires State agencies that fail to meet the direct certification benchmark to maintain a Continuous Improvement Plan.

FNS estimates that one third of the 54 SAs (18 SAs) will maintain 1 record for a total of 18 responses. The estimated average burden per response is 0.5 hours for a total burden of 9 hours.

AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)

1. **7 CFR Part 245.6(e) requires LEAs to maintain eligibility determination documentation for 3 years after the end of the fiscal year.**

FNS estimates that out of 19,822 LEAs, 19,600 will maintain 1 set of records annually for a total of 19,600 responses. The estimated average burden per response is 0.08 hours for a total burden of 1,568 hours. This burden is being decreased by 101 hours due to a decrease in the number of LEAs.

2. 7 CFR Parts 245.9(g) and (h) require that SFAs maintain records of schools implementing Provisions 1, 2, or 3 for three years after submission of the last claim for reimbursement.

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FNS estimates that out of 19,822 LEAs, there are 1,092 LEAs that maintain 1 record annually for a total of 1,092 responses. The estimated average number of burden hours per response is 2.4715 resulting in estimated total burden hours of 2,699 hours.

PUBLIC NOTIFICATION REQUIREMENTS

AFFECTED PUBLIC: STATE AGENCIES

- 1. 7 CFR Parts 245.12(a)(2) and 245.3(a) require each SA to annually announce the family-size and income standards. MOVED FROM REPORTING TO PUBLIC NOTIFICATION**

There are 54 SAs that will submit 1 notice annually for a total of 54 responses. The estimated average burden per response is 0.1 hours for a total estimated burden of 5.4 hours. This burden is being reduced by 0.2 hour due to correct the number of SAs.

AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)

- 1. 7 CFR Parts 245.5 & 245.9 & 245.3(b) require LEAs to publicly announce criteria for determining eligibility of children for free and reduced price meals (or free milk) and provide an annual notice to parents and an annual media release and notification requirements for Provision 1, 2, & 3 schools.**

There are 19,822 LEAs that will submit 1 notice annually for a total of 19,822 responses. The estimated average burden per response is 0.25 hours for a total estimated burden of 4,956 hours. This revision seeks to establish information collection burden for public notification requirements which were not clearly identified as such previously.

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2. **7 CFR Part 245.7(a)(2)(i) requires LEAs to publicly announce methods to make an oral or written request for a hearing.**

There are 19,822 LEAs that will submit 1 notice annually for a total of 19,822 responses. The estimated average burden per response is 0.1 hours for a total estimated burden of 1,982 hours. This revision seeks to establish information collection burden for public notification requirements which were not clearly identified as such previously.