

SUPPORTING STATEMENT – PART A for

OMB Control Number 0584-0055

Child and Adult Food Care Program

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A1. 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 collection. Section 17 of the National School Lunch Act, as amended (42 U.S.C. 1766), authorizes the Child and Adult Care Program (CACFP) (Appendix A and B). Under this Program, the Secretary of Agriculture is authorized to provide cash reimbursement and commodity assistance, on a per meal basis, for food service to children in nonresidential child care centers and family or group day care homes, and to eligible adults in nonresidential adult day care centers. The U.S. Department of Agriculture, through the Food and Nutrition Service (FNS), has established application, monitoring, recordkeeping, and reporting requirements to manage the Program effectively, and ensure that the legislative intent of this mandate is responsibly implemented.

The information collected is necessary to enable institutions wishing to participate in the CACFP to submit applications to the administering agencies, execute agreements with those agencies, and claim the reimbursement to which they are entitled by law. The information collected also ensures that institutions accept, as mandated by Congress, their responsibilities and liabilities in connection with the CACFP, and provide the legal basis for their participation. Some information collected is essential to conduct reviews which determine whether or not institutions are observing the requirements of the Program established by regulations and statute. It is also necessary for administering agencies to monitor these operations to ensure compliance with legislative and

regulatory requirements.

A2. Purpose and Use of the Information.

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.

This is a renewal of currently approved information collection burden under OMB No. 0584-0055, Child and Adult Food Care Program (CACFP). Section 17 of the National School Lunch Act (the Act) establishes CACFP, a program that provides meals and snacks to eligible children and adults receiving care in a participating family day care home or child or adult day care center. In order for Program operators to receive benefits, they must meet the Program's eligibility requirements and adhere to all applicable legislative and regulatory requirements. To establish benefit rates for Program operators, households submit a Meal Benefit Income Eligibility form (Appendix D). The Act specifies national eligibility standards and imposes certain administrative requirements on State Agencies (SAs) and sponsoring organizations in administering the program.

This information collection is necessary to ensure that program funds are appropriately disbursed and expended according to legislative and regulatory requirements. In addition to information provided by households, this information collection also includes information that the Act requires SAs and sponsoring organizations to provide to FNS. This information includes program eligibility verification, administrative agreements, Management Evaluation Plans, claims for reimbursement, income/expense records, and compliance records.

States and service institutions participating in the CACFP will submit to FNS account and record information reflecting their efforts to comply with statutory and regulatory Program requirements. Part 226 sets forth policies and procedures for use by SAs and local level organizations administering the CACFP to ensure that institutions meet the standards for participation under the Act. The information collected is used by FNS and SAs administering the Program to determine eligibility of institutions to participate in the CACFP, ensure acceptance of responsibility in managing an effective food service, implement systems for appropriating program funds, and ensure compliance with all statutory and regulatory requirements. Serious legal and accountability questions would be raised if the collection of information for the CACFP were not conducted. All 56 SAs participating in CACFP transfer their completed FNS-44 and SF-425 forms to FNS electronically via the Food Programs Reporting System (FPRS). Appendix E includes relevant guidance, handbooks, and policy memoranda related to this information collection which provides guidance, templates, and instructions on how to collect this information.

As part of the burden changes associated with this revision, a new requirement for written documentation supporting requests for substitutions for fluid milk or food components for participants with a special non-disability, dietary need is being added into this collection as a result of the regulation *Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010*, which was published on April 25, 2016. In addition, FNS is deleting the form FNS-44 Report of Child and Adult Care Food Program and its associated reporting burden from this collection. Since the last renewal of this collection in September 2013, FNS-44 was included in 0584-0594 Food Programs Reporting System (FPRS) (expiration date June

30, 2019) since this form is collected through FPRS. As such, the form and the associated reporting burden are now approved under 0584-0594 so FNS proposes to remove FNS-44 from this collection to avoid duplicating burden. Since FNS-44 is associated with this information collection, screenshots of the form are provided in Appendix C. However, any recordkeeping burden associated with FNS-44 will remain in this information collection. Other changes to the collection requirements, in addition to the purpose and respondent type for each instrument, are detailed in Appendices F and H.

A3. Use of information technology and burden reduction.

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.

Although FNS is committed to compliance with the E-Government Act, the recipient organization may use their information technologies to collect this information where feasible; family day care home providers, and some sponsored day care centers, submit information to sponsoring organizations and sponsoring organizations submit information to their respective SAs. FNS has no authority to regulate automation at the local level. To the extent possible, agencies within the recipient organization are encouraged to use their information technologies to collect this information where feasible.

The information is collected for use in administering an ongoing food assistance program. Each SA

and institution must be prepared to establish, through appropriate records, that it has complied with Program policies and regulations. Since each SA and institution's performance (i.e. number of meals or supplements served) determines the amount of Federal funds it will receive, each respondent's performance must be determined individually. Thus, the information described in this supporting statement pertains to transactions between the FNS and the primary recipient organization, and between the primary recipient and its sub-recipients. It is not collected to identify the characteristics of the universe of potential respondents. All 56 SAs participating in the CACFP transfer their completed FNS-44 and SF-425 forms to FNS electronically via the Food Programs Reporting System (FPRS). Approximately 100% of this data collection is submitted electronically.

A4. Efforts to identify duplication.

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.

Each organization administering or operating the CACFP is requested to report information on its Program results. No State or local organization collects this same information for other Federal agencies, as applications, agreements, review forms and claims for other programs are not applicable to the CACFP. Applying for participation in the CACFP and executing an agreement to operate it does not involve a duplication of effort.

Similar data is not available to fulfill these requirements. Applications, agreements, review forms, records, and reports used in the administration and operation of other child nutrition programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966 are not

applicable to the CACFP.

A5. Impacts on small businesses or other small entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), 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 CACFP entities are involved in this data collection effort, they deliver the same Program benefits and perform the same function as any other CACFP entity. Thus, they maintain the same kinds of information on file. FNS estimates that 70% of sponsors or 14,736 sponsors, and 100% of facilities, approximately 180,740 facilities, are considered small entities. An estimated 195,476 of the 3,030,006 respondents in this information collection are small entities, approximately six percent of the entire collection and approximately 97% of the sponsors/institutions and facilities.

A6. Consequences of collecting the information less frequently.

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. Collecting data less frequently would not allow FNS to properly monitor Program funding, statutory & regulatory compliance, and Program trends.

A7. Special circumstances relating to the Guidelines of 5 CFR 1320.5.

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;**

The following sections of the CFR require respondents to report information to the agency more often than quarterly. States are reimbursed on a monthly basis for participating in the CACFP.

Therefore, quarterly collections alone are not adequate.

Section of Regulation / Form	Title	Annual Reporting (Required or Average received per respondent)
STATE AGENCY LEVEL		
226.6(b)	Notify institution of approval or disapproval of application within 30 days of receipt of a complete application	15
226.6(c)	Notice of serious deficiency to new or renewing and participating institutions	15
226.6(c)	Submit copies of serious deficiency and disqualification notices to FNSRO	15
226.6(c)(8)(C)(ii)	Provide FNSRO the required information of each day care home provider terminated for cause	12
226.6(d)(3)(vii)(D)	Provide day care home sponsors a listing of State-funded programs, participation in which by a parent or child will qualify a meal served to a child in a tier II home for the tier I rate of reimbursement.	15
226.6(f)(1)(vii)	Provide day home sponsoring organizations a list of elementary schools in which at least one-half of the children enrolled receive free/reduced price meals	15
226.6(f)(3)(iii)	Provide census data to day care home sponsoring organizations	15
226.6(k)(4)(i)	Annually submit admin review (appeal) procedures to all institutions	376
226.7(k)	Claims processing	12
226.10(e)	Final Claim for Reimbursement postmarked and/or submitted to the State agency not later than 60 days following the last day of the full month covered by the claim.	12
226.14	Notify institution of disallowed claim and demand repayment	38

SPONSOR/INSTITUTION LEVEL		
226.6(f)(1)(iii)	Submit current eligibility information on enrolled participants to be used to calculate reimbursement rate	12
226.10 and 226.15(i)	Report to SA number of meals claimed for reimbursement	12
226.13(b)(3)(i) through (iii)	Sponsoring organizations must establish reimbursement rates for Tier II providers with income-eligible children	5
FACILITY LEVEL		
226.11(c); 226.17(b)(9) and 226.17a(p)	Submit daily meal count records to sponsoring organizations monthly	12
226.13 (d)(1) thru (3) & 226.18 (e)	Day care home providers submit daily meal counts to sponsors monthly	12

- **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.

A8. Comments to the Federal Register Notice and efforts for consultation.

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), 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. Specifically address comments received on cost and hour burden.

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 format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A 60-day notice was published in the Federal Register FR Vol. 81, No. 95, p 30515 on May 17, 2016. The public comment period ended on July 18, 2016. One comment was received but was not related to this revision of a currently approved burden collection. However, it is attached and labeled as Appendix G.

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 SAs and provided feedback on FNS processes and procedures for this information collection.

A9. Explain any decisions to provide any payment or gift to respondents.

Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gifts are provided to respondents.

A10. Assurances of confidentiality provided to respondents.

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 by the State agency to FNS.

A11. Justification for any questions of a sensitive nature.

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.

A12. Estimates of the hour burden of the collection of information.

Provide estimates of the hour burden of the information collection. The statement should include:

A. 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.

To estimate reporting and recordkeeping burdens for this submission, we analyzed each provision

involving information collection to identify tasks necessary for compliance. We then identified the frequency with which a “typical” State or Local agency, sponsoring organization/Institution Level, Facility Level or Individual/Household Level performs each task or requirement and estimated the amount of time doing so.

In this instance, we recognize that no “typical” SA, sponsoring organization, etc., exists. Therefore, our estimates must fairly represent the aggregate work generated by 56 different State Agency level, and approximately 21,000 different local level program management systems. For example, each SA carries out the process of approving claims and reimbursing institutions for meals served. We have attempted to make reasonable generalizations about the entire universe on the basis of the information available.

In making this analysis, we considered information about State and local operations drawn from our files and past experiences. The results of our analysis are presented in the attached Burden Table and in Appendix H and are summarized below.

Burden Summary (Reporting and Recordkeeping):

Affected Public: 56 State agencies, 21,052 Institutions, 180,740 facilities (includes 113,847 family day care homes and 66,893 sponsored center facilities) and 2,626,310 households.

Estimated Number of Respondents: 3,030,006

Estimated Number of Responses per Respondent: 2.606361

Estimated Total Annual Responses: 7,897,289

Estimated Time per Response: 0.314176

Estimated Total Annual Burden: 2,481,136

Current OMB Inventory for Part 226: 2,234,840 hours

Difference (change in burden with this renewal): 246,296

	Estimated # Respondents	Responses Per Respondent	Total Annual Responses (Col. DxE)	Estimated Avg. # of Hours Per Response	Estimated Total Hours (Col. FxG)	Previously Approved	Due to Adjustment	Due to Program Change	Total Difference
Total Reporting Burden	2,828,158	2.53146	7,159,361	0.2612	1,870,412	1,670,085	181,516	18,811	200,327
Total Recordkeeping Burden	201,848	3.6559	737,928	0.8276	610,724	564,755	45,969	0	45,969
TOTAL BURDEN FOR #0584-0055	3,030,006	2.606361	7,897,289	0.314176	2,481,136	2,234,840	227,485	18,811	246,296

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

PUBLIC COST

To estimate public cost, we used the mean (average) hourly wage data for State government employees and various levels of food service staff, as published by the U.S. Department of Labor, Bureau of Labor Statistics ((<http://www.bls.gov/bls/wages.htm>), May 2015. To calculate the reporting costs for the households, FNS is using the current federal minimum wage rate of \$7.25 per hour as reported by the U.S. Department of Labor. The following shows the estimate of burden for reporting and recordkeeping and are also available in Appendix I:

Reporting

SA Level	=	4,201	hours	x	\$25.73	=	\$108,089.75
HH Level	=	365,753	hours	x	\$7.25	=	\$2,651,706.68
Sponsor Level	=	616,697	hours	x	\$16.80	=	\$10,360,509.60
Facility	=	883,761	hours	x	\$16.02	=	\$14,157,851.22
TOTAL							\$27,278,157.25

Recordkeeping

SA Level	=	2,072	hours	x	\$25.73	=	\$53,312.56
Sponsor Level	=	66,432	hours	x	\$16.80	=	\$1,116,057.60
Facility	=	542,220	hours	x	\$16.02	=	\$8,686,364.40
TOTAL		610,724					\$9,855,734.56

Total cost to public: \$37,133,891.81

A13. Estimates of other total annual cost burden.

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 are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

A14. Provide estimates of annualized cost to the Federal government.

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.

We identified functions performed by FNS Regional Office (FNSRO) and Headquarters (HQ) staff related to the CACFP and obtained estimates of the number of staff hours spent performing these functions. For FNSRO staff, we obtained data on the total staff time (for all programs) spent on each function. We then allocated an appropriate portion of each of these functional burdens to CACFP. The estimated percentage of time spent performing duties involving CACFP matters are presented below.

FEDERAL COSTS OF CACFP - PERSONNEL				
(1)	(2)	(3)	(4)	(5)
Function	Done by	Total Staff Hours	CACFP Allocation Percentage	Portion to CACFP (3x4)
Professional Assistance to State Agencies	FNSRO	216,842	.33	71,558 hours
Drafting/Clearing Regulations	HQ	8,320	.70	5,824 hours
Policy Development Guidance	HQ	14,976	.45	6,739 hours
TOTAL				84,121 hours

Using the 2016 Federal Wage Salary Tables (General Schedule for the Rest of the United States), we estimated the salary rate is \$31.21 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:

Salaries (84,121 hours x \$31.21/hour)	\$2,625,416
10 % for Administrative overhead (10% x \$2,625,416)	\$ 262,542
Total Federal Cost	\$2,887,958

A15. Explanation of program changes or adjustments.

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

This is a revision of a currently approved collection. It revises reporting burden as a result of increases in the number of sponsoring organizations and facilities, and an increase in the number of enrolled participants, who are required to submit information. It also adds a new requirement for written documentation when requesting substitutions for fluid milk or food components for participants with special non-disability, dietary needs. This requirement is added by the regulation *Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010*, published April 25, 2016 to 7 CFR § 226.20 (g) Exceptions and variations in reimbursable meals. This revision removes two reporting requirements that had been duplicated in the current burden estimate (i.e. counted twice), and one typed error in the number of day care home sponsors, which reduce the burden. In addition, form FNS-44 Report of Child and Adult Care Food Program, and its associated reporting burden, is being removed from this collection because it is duplicative burden. FNS-44 and its associated burden are now approved under 0584-0594 Food Programs Reporting System (FPRS), expiration June 30, 2019. Current OMB inventory for this collection is 2,234,840 burden hours and 5,456,969 responses. As a result of adjustments (227,485 hours) and program changes (18,811), FNS estimates a slight increase of 246,296 burden hours since the last renewal. FNS estimates an increase of 2,440,320 in responses for this collection as well. As a result of the adjustments and program changes in this revision, FNS estimates that this collection will have 2,481,136 burden hours and 7,897,289

responses.

A16. Plans for tabulation, and publication and project time schedule.

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

There are no plans to publish the results of this collection of information for statistical use. The collection does not employ statistical methods.

A17. Displaying the OMB Approval Expiration Date.

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.

A18. Exceptions to the certification statement identified in Item 19.

Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.