

SCHOOL BREAKFAST PROGRAM 7 CFR PART 220

OMB CLEARANCE NUMBER 0584-0012

REVISION OF A CURRENTLY APPROVED COLLECTION

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- A3. Response to Public Comment #2
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- B. Excel Burden Chart for 0584-0012 School Breakfast Program
- C. Burden Narrative for 0584-0012 School Breakfast Program
- D. Screenshot of FNS-10 Report of School Program Operations from Food Program Reporting System
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- F. 0584-0594 Food Program Reporting System Public Burden Statement

A. JUSTIFICATION

- 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 for the School Breakfast Program (SBP). Section 4 of the Child Nutrition Act (CNA) of 1966 (42 U.S.C. 1773) authorizes the School Breakfast Program as a nutrition assistance program and authorizes payments to States to assist them to initiate, maintain, or expand nonprofit breakfast programs in schools. The provision requires that “Breakfasts 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.”

- 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.**

This information collection is required to administer and operate this program in accordance with the National School Lunch Act (NSLA). 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, monthly submission of claims, payment of claims, monitoring and providing technical assistance. It is mandatory that States, SFAs, and schools under this Act keep accounts and records as may be necessary to enable FNS to determine whether the program is in compliance with this Act and the regulations. Some recordkeeping and reporting functions for SFAs and schools are only required to obtain reimbursement. The information collected is used to ensure FNS can properly monitor State agency and SFA compliance. The information collected is used to inform USDA. With the exception of the number of meals served, this information is published on the USDA website for sharing with the public. State agencies primarily collect data necessary to fulfil reporting requirements from SFAs using electronic submission systems, though some States receive a small percentage of hard copy submissions. This information collection contains both reporting and recordkeeping burden. FNS collects information from State agencies, SFAs, and schools. In addition, these entities must maintain certain records as well. State agencies are required to report program data monthly using the FNS-10 Report of School Program Operations form and quarterly using the FNS-777 Financial Status Report form. The reporting burden associated with these reports is approved under the information collection for the Food Programs Reporting System (FPRS), OMB control #0584-0594, expiration date 9/30/19 and is not duplicated in this information collection. However, the recordkeeping burden is still maintained in this collection. Copies of these forms are included in this submission as reference (Attachments D and E). Refer to Attachment C for additional details concerning this information collection. This is an ongoing collection and there have been no changes made to the reporting or recordkeeping requirements since the last renewal of this collection.

- 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 or 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 56 state agencies and United States territories that administer this program submit some program and financial data electronically to FNS via the Food Programs Reporting System (FPRS) at <https://www.FPRS.usda.gov>. The burden for the data reported in FPRS on the FNS-10 and FNS-777 is included in the information collection for the Food Programs Reporting System (FPRS), OMB control #0584-0594, expiration date 9/30/19, and is not associated with this collection to avoid duplicate burden. State agencies collect participation and meal count information from School Food Authorities via their own electronic systems. There is a small amount of non-electronic submissions that are sent via email or flash drive or facsimile, such as providing records for Management Evaluations to FNS upon request. FNS estimates that 98 % of the information submitted in this collection is collected electronically (via FPRS or the State agency systems) and only a negligible amount is submitted non-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.**

There is no similar data collection available. Every effort has been made to avoid duplication.

FNS has reviewed USDA reporting requirements and 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. State agencies are not considered small entities as state populations exceed the 50,000 threshold for a small government jurisdiction. However, School Food Authorities, Local Educational Agencies, and schools generally meet the definition of a “small governmental jurisdiction” which meets the definition of “small entity” in the Regulatory Flexibility Act.

Although smaller SFA record fewer financial transactions involving the SBP, they deliver the same program benefits and perform the same function as any other SFA. Thus, they maintain the same kinds of information on file.. Out of the total 110,268 respondents in this collection, FNS estimates that 19,141 of the SFAs and all of the 90,972 schools (approximately 99%) 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;**

School Food Authorities (SFAs) submit monthly claims for reimbursement. This is necessary for SFAs to receive timely reimbursement for actual 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 May 23, 2018 in the Federal Register, Vol. 83, No. 100, page 23884. The comment period for the information collection ended on July 23, 2018. Three

comments were received in response to the agency’s notice: The School Nutrition Association (SNA) stated that “The data collection process should be streamlined and the redundancy of questions minimized.” (Attachment 2). A school food service employee submitted a comment requesting that FNS “streamline, simplify and reduce the overall requirements/requests/forms and reports from school nutrition employees overall.” (Attachment 1). The third comment received was not germane. (Attachment 4) FNS maintains that there is very little reporting associated with this information collection for State agencies, since the bulk of the reporting burden for State agencies for the School Breakfast Program is accounted for in the FPRS information collection.

- **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. Additionally, FNS hosted a listening session at the School Nutrition Association’s annual conference which gave SFA directors an opportunity to discuss their views about the frequency of data collections and reporting,

- 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. This ICR does not request any personally identifiable information, nor does it include a form that requires a Privacy Act Statement.

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.

This is a revision of the currently approved collection that has a total of 110,268 respondents, 34,049,729 responses, and 3,857,770 burden hours. The following tables and Attachment B reflect the estimated burden associated with this information collection for each type of respondent.

**ESTIMATED ANNUAL BURDEN FOR 0584-0012, SCHOOL BREAKFAST PROGRAM
– REVISION OF A CURRENTLY APPROVED COLLECTION**

Reporting						
Description of Activity Required	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
SA submits requests for funds to pay SBP claims.	220.5	56	36	2,016	0.25	504
SA submits records to USDA for MEs and audits.	220.15(b)	19	1	19	3	57
Total SA Reporting		56	---	2,035	---	561
SFA submits application to SA for new school breakfast program.	220.7(a)	168	1	168	0.25	42
SFA submits to SA monthly claim	220.11(a)	19,240	10	192,400	1	192,400

for reimbursement.		204	1	204	0.75	153
SFA submits request for exception for late claim.	220.11(b)	82	1	82	2	164
SFA submits response to audits.	220.15(c)					
Total SFA Reporting		19,240	---	192,854	---	192,759
Schools submit counts breakfasts served by category to the SFA.	220.11(b)	90,972	10	909,720	0.05	45,486
Total Schools Reporting		90,972		909,720		45,486
Total Reporting		110,268	---	1,104,609	---	238,806

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 maintains Program records to support payments made to SFAs and reports submitted to FNS.	220.13(b)(1)	56	36	2,016	0.083	167
SA maintains evidence of investigations of complaints and actions taken.	220.13(c)	56	1	56	2	112
SA maintains records regarding claims against SFAs.	220.14(d)	56	12	672	0.25	168

SA imposes rules on competitive foods.	220.12(a)	56	1	56	1	56
Total SA Record keeping		56	---	2,800	---	503
SFA maintains monthly claim for reimbursement records.	220.11(a)	19,240	10	192,400	0.08	15,969
Total SFA Recordkeeping		19,240		192,400		15,969
Schools maintain food production, menu, and recent nutritional analysis records.	220.8(a) (3) 220.9(a)	90,972	180	16,374,960	0.12	1,964,995
Schools record breakfasts by category.	220.11(b)	90,972	180	16,374,960	0.1	1,637,496
Total Schools Record keeping		90,972		32,749,920		3,602,491
Grand Total Record keeping		110,268		32,945,120		3,618,964*

*Please note that in the above table and in Attachment B, the grand total recordkeeping burden is calculated at 3,618,964. However, when the individual recordkeeping totals are added together, the grand total recordkeeping burden equals 3,618,963. In actuality, this figure is 3,618,963.73, which has been rounded up to 3,618,964.

SUMMARY OF BURDEN (OMB #0584-0012)	
TOTAL NO. RESPONDENTS	110,268
AVERAGE NO. RESPONSES PER RESPONDENT	308.7907
TOTAL ANNUAL RESPONSES	34,049,729
AVERAGE HOURS PER RESPONSE	0.1133

BURDEN REQUESTED WITH SBP REVISION	3,857,770
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- **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 2017 National Occupational and Wage Statistics, Occupational Group (25-0000)

(http://www.bls.gov/oes/current/oes_nat.htm). The hourly mean wage (for education-related occupations) for functions performed by State agency and local education agency staff are estimated at \$26.67 per staff hour.

TOTAL COST TO PUBLIC = 3,857,770 hours X \$26.67 per hour = \$102,886,725.90

- 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 are no capital/start-up or ongoing operation/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 2018 wage table for the Washington DC-Northern Virginia locality area take approximately 80 hours to analyze data received from State agencies:

$\$45.59 \times 80 \text{ hours} = \$ 3647.2$ (estimated annualized cost to the 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 revision of a currently approved collection. The currently approved burden inventory for this collection is 3,824,307 hours and 33,649,369 responses. A change in the number of SFAs and schools participating in the program led to an increase of 400,360 responses. The estimated annual burden is 3,857,770, an increase of 33,463 hours.

Adjustments were made as a result of 1) a slight decrease in SFAs (20,386 to 19,240) which decreased 11,460 hours of reporting burden and decreased 951 hours of recordkeeping burden and 2) a slight increase in schools (89,828 to 90,972) which added 572 hours of reporting burden and 45,302 hours of recordkeeping burden. As a result of this revision, FNS estimates that this collection will have 3,857,770 burden hours and 34,049,729 responses.

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.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

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. The agency is able to certify compliance with all of the provisions of OMB Form 83-I.