

**SUPPORTING STATEMENT**

**OMB CONTROL NUMBER 0584-0026**

**7 CFR PART 245 - DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE**

**MEALS AND FREE MILK IN SCHOOLS**

**REVISION OF A CURRENTLY APPROVED COLLECTION**

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## A. JUSTIFICATION

### 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 information collection for 7 CFR Part 245 – *Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools*, associated with OMB control number 0584-0026. The Richard B. Russell National School Lunch Act (NSLA) (attachment H), Child Nutrition Act of 1966 (42 U.S.C. 1779) (Attachment I) and Title 7 CFR Part 245, *Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools* (Attachment M), set forth Program requirements for State agencies, local education agencies (LEAs)/school food authorities (SFAs), and households that make this information collection review necessary. 7 CFR Part 245, section 9 of the NSLA, and 7 CFR Part 215 for the Special Milk Program require Program participants and administrators of the School Breakfast Program (SBP), National School Lunch Program (NSLP), or Special Milk Program (SMP) to determine children’s eligibility for free and reduced price meals and/or free milk. Also established in 7 CFR Part 245 and section 9 of the NSLA are Program procedures and Federal requirements that prevent physical segregation, or other discrimination against, or overt identification of, children unable to pay the full price for meals or milk. All schools and institutions opting to participate in the SBP, NSLP, or the SMP are required to make free or reduced price meals or free milk available to all eligible enrolled children. This information collection reports and estimates the burden that Program eligibility requirements have on households, Local Educational Agencies (LEAs)/School Food Authorities (SFAs), and State agencies (SA).

## **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.**

Information is required to administer and operate the SBP, NSLP, and SMP in accordance with the NSLA and 7 CFR Part 245 at local and state levels. For example, households that are not directly certified for free or reduced price meal or free milk benefits may be required to submit an application for program benefits in order to participate in the SBP, NSLP, or SMP. How applications are distributed or made available to households is at the discretion of schools and program administrators. Household applications can be made available on a school's webpage with instructions for submission, or sent directly to households by mail or email. Household applications solicit information that enable Local Educational Agencies (LEAs) (public boards of education or other public or private nonprofit authorities legally constituted within a State for administrative control of public or private nonprofit schools) to determine which households are eligible to receive program benefits. Solicited information from households include income and household size, names of all household members; income received by each household member, identified by source of the income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, and social security and other cash income); the signature of an adult household member; and the last four digits of the social security number of the adult household member who signs the application or an indication that the adult does not possess a social security number. Households receiving benefits under an assistance program, such as SNAP, TANF, or FDPIR, have the option to submit the appropriate program case number or identifier on the benefit application as well. The information collected via household applications helps LEAs make

eligibility determinations with respect to the established income guidelines. To ensure program integrity, households may be required to submit written evidence to verify the income reported on their application. With household consent, the information submitted on their application may be shared with other programs, which provide benefits to low income households. All other data submitted by households is not shared and is only maintained by SFAs.

Residential child care institutions (RCCIs) that operate principally for the care of children and maintain children in residence, such as homes for the mentally, emotionally or physically impaired, group homes, halfway houses, orphanages, juvenile detention centers, etc. are included in the definition of *school* at 7 CFR 210.2 and participate in SBP, NLSP, and SMP. Because children residing in an RCCI are considered a household of one and predominantly eligible for Program participation, eligibility determinations can be made with the use of an eligibility documentation sheet, which solicits information that the typical household application does not. Eligibility documentation sheets are more efficient than requiring enrolled residential students to submit a household application for free or reduced price meals and/or free milk, and collect enrolled children's names, dates of birth, personal incomes, dates of admission into the RCCI, and dates of release. To be eligible, children participating in SBP, NSLP, and/or SMP must be enrolled in a school or RCCI and less than 21 years of age, which is why birthdates, dates of admission, and dates of release are contained in eligibility documentation sheets. More information about the reporting requirements households are required to meet in order to obtain or retain program benefits are explained in the "Estimate of the Information Collection Burden for OMB #0584-0026" located in Attachment B.



Other local level reporting, recordkeeping, and public notification requirements associated with Program eligibility criteria and Federal requirements fall on LEAs, School Food Authorities (SFAs), which are governing bodies responsible for the administration of one or more schools with the legal authority to operate the National School Lunch Program, and schools. For clarification, an LEA and SFA can be the same entity; the distinction between these terms is important for the purposes of electing a special counting and claiming provision such as the Community Eligibility Provision, which is a decision that can only be made by an LEA. SFAs and LEAs assist schools with program operations and administration while following federal requirements associated with program eligibility, such as the requirement for all schools participating in NSLP or SBP to make free and reduced price meals available to all eligible children, or the requirement for all schools and institutions participating in the free milk option of the SMP to make free milk available to eligible children.) Additional requirements for schools include notifying households of their eligibility determinations, conducting verification of applications, maintaining eligibility records, and providing public notice that schools will be serving free milk. These are required so that households can be informed about the availability of the programs and if they have been determined eligible for benefits. FNS has provided guidance for LEAs/SFAs for their responsibilities regarding making eligibility determinations, maintaining eligibility documentation, and communicating with households in the FNS Eligibility Manual (Attachment G). While FNS assists schools, SFAs and LEAs by supplying materials, such as a prototype household application in several different languages (Attachments J1-J50, please note FNS does not currently have translated OMB disclosure statements on applications. This will be resolved when FNS amends the application and gets a new translation contract), application instructions (Attachment K), and a letter for households (Attachment L), local levels choose procedures for maintaining records and have the authority to use their own application. The prototype household applications were not included in previous submissions of this collection because FNS was unaware that prototypes, templates, and other samples, in addition to the forms, need to be provided. While the

prototypes were not included, the requirement and burden associated with the household applications is and has been part of the burden for this collection. With this revision, FNS is now including the prototype applications.

In addition to communicating with households, LEAs have burden associated with communicating information to State agencies, such as the LEA's free and reduced price policy statement and information regarding eligibility for the Community Eligibility Provision. These are collected to ensure adequate oversight is possible of requirements related to providing free and reduced price meals and to meet statutory requirements related to notification of eligibility for the Community Eligibility Provision. Community Eligibility Provision eligibility information collected by schools is shared with the public by State agencies on State agency websites. More information about the requirements schools and their program administrations are required to meet in order to participate in the SBP, NSLP, and/or SMP are explained in the "Estimate of the Information Collection Burden for OMB #0584-0026" located in Attachment B.

Federal requirements associated with SBP, NSLP, and SMP eligibility criteria applies to SAs as well. SAs are required to share information with FNS, SFAs, and LEAs, and each SA maintains its own website to communicate electronically with FNS, SFAs, and LEAs. SAs report data to FNS via the FNS-742 (Attachment E) and FNS-874 (Attachment F). These forms are completed and submitted via the Food Programs Reporting System (FPRS), which is approved under the information collection for the Food Programs Reporting System (FPRS), OMB Control #0584-0594 (Attachment D). (Please note that these forms and the reporting burden associated with them is reported in the burden for this collection, although any recordkeeping or public disclosure burden related to these forms is included. Copies of

these forms are provided for reference only). Additionally, SAs are required to assist LEAs in directly certifying eligible households receiving benefits from assistance programs such as SNAP and are required to notify LEAs of their potential to participate in CEP based on a district's percentage of students identified as eligible for program participation through direct certification methods. LEAs, SFAs, and SAs collect, maintain, and share eligibility and program information in order to help program administrators at the federal level monitor program integrity and compliance, as well as address program deficiencies. The information also assists LEAs, SFAs, and SAs accurately and efficiently make eligibility determinations for program participants. Program requirements and law limit the disclosure of information about children eligible for free or reduced price meals and/or free milk in 7 CFR part 245.6 and section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(6)(C)). More information about the limitations of the disclosure of personal information and program requirements that apply to SAs can be found in question A10 of this document and in Attachment B., respectively.

The use and purpose of this information collection is to estimate and report the burden that Program requirements have on State and local levels, comply with Federal requirements, and understand the administrative and operational costs associated with Program eligibility criteria. The collection also enables FNS to monitor the number of children directly certified, the number of household applications being submitted, and the number of children participating in the SBP, NSLP, and SMP. Furthermore, FNS uses this information to monitor the number of schools electing to operate under Provision 1, 2, or 3 or the Community Eligibility Provision (CEP), which enable schools to serve all enrolled students free meals at no charge. Households are required to complete applications and respond to verification in order to receive program benefits. All other requirements in this collection are mandatory for participation in these Programs.

This renewal includes the addition of burden associated to the SMP's eligibility criteria, which was unintentionally omitted in previous information collections. Adjustments to the burden were also made due to decreases in the number of households needing to submit applications for eligibility determinations and in the number of participating SFAs/LEAs. While finalizing the submission, FNS discovered additional requirements and burdens for this collection. Since there was not enough time to properly account for these burdens before the collection expires, FNS plans to submit a revision to capture these requirements.

### **A3. Use of the 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.**

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.

The reporting requirements in this collection, which require State agencies to submit information to FNS, are submitted via email. Each State agency maintains its own website to communicate electronically with FNS, SFAs, and LEAs. School districts tend to allow, and often encourage,

household applications for SBP, NSLP, and SMP participation to be submitted electronically via schools' websites or email; however, submissions of household applications in paper form is acceptable. While state and local levels have the discretion to develop and make available customized household applications that solicit the required information to make eligibility determinations, FNS has available a web-based prototype application for free and reduced price meals and/or free milk listed as a resource on its public website that schools, LEAs, SFAs, and SAs can utilize. This resource is intended as a model for how state and local program operators (or their designated vendors) may develop an effective and fully compliant web-based application for school meal benefits. While USDA offers both the design and code as open source publications free for all to access, these materials are not structured for direct or immediate use by households unless adapted and integrated with appropriate data management systems maintained at the state and/or local levels. Given the resources required to use the web based prototype, at this time we do not know whether it is being implemented. The number of household applications submitted for Program participation throughout the years has significantly decreased in response to an increase in the number of children directly certified for SBP, NSLP, and SMP participation. Direct certification allows LEAs to establish student eligibility for free meals and free milk using participant data from other means-tested programs, eliminating the need for an application. The direct certification process uses information provided by State or local agencies administering assistance programs and other source categorically eligible programs. The data exchange, most often completed by using either State or local-level matching, may use automated data matching, an e-mail exchange, or an exchange of faxes with appropriate agency officials. Automated data matching is required for the Supplemental Nutrition Assistance Program (SNAP) and encouraged for Temporary Assistance for Needy Families (TANF) and the Food Distribution Program on Indian Reservations (FDPIR) [7 CFR 245.6(b)(4)]. Improvements of direct certification methods in past years have resulted in a decrease in paper

application submissions. Overall, out of the total 12,550,196 responses included in this collection, FNS estimates that approximately 80% (10,040,157 responses) will be submitted electronically. Electronic submissions are primarily from State agencies, though some households may submit household applications electronically. FNS does not expect that households experience a difference in the time needed to complete applications between the paper and electronic applications.

#### **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.**

Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements, State agency reporting requirements, and special studies by other government and private agencies. FNS solely monitors and administers the Child Nutrition Programs. LEAs/SFAs obtain eligibility information for free school meals and free milk directly from other agencies, such as SNAP, TANF, FDPIR, and foster care agencies to reduce duplicative paperwork for households who have already established their need for assistance through other programs that serve low-income children. Households are required to submit sensitive information including child name, adult name, adult last 4 digits of SSN, child income, adult income, and receipt of public assistance. This information is statutorily required to be on household applications by the Sec. 9(b)(3) of the NSLA (Attachment H).

#### **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 necessitated by Federal Requirements. State agencies are not considered small entities as State populations exceed the 50,000 threshold for a small government jurisdiction. However, SFAs, LEAs, and schools generally meet the definition of a “small governmental jurisdiction,” which meets the definition of “small entity” in the Regulatory Flexibility Act. Out of the 19,425 SA/LEA respondents, FNS estimates that approximately 19,037 are small entities. Therefore, out of the total 3,571,311 respondents for this collection, approximately 1% are small entities.

**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.**

This is an on-going, primarily mandatory information collection (some requirements are required to obtain or retain benefits) that is required by statute. The information is collected for the purpose of determining eligibility for free and reduced price meals and free milk as required by law. This information collection enables FNS to monitor the methods used to make eligibility determinations; the number of schools electing Provision 1, 2, or 3 participation, which enables schools to serve all enrolled students free meals; and the number of schools operating under the Community Eligibility Provision (CEP). The collection also allows FNS to monitor changes in the number of children directly certified, the number of household applications submitted, and the number of children participating in the SBP, NLSP, and/or SMP. FNS collects data on an annual basis. If the data were collected less frequently, FNS would not be able to properly fund Programs, ensure program integrity, or monitor funding 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 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**

This collection includes a requirement that LEAs must notify households of their eligibility status within 10 days of receiving household applications for free or reduced price meals. This is necessary to ensure households are notified of Program eligibility in a timely manner. If FNS were not to require LEAs to notify households within 10 days, households may experience delays in obtaining Program benefits.

- **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 of 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, 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 was published January 21, 2020, in the Federal Register (Vol. 85, No. 8, p. 3335-3336). The comment period for the information collection ended on March 23, 2020. FNS received 10 comments in response to the agency's notice. FNS received two comments that dealt with general issues in the NSLP not directly related to this information collection (Attachment C1 and Attachment C4). These comments did not contain any information which alters FNS's previous burden estimates for this collection or for the NSLP collection (0584-0006) and gave more general feedback on the usefulness of the NSLP. FNS received a comment (Attachment C2) that dealt with eligibility burdens related to the Summer Food Service Program. While this information collection does deal with eligibility determinations, the burden related to eligibility requirements for the Summer Food Service Program are contained in OMB #0584-0280. This comment has been shared with the staff which handle the ICR for #0584-0280. FNS received a comment (Attachment C5) which called for FNS to require

verification of all applications submitted by households. FNS currently requires verification of 3% of the applications submitted, which has a burden of 50,185 hours for the 100,369 households expected to complete verification. If FNS were to require verification of all 3,548,078 applications submitted, the burden for verification would increase by 1,693,854. Given that this suggested change would require a statutory change and would substantially increase household burden, FNS is not considering the proposed change to verify all applications at this time. FNS received a comment (Attachment C7) requesting households be allowed to scan the free or reduced price application to submit it and for SFAs to be able to maintain digital copies of applications. Both of these suggestions are currently allowable. FNS's Southeast Regional Office is providing technical assistance to this commenter about the use of scanned and digital files. FNS received three comments (Attachments C9, C11 and C13) which suggested that FNS consider eliminating the requirement for eligibility determinations. This would require a statutory change and FNS is not considering the suggested change at this time. FNS received two comments from professional associations. One comment (Attachment C13) provided suggested edits for the FNS-742 and the FNS-874 to help minimize errors and to make the forms more user friendly. They also suggested FNS add more data sources to direct certification and continue looking at the Child Nutrition Burden Study for more suggestions on ways to improve the Program. The other comment (Attachment C15) provided input on work FNS can do to strengthen existing programs such as CEP that provide operational efficiencies as well as best practices for reducing burden that they encouraged FNS to promote. These comments provided useful direction which FNS can use when considering future ways to continue to make programs more operationally efficient. FNS will consider the suggested edits for the FNS-742 and FNS-874 during the forms next revision and will continue to look to the Child Nutrition Burden study for ways to minimize burdens.

FNS provided written general responses stating that all public comments will be taken into consideration and addressed in the information collection request submitted to the Office of Management and Budget (OMB) to the six commenters that included contact information (Attachment C3, Attachment C6, Attachment C8, Attachment C10, Attachment C14, and Attachment C16). Based on the nature of the comments received, including suggestions that would require statutory changes, FNS has not revised the burden for this collection as a result of these comments.

**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 recently published the Child Nutrition Reducing Burden Study where State agencies provided feedback on FNS processes and procedures for this information collection. The research team conducted online surveys of State directors to identify challenges that States face related to program administration and reporting requirements for the School Meal Programs. Survey topics and work group meeting topics included reporting, reviews, USDA guidance, and research participation. Within each topic area, States and local educational agencies were asked about specific operational or reporting requirements and asked to identify those requirements that require the most effort and/or are the most time consuming.

The surveys were administered in April and May 2018. A total of 52 States responded to the survey, including agencies for the 50 States; Washington, DC; and Guam. Quantitative subgroup analyses were conducted according to State agency size. Open-ended question responses in the survey were analyzed using qualitative methodologies to identify recurrent themes. Overall, the census of State agencies

allowed for a range of voices to be heard on the surveyed topics. FNS received 10 comments on this information collection. The comments provided useful direction which FNS can use when considering future ways to continue to make programs more operationally efficient. FNS did not make any changes to burden estimates as a result of the comments.

Included as part of the survey were the following individuals: Dr. Sandy Curwood, Director, Office of School Nutrition Programs, Virginia Department of Education ([sandra.curwood@doe.virginia.gov](mailto:sandra.curwood@doe.virginia.gov)); Diane L. Golzynski, PhD, RD, Director, Office of Health and Nutrition Services, Michigan Department of Education ([GolzynskiD@michigan.gov](mailto:GolzynskiD@michigan.gov)); and Robert Leshin, Director, Office for Food and Nutrition Programs, Massachusetts Department of Elementary and Secondary Education ([robert.m.leshin2@state.ma.us](mailto:robert.m.leshin2@state.ma.us))

**A9. Explain any decision to provide any payment or gift to respondents.**

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

No payment or gift was 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. Section 9 of the NSLA, 42 U.S.C. 1758 (Attachment H), and title 7 CFR 245.6 limit the disclosure of all student eligibility information obtained through the free and reduced price meals or free milk eligibility process (including all information on the application or obtained through direct certification).

Solicited information from households via program benefit applications include income and household size, names of all household members; income received by each household member, identified by source of the income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, and social security and other cash income); the signature of an adult household member; and the last four digits of the social security number of the adult household member who signs the application or an indication that the adult does not possess a social security number. Household applications also solicit SNAP, TANF, or FDPIR case numbers or identifiers from families receiving benefit assistance from one of these programs. Eligibility documentation sheets are used to make eligibility determinations for residential children enrolled in RCCIs who are considered a household of one and solicit birthdates, admission dates, and the dates students are released from RCCI enrollment. Information collected via direct certification, household applications, or eligibility documentation sheets is used to determine participant eligibility. For example, eligibility documentation sheets may solicit birthdates, admission dates, and release dates to verify that applicants are under 21 years of age and enrolled in an eligible school or RCCI, as required for SBP, NSLP, and/or SMP participants.

Only the Comptroller General of the U.S. for purposes of audit and examination; federal, state, and local law enforcement officials for the purpose of investigating any alleged violation of the programs; and persons directly connected with the administration or enforcement of the SBP, NSLP, and SMP can obtain,

as appropriate, all eligibility information solicited via household applications, eligibility documentation sheets, or direct certification methods without parental consent. Information retrieved by direct certification methods, such as information that a household is receiving benefits from SNAP, FDPIR or TANF or that a child is participating in another program which makes children categorically eligible for free school meals or free milk, must be used solely for the purposes of determining children's eligibility for free school meals or free milk. Additionally, title 7 CFR 245.6(f)(2) limits the disclosure of the names of program participants and their eligibility status (whether they are eligible for free or reduced price meals or free milk). State agencies and LEAs may disclose, as appropriate, only the names and eligibility status of participants to persons directly connected with the administration or enforcement of a federal education program; a state health program or state education program administered by the state or LEA; a federal, state, or local means-tested nutrition program with eligibility standards comparable to the NSLP; or a third party contractor assisting in verification of eligibility efforts by contacting households who fail to respond to requests for verification of their eligibility. These limited disclosures assist program operators to determine participant eligibility efficiently and administer the SBP, NSLP, and SMP while providing confidentiality to respondents. Disclosure is required to be in written form, typically with consent forms designed by schools. Schools are responsible for following confidentiality requirements found at 7 CFR 245.6(f)

The penalties for unauthorized disclosure or misuse of information is specified in 7 CFR 245.6(k): “In accordance with section 9(b)(6)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(6)(C)), any individual who publishes, divulges, discloses or makes known in any manner, or to any extent not authorized by statute or this section, any information obtained under this section will be fined not more than \$1,000 or imprisoned for up to 1 year, or both.”

This ICR does not include any forms that require a Privacy Act Statement.

**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.**

The USDA has a responsibility to comply with Federal requirements set forth by Title VI of the Civil Rights Act of 1964. Title 28 CFR Part 42 *Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964* requires recipients of Federal financial assistance, such as state agencies, LEAs, and schools, to maintain and provide racial and ethnicity data upon request to FNS, showing the extent to which members of minority groups are participants of federally funded programs, such as the SBP, NSLP, and SMP. Therefore, household applications for free and reduced price school meals and free milk provide program applicants the option to identify the race and ethnicity of program participants. While household applications solicit this information, applicants are ensured that failure to provide race and ethnicity data will not affect students' eligibility to participate in the SBP, NSLP, or SMP.

Race and ethnicity data are collected in household applications for free and reduced price meals and free milk to ensure compliance with USDA nondiscrimination requirements for federally-assisted programs.

These data are used to evaluate the SBP, NSLP, and SMP to ensure that they equitably serve the needs of all racial groups and to monitor program compliance with antidiscrimination laws and regulations.

Additional sensitive data solicited through household applications includes household income information and the last four digits of an adult's social security number. This information is statutorily required to be on household applications by the Sec. 9(b)(3) of the NSLA (Attachment H). SFAs are responsible for following FNS regulations found at 7 CFR 245.6(f) which details confidentiality requirements. Assurance of confidentiality associated with collected income data is detailed in question A10 of this document.

The application for free and reduced price meals and free milk notifies applicants that solicited information will be used to determine the eligibility of schoolchildren. Applicants are also made aware that information collected through household applications may be shared with auditors for program reviews; law enforcement officials to help them look into violations of program rules; and education, health, and nutrition programs to help them evaluate, fund, or determine benefits for their programs. FNS obtains consent by requiring the signature of program applicants on household applications, which attests to the submission of accurate information and acknowledgement of the notices therein.

**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.**

This is a revision of a currently approved information collection. With this revision, FNS estimates that this collection will have 3,571,311 respondents, 12,550,195 responses, and 664,726 burden hours. As a result of Program adjustments, this revision will remove 274,775 hours of burden from the current inventory. The following tables and Attachment A reflect the estimated burden associated with this information collection for each type of respondent. The respondents for this information collection include: 54 State agencies, 19,371 LEAs/SFAs, and 3,551,886 households.

Affected Public: State Agencies, LEAs/SFAs, and Individuals/Households

Estimated Number of Respondents: 3,571,311

Estimated Number of Responses per Respondent: 3.5

Estimated Total Annual Responses: 12,550,195

Estimated Hours per Response: 0.053

Estimate Total Annual Burden Hours: 664,726

Current Approved OMB Burden Hours: 939,501

Difference Requested (hours): -274,775

**ESTIMATED ANNUAL BURDEN FOR 0584-0026,**

**DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE FREE MEALS, 7 CFR PART 245**

**REVISION OF A CURRENTLY APPROVED COLLECTION**

Burden Activities	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours	Current OMB approved Burden	Existing Requirements in Use without OMB approval	Due to Program Adjustment
<b>Reporting (State Agencies)</b>									
SAs and LEAs must obtain written consent from parent/ guardian for uses not specified in the regulation.	245.6(i)	54	1	54	0.25	13.5	13.5	0	0
SAs enter into written agreement with the agency receiving children's free and reduced price eligibility information.	245.6(j)	54	1	54	0.25	13.5	13.5	0	0
SA to notify LEAs of their community eligibility status as applicable	245.9(f)(6)	54	162	8,729	.05	436.45	229.5	0	207
SAs notify FNS if State's TANF is no longer eligible.	245.12(g)	54	1	54	0.10	5.4	5.4	0	0
SAs submit to FNS upon request the number of schools on Provision 1, Provision 2 or Provision 3 and extensions.	245.12 (h) (4)	35	1	35	1.5	52.5	64.5	0	-12
SAs that fail to meet the direct certification benchmark must develop and submit a <i>Continuous Improvement Plan</i>	245.13(e)	10	1	10	3	30	54	0	-24
<b>SAs must provide LEAs with a prototype free milk policy statement and a copy of the State's family-size income standards for determining eligibility for free meals and milk.</b>	<b>215.13a(b)</b>	<b>52</b>	<b>1</b>	<b>52</b>	<b>0.2</b>	<b>10.4</b>	<b>0</b>	<b>10.4</b>	<b>0</b>
<b>State Agency Reporting Burden Total</b>		<b>54</b>	<b>4.02</b>	<b>225</b>	<b>0.67</b>	<b>151</b>	<b>201</b>	<b>10</b>	<b>171</b>
<b>Reporting (Local Educational Agencies (LEAs)/School Food Authorities (SFAs))</b>									
LEAs notify households of approval of meal benefit applications.	245.6 (c) (6)(i)	15,340	220	3,370,675	0.02	67,413.5	106,232		-38,818
<b>LEAs notify households of approval of Special Milk Program benefit applications.</b>	<b>245.6(c) (6)(i)</b>	<b>446</b>	<b>8.54</b>	<b>3,808</b>	<b>0.02</b>	<b>76.2</b>	<b>0</b>	<b>76.16</b>	<b>0</b>
LEAs must notify households in writing that children are eligible for free meals based on direct certification and that no application is required.	245.6 (c) (6)(ii)	15,340	332	5,095,776	0.02	101,915.52	98,000	0	3,915.52
<b>LEAs must notify</b>	<b>245.6 (c)</b>	<b>446</b>	<b>20.04</b>	<b>8,938</b>	<b>0.02</b>	<b>178.76</b>	<b>0.00</b>	<b>178.76</b>	<b>0</b>

<b>households in writing that children are eligible for free milk based on direct certification and that no application is required.</b>	<b>(6)(ii)</b>								
LEAs notify each household in writing of denied benefits.	245.6 (c) (7)	15,340	12	177,404	0.02	3,548.08	3,920	0	-371.92
<b>LEAs notify each household in writing of denied free milk benefits</b>	<b>245.6 (c) (7)</b>	<b>446</b>	<b>0.43</b>	<b>190</b>	<b>0.02</b>	<b>3.81</b>	<b>0</b>	<b>3.81</b>	<b>0</b>
<b>SFA must have a written agreement with an agency to disclose children's free and reduced price meals and/or free milk eligibility information.</b>	<b>245.6 (j)</b>	<b>19,371</b>	<b>1</b>	<b>19,371</b>	<b>0.500</b>	<b>9,686</b>	<b>1,000</b>	<b>0</b>	<b>8,685.75</b>
LEAs notify households of selection for verification.	245.6a(f)	15,340	7	100,369	0.25	25,092	39,200	0	-14,107.75
LEAs must provide households that failed to verify eligibility with 10 day notice.	245.6a(j)	15,340	3	40,707	0.10	4,070.7	3,920	0	150.7
<b>LEAs must provide households that failed to confirm eligibility with 10 days notice for receiving a reduction or termination of free milk benefits.</b>	<b>245.6a(j)</b>	<b>446</b>	<b>0.05</b>	<b>21</b>	<b>0.10</b>	<b>2.1</b>	<b>0</b>	<b>2.10</b>	<b>0</b>
SFAs with schools under Provisions 1, 2, or 3 must identify those schools in its free and reduced price policy statement and certify their eligibility for the first year of operation.	245.9(f)	472	0.25	118	0.25	29.50	290	0	-260.5
LEAs submit to State agency documentation of acceptable identified student percentage of LEA/school electing the provision	245.9(f) (4)(i)	500	1	500	0.25	125.00	125.00	0.00	0.00
LEA to submit to the State agency for publication a list of eligible and potentially eligible schools and their eligibility status; unless otherwise exempted by State agency	245.9(f) (5)	8,729	1	8,729	0.08	698.32	412.72	0.00	285.60
LEAs to amend free and reduced policy statement and certify that schools meet eligibility criteria	245.9(g)	500	1	500	0.1	50.00	300.00	0.00	-250
SFAs with schools under Provision 2 or Provision 3 submit to FNS upon request all data and documentation used in granting extensions.	245.9(h)	472	0.25	118	0.25	29.5	72.6	0	-43.1
LEAs submit to SA for approval a free and reduced price policy statement.	245.10(a)	18,925	0.25	4,731	0.08	378.5	1,568		-1,189.5
<b>Each SFA approved to</b>	<b>215.7(d)</b>	<b>446</b>	<b>0.20</b>	<b>89.20</b>	<b>0.50</b>	<b>44.6</b>	<b>0</b>	<b>44.60</b>	<b>0</b>

participate in the SMP shall enter into a written agreement with the SA									
Institutions electing to provide free milk shall annually submit a written free milk policy statement for determining free milk eligibility of children under their jurisdiction.	215.13a(c)	446	1.00	446.00	0.25	111.5	0	111.50	0
<b>Local Educational Authority / School Food Authority Reporting Burden Total</b>		19,371	455.953	8,832,491	0.0242	213,454	255,040	417	-42,004
<b>Reporting (Households)</b>									
Households complete application form for participation in the Special Milk Program.	245.6(a)(1)	3,808	1.00	3,808	0.11	419	0	418.88	0
Households complete meal benefit application form.	7 CFR 245.6(a)	3,548,078	1	3,548,078	0.11	390,288.58	591,250	0	-200,961.42
Households submit written evidence for verification.	7 CFR 245.6a (a)(7)(i)	100,369	1	100,369	0.5	50,184.5	79,750	0	-29,565.5
Households cooperate by providing collateral contacts for verification of eligibility	7 CFR 245.6a (a)(7)(ii)	1,004	1	1,004	.10	100.4	100	0	0.4
Households respond to requests for verification of eligibility in the Special Milk Program	7 CFR 215.13a(g)(2)(iv)	114	1	114	.5	57.12	0	57.12	
<b>Household Reporting Burden Total</b>		3,551,886	1.03	3,653,373	0.12	441,049	671,100	476	-230,526.5
<b>Total Reporting Burden for Part 245 with Revisions</b>		3,571,311	3.5	12,494,853	0.05	655,065	926,521	903	-272,359

**Reporting Summary:**

Affected Public	Form Number	Estimated No. Respondents	Estimated No. Responses Per Respondent	Estimated Total Annual Responses	Estimated Hours Per Response	Estimated Total Annual Burden Hours
<b>Reporting Burden</b>						
State Agencies		54	166.44	8,988	.06	562
LEAs/SFAs		19,371	455,953	8,832,491	.024	213,454
Individuals / Households		3,551,886	1.03	3,653,373	.12	441,049
<b>TOTAL</b>		<b>3,571,311</b>	<b>3.5</b>	<b>12,494,853</b>	<b>.05</b>	<b>655,065</b>

<b>Recordkeeping (State Agencies)</b>									
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours	Current OMB approved Burden	Existing Requirements in Use without OMB approval	Due to Program Adjustment
SAs must maintain agreement with SNAP SA for conducting direct certification.	7 CFR 245.6(b)(1)(iv)	54	1	54	0.1	5	5	0	0
State Agency to review and confirm LEAs' eligibility to participate in provision.	245.9(f)(4)(ii)	54	9.26	500	.08	40	38.88	0	1.12
SAs maintain annual October data on number of schools participating in Provisions 1, 2, or 3 and extensions granted.	245.12(h)(4)	35	1	35	1.5	52.50	1,666	0	-1,614
SAs maintain verification data collected from SFAs	245.12(i)	54	1	54	0.20	10.5	10.5	0	0
SAs that fail to meet the direct certification benchmark must maintain a <i>Continuous Improvement Plan</i>	245.13(g)	10	1	10	0.5	5	9	0	-4
State Agency Recordkeeping Burden Total		54	12.09	653	0.17354	113	1,730	0	-1,617
<b>Recordkeeping (Local Educational Agencies)</b>									
LEAs must maintain documentation substantiating eligibility determinations for 3 years after the fiscal year.	245.6(e)	15,340	1	15,340	.08	1,227.2	1,568	0	-340.8
<b>Upon request, make all records pertaining to its milk program available to the State agency and to FNS; such records shall be retained for a period of three years after the end of the fiscal year to which they pertain.</b>	<b>215.7(7)</b>	<b>446</b>	<b>1</b>	<b>446</b>	<b>2.5</b>	<b>1,115</b>	<b>0</b>	<b>1,115</b>	<b>0</b>
LEA to maintain	245.9(h)(3)	500	1	500	.91	455	2,730	0	-2,275

documentation related to methodology used to calculate the identified student percentage and determine eligibility									
<b>Local Educational Authority Recordkeeping Burden</b>		<b>15,786</b>	<b>1.03</b>	<b>16,286</b>	<b>.17175</b>	<b>2,797</b>	<b>4,298</b>	<b>1,115</b>	<b>-2,615.68</b>
<b>Total Recordkeeping Burden for Part 245 with Revisions</b>		<b>15,840</b>	<b>1.07</b>	<b>16,939</b>	<b>0.172</b>	<b>2,911</b>	<b>6,028</b>	<b>1,115</b>	<b>-2,614.68</b>

**Recordkeeping Summary:**

Affected Public	Form Number	Estimated No. Respondents	Estimated No. Responses Per Respondent	Estimated Total Annual Responses	Estimated Hours Per Response	Estimated Total Annual Burden Hours
<b>Recordkeeping Burden</b>						
State Agencies		54	12.09	653	.174	113
LEAs/SFAs		15,786	1.03	16,286	.172	2,797
<b>TOTAL</b>		<b>15,840</b>	<b>1.07</b>	<b>16,939</b>	<b>.172</b>	<b>2,911</b>

<b>Public Notification (State Agencies)</b>									
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours	Current OMB approved Burden	Existing Requirements in Use without OMB approval	Due to Program Adjustment
SA publicly announces the annual family-size income standards to be used in eligibility determinations for free or reduced price meals and for free milk.	245.3(a) 245.12(a) (2)	54	1	54	0.10	5.4	5.4	0	0
State agency to make publically available the names of LEAs and schools receiving notifications	245.9(f) (7)	54	1	54	0.17	9.18	9.18	0	0
State Agency Recordkeeping Burden Total		54	2	108	0.14	14.58	14.58	0	0
<b>Public Notification (Local Educational Agencies)</b>									
LEAs publicly announce criteria for determining eligibility of children for free and reduced price meals (or free milk) in an annual media release or participation in Provision 1, 2, or 3.	245.5.5 & 245.9 & 245.3(b)	18,925	1	18,925	0.25	4,731.25	4,956	0	-224
LEAs publicly announce method to make an oral or written request for a hearing.	245.7(a) (2)(i)	18,925	1	18,925	0.1	1,893	1,982.2	0	-89.7
LEAs with schools offering free milk available under the Special Milk Program	215.13a(e) )	446	1	446	0.25	112	0	112	0

shall annually make a public announcement.									
Local Educational Authority Public Notification Burden		19,371	1.98	38,296	0.176	6,735.75	6,937.7	112	-201.95
Total Public Notification Burden for Part 245		19,425	1.98	38,404	0.176	6,750.33	6,952.28	112	-201.95

**Public Notification Summary:**

Affected Public	Form Number	Estimated No. Respondents	Estimated No. Responses Per Respondent	Estimated Total Annual Responses	Estimated Hours Per Response	Estimated Total Annual Burden Hours
<b>Public Notification Burden</b>						
State Agencies		54	2	108	0.14	14.58
LEAs		19,371	1.98	38,296	0.176	6,735.75
<b>TOTAL</b>		<b>19,425</b>	<b>1.98</b>	<b>38,404</b>	<b>.176</b>	<b>6,750.33</b>

**Burden Summary (Reporting, Recordkeeping, and Public Notification):**

<b>SUMMARY OF BURDEN (OMB #0584-0026) 7 CFR 245</b>	
<b>TOTAL NO. RESPONDENTS</b>	<b>3,571,311</b>
<b>AVERAGE NO. RESPONSES PER RESPONDENT</b>	<b>3.5</b>
<b>TOTAL ANNUAL RESPONSES</b>	<b>12,550,195</b>
<b>AVERAGE HOURS PER RESPONSE</b>	<b>0.053</b>
<b>TOTAL BURDEN HOURS FOR PART 245</b>	<b>664,726</b>
<b>CURRENT OMB INVENTORY FOR PART 245</b>	<b>939,501</b>
<b>BURDEN REVISION REQUESTED</b>	<b>-274,775</b>

**B. 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 2018 National Occupational Employment and Wage Statistics, Occupational Group (25-0000)

(<http://www.bls.gov/oes/current/oes250000.htm>). The hourly mean wage (for education-related occupations) for functions performed by State agency and LEA staff are estimated at \$27.22 per staff hour. To determine the total cost to the public, the burden hours for the collection is multiplied by the hourly mean wage discussed above (\$27.22 X 664,726 hours), which results in

an initial cost of \$18,093,814.72. An additional \$5,970,967.77 (33% of \$18,093,814.72) is then added to account for fully-loaded wages, which results in a total cost to the public of \$24,064,782.49.

**A13. Estimates of Other Total Annual Cost Burden.**

**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 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.**

It is estimated that Federal employees receiving an average General Schedule (GS) grade 12 step 6 wage (\$48.26 hourly) based on the 2020 Washington, DC-Northern Virginia locality area take approximately 1,260 hours to analyze data received from State agencies, for an initial cost of \$60,807.60 (\$48.26 x 1,260 hours). To account for fully-loaded wages, an additional \$20,066.50



(33% of \$60,807.60) is then added to the initial costs, resulting in an estimated annualized cost to the Federal Government of \$80,874.10. Additionally, it is estimated that a Branch Chief receiving an average GS grade 14 step 6 wage (\$67.82 hourly) based on the 2020 Washington, DC-Northern Virginia locality area take approximately 516 hours to provide oversight for Federal employees working to analyze data received from State agencies, for an initial cost of \$34,995.12 (\$67.82 x 516 hours). To account for fully loaded wages, an additional \$11,548.38 (33% of 34,995.12) is then added to the initial cost, resulting in an estimated annualized cost to the Federal Government of \$46,543.5. The total estimated annualized cost to the Federal Government is \$127,417.60.

**A15. Explanation of Program Changes or Adjustments.**

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

This is a revision of a currently approved collection. The information collection is currently approved with 939,501 total annual burden hours and 16,245,251 total annual responses. The total reporting, recordkeeping, and third-party disclosure burden hours associated with this revision is being decreased to 664,726 burden hours, removing 274,775 burden hours in the OMB information collection inventory. The total annual responses associated with this revision are being decreased to 12,550,195 responses, removing 3,695,056 responses from the OMB information collection inventory. While 18,358 responses were added to the collection as the result of the addition of existing requirements in use without OMB approval, the responses are offset by a total reduction of 3,713,414 responses, due to a decrease in the number of participating LEAs/SFAs and schools, a

decrease in the number of households completing applications, and changes to the number of LEAs participating in CEP. FNS estimates that this renewal will decrease the reporting burden by 271,455 hours, decrease the recordkeeping burden by 3,117 hours, and decrease the public notification burden by 202 hours. The revision to this collection includes the addition of 2,130 hours as program changes to account for burdens related to the Special Milk Program which were not previously disclosed by FNS and an adjustment which removes 276,905 hours from the collection due to the decreases related to fewer households needing to submit income applications to be determined eligible and to a decrease in the number of participating SFAs/LEAs, for an overall reduction of 274,775 hours. With this revision, FNS estimates that this collection will have 12,550,195 responses and 664,726 burden hours.

**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.**

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

**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.**

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

**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.