

7 CFR PART 215 - SPECIAL MILK PROGRAM FOR CHILDREN

OMB CLEARANCE NUMBER 0584-0005

REVISION OF A CURRENTLY APPROVED COLLECTION

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Attachments

- A. Child Nutrition Act: Section 3 [42 U.S.C. 1772] - Special Milk Program Authorization and Section 10 [42 U.S.C. 1779]
- B. Special Milk Program Regulations 7 CFR Part 215

- C. Screenshot of FNS-10 Report of School Program Operations from Food Program Reporting System
- D. Screenshot of FNS-777 Financial Status Report from Food Program Reporting System
- E. OMB# 0584-0594 Food Programs Reporting System (FPRS) Home Screen with OMB Information and Public Burden Statement
- F. Burden Narrative for OMB# 0584-0005 7 CFR Part 215 Special Milk Program for Children
- G. Excel Burden Chart for OMB# 0584-0005 7 CFR Part 215 Special Milk Program for Children

A. JUSTIFICATION

1. Circumstances that make the collection of information necessary.

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 information collection is a revision of a currently approved collection for the Special Milk Program for Children (SMP). This program is administered by the U.S. Department of Agriculture, Food and Nutrition Service. Section 3 of the Child Nutrition Act (CNA) (P.L. 89-642, as amended; 42 U.S.C. 1772) authorizes the Special Milk Program for Children (Attachment A). It provides for appropriation of such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as the Secretary may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children, which do not participate in a food service program authorized under the CNA. Section 10 of the CNA requires the Secretary of Agriculture to “prescribe such regulations as the Secretary may deem necessary to carry out this Act (Attachment A.)” Pursuant to that provision, the Secretary has issued 7 CFR Part 215, which sets forth policies and procedures for the administration and operation of the SMP (Attachment B). State and local operators are required to meet Federal reporting and accountability requirements.

2. 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 how the agency has actually used the information received from the current collection.

This information collection is required to administer and operate the Special Milk Program (SMP) in accordance with the CNA. The SMP is administered at the State, school food authority (SFA), and child care institution (CCI) levels. State agencies are responsible for mandatory recordkeeping activities, including maintaining applications and agreements, and maintaining records of the receipt and expenditure of funds requested to provide reimbursement to SFAs/CCIs. State agencies primarily collect data necessary to fulfill reporting requirements from SFAs/CCIs using electronic submission systems and are required to report this program data to FNS using forms FNS-10 Report of School Program Operations and FNS-777 Financial Status Report. The reporting burden associated with these reports is covered in the information collection for the Food Programs Reporting System (FPRS), OMB control #0584-0594, expiration date 7/31/2023 and is not associated with this information collection; however, the recordkeeping burden is maintained in this collection. Copies of these forms, including a copy of the public burden statement, are included in this submission as reference (Attachments C, D, and E). Refer to burden narrative (Attachment F) for additional details concerning this information collection.

To participate in the SMP, SFAs and CCIs need to submit an application to obtain the Program benefits and must also comply with mandatory recordkeeping requirements, such as

maintaining documentation to support claims for reimbursement. Additionally, SFAs must maintain records to demonstrate compliance with procurement regulations. FNS publicly posts SMP information such as the number of outlets and half-pints of milk served on its website. The frequency to provide the information for this collection ranges from the monthly claims that the SFAs and CCIs submit for reimbursement for every month that they operate the SMP to the applications that are updated annually by the SFAs and CCIs.

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 other than reclassifying local agencies into two respondent categories: government and business. This respondent reclassification has no impact on the reporting or recordkeeping burden for this collection, which remains unchanged from the last renewal.

3. 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.

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 54 State agencies and United States territories that administer this program submit some

program and financial data electronically to FNS using forms FNS-10 Report of School Program Operations and FNS-777 Financial Status Report which are available through the Food Program Reporting System (FPRS) at <https://fprs.fns.usda.gov/>. State agencies collect participation and milk count information from SFAs or CCIs via their own electronic systems. FNS estimates that most of the information submitted in this collection is collected electronically. There is a small amount of non-electronic submissions that are sent via email or flash drive or facsimiles such as providing certain records to FNS upon request. FNS estimates that out of the 88,407 responses for this collection, approximately 86,639 responses (98 percent) are collected electronically and only a negligible amount is submitted non-electronically.

4. 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 Question 2.

There is no similar information collection. Every effort has been made to avoid duplication. FNS has reviewed USDA reporting requirements and State agency requirements. FNS solely administers and monitors the SMP.

5. 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. State agencies are not considered small entities as state populations exceed the 50,000 threshold for a small government jurisdiction. However, SFAs, local educational agencies, schools, and child care institutions generally meet the definition of a “small governmental jurisdiction,” which meets the definition of “small entity” in the Regulatory Flexibility Act. Although smaller SFAs/CCIs record fewer financial transactions involving the SMP, they deliver the same program benefits and perform the same function as any other SFA/CCI. Thus, they maintain the same kinds of information on file. Out of the total 3,445 SFA/CCI respondents in this collection, FNS estimates that 3,376 are small entities. Therefore, out of the total 3,499 respondents for this collection, FNS estimates that these 3,376 small entities equal 96% of the respondents.

6. 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 collection is an ongoing collection that contains both mandatory and required to obtain or retain benefit requirements as required by statute. The information is collected for the purpose of administering an ongoing program. Applications are updated annually by SFA/CCIs and claims for reimbursement are submitted monthly for each month the SFA/CCI operates the SMP. If the data is collected less frequently, FNS would not be able to reimburse schools and institutions in a timely manner to allow them to properly administer the program. Data reporting would be delayed and the timely monitoring of program funding and program trends would be affected. The recordkeeping requirements for this

collection include maintaining applications, documentation of compliance reviews, records necessary for supporting claims for reimbursement, documentation of compliance with procurement requirements, and records of actions taken on any disallowed claims. If recordkeeping activities were not conducted, FNS would be unable to provide adequate oversight of the SMP operators or State agencies.

7. 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;**

SFAs and CCIs submit monthly claims for reimbursement for every month they operate the SMP to receive reimbursement funds in a timely manner.

- **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. 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.

A 60-day notice was published in the Federal Register (87 FR 27087) on May 6, 2022. The comment period for the Information Collection ended July 5, 2022. FNS received no comments in response to the agency's notice. Since there were no commenters that raised concerns about the burden associated with any specific reporting or recordkeeping requirements, FNS maintains that burden as described in the 60-Day Notice is appropriate.

- **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.

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.

Stakeholders such as State agencies that have been consulted are 1.) Vonda Ramp (vramp@pa.gov), Director of Child Nutrition Programs, Pennsylvania Department of Education 2.) Jo Dawson (Jo.Dawson@Alaska.gov), Child Nutrition Program Manager, Alaska Department of Education and Early Development and 3.) Robert Leshin (RLeshin@doe.mass.edu), Director of Child Nutrition Programs, Massachusetts Department of Education. FNS did not receive any feedback from these stakeholders.

9. 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 gift was provided to respondents.

10. 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. This information collection was submitted to the FNS Privacy Officer who made the determination on July 8, 2022 that no confidential information is associated with this collection. This collection does not request any personally identifiable information or include any forms that require a Privacy Act Statement.

11. 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 information collection.

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

Provide estimates of the hour burden of the collection of information. 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.

The estimated number of respondents for this information collection is 3,499 (54 State agencies and 3,155 local SFAs and 290 non-profit CCIs) totaling 88,407 responses and 13,325 burden hours. Since the last renewal of this collection, it was determined that some of the institution and site respondents, such as nonprofit child care facilities and nursery schools, are actually non-profit business respondents rather than State, Local, or Tribal government respondents. For this renewal, these child care facilities and nursery schools were reclassified as non-profit business respondents, giving this collection two respondent groups: State, Local, or Tribal government, and non-profit businesses. This reclassification has no other impact on the total reporting and recordkeeping burden for this collection, which remains unchanged from the last renewal.

The reporting burden for State agencies includes submission to FNS of a request for funds to pay Program claims for reimbursement from SFAs and CCIs. The reporting burden for SFAs and CCIs is submission of an application, agreement, and monthly claims for reimbursement to operate the Program.

The recordkeeping burden for SAs includes: maintaining documentation to support payment of Program claims for reimbursement, maintaining applications and agreements with SFAs and CCIs, maintaining documentation related to compliance reviews and Program assistance, and maintaining records of actions taken on disallowed claims. The recordkeeping tasks for SFAs includes: maintaining Program records to support claims for reimbursement and compliance with procurement requirements.

The estimated total annual burden for this information collection is 13,325 hours. The following tables and Attachment G reflect the estimated burden associated with the information collection for each type of respondent.

**ESTIMATED ANNUAL BURDEN FOR 0584-0005,
SPECIAL MILK PROGRAM FOR CHILDREN 7 CFR PART 215**

Reporting						
Reporting Burden	Citation	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours
State Agency Level SAs submit requests to FNS for funds to reimburse SFAs and CCIs	7 CFR 215.5(a)	54	24	1,296	0.25	324
SFA Level (Local Sites) SFAs submit an application to SA	7 CFR 215.7(c)	3,155	1	3,155	0.25	789
Non-Profit Child Care Institution Level (Local Site) CCIs submit an application to SA	7 CFR 215.7(c)	290	1	290	0.25	72
Total Reporting Burden 0584-0005, Part 215		3,499	1.35	4,741	0.25	1,185

Recordkeeping						
Recordkeeping Burden	Citation	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours

					Response	
State Agency Level						
SAs maintain applications and agreements submitted by SFAs and CCIs	7 CFR 215.7	54	63.80	3,445	0.10	345
SAs maintain records of compliance reviews, site visits and Program assistance	7 CFR 215.11(b)	54	5	270	0.20	54
SAs maintain records to support reimbursement payments and reports submitted to FNS.	7 CFR 215.11(c) (1)	54 54	24 766	1,296 41,364	0.10 0.10	130 4136
SAs maintain records of action taken on disallowed claims	7 CFR 215.12	54	2	108	0.33	36
SAs maintain records of audits and Management Evaluations	7 CFR 215.13(a)	54	1	54	0.26	14
SFA Level (Local Sites)						
SFAs maintain Program records to support monthly claims for reimbursement	7 CFR 215.7	3,155	10	31,550	0.20	6,310
SFAs maintain procurement	7 CFR 215.14(a)	2,679	1	2,679	0.20	536

records						
Non-Profit Child Care Institution Level (Local Site)						
CCIs maintain Program records to support monthly claims for reimbursement	7 CFR 215.7	290	10	2,900	0.20	580
Total Recordkeeping Burden 0584-0005, Part 215		3,499	23.91	83,666	0.15	12,140*
TOTAL REPORTING AND RECORDKEEPING BURDEN		3,499	25.2664	88,407	0.15	13,325

*Please note that in the above table and in Attachment G, the grand total recordkeeping burden is calculated at 12,140. However, when the individual recordkeeping totals are added together in the above table, the total recordkeeping burden equals 12,141. In actuality, this figure is 12,140 and the higher total of 12,141 is due to the rounding of individual recordkeeping totals.

SUMMARY OF BURDEN (OMB #0584-0005) 7 CFR PART 215	
TOTAL NO. RESPONDENTS	3,499
AVERAGE NO. RESPONSES PER RESPONDENT	25.2664
TOTAL ANNUAL RESPONSES	88,407
AVERAGE HOURS PER RESPONSE	0.150726
TOTAL BURDEN REQUESTED	13,325
CURRENT OMB INVENTORY	13,325
DIFFERENCE (CHANGE IN BURDEN WITH THIS RENEWAL)	0

# Respondents	# Responses Per Respondent	Total Annual Responses	Hours Per Response	Total Annual Burden
3,499	25.2664	88,407	0.150726	13,325

- **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 2021 National Occupational Employment 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 educational agency staff are estimated at \$29.88 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 (\$29.88 x 13,325 hours), which results in an initial cost of \$398,151. An additional \$131,389.83 (33% of \$398,151) is then added to account for fully-loaded wages, which results in a total cost to the public of \$529,540.83.

13. 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, operating, or annual maintenance costs associated with this information collection.

14. 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 (\$50.39 hourly) based on the 2022 Washington DC-Northern Virginia locality area take approximately 54 hours to analyze data received from State agencies, for an initial cost of \$2,721.06 ($\50.39×54 hours). To account for fully-loaded wages, an additional \$897.95 (33% of \$ 2,721.06) is then added to the initial costs, resulting in an estimated annualized cost to the Federal government of 3,619.01.

15. Explanation of program changes or adjustments.

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

This is a revision of a currently approved data collection. The currently approved burden inventory for this collection is 13,325 hours and 88,407 responses. 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. However, FNS did determine that child care facilities and nursery schools needed to be reclassified as non-profit business respondents rather than the State, Local, or Tribal government respondents. This reclassification does not impact the total burden for this collection which remains unchanged from the previous renewal. However, instead of all the 13,325 hours and 88,407 responses being attributed to the State, Local, and Tribal government respondents, FNS estimates that the burden for these respondents will be 12,673 hours and 85,217 responses, while the non-profit business

respondents have the remaining 652 hours and 3,190 responses.

16. 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.

FNS publicly posts SMP information such as the number of outlets and half-pints of milk served on its website.

17. 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 will display the expiration date for OMB approval of the information collection on all instruments.

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

Explain each exception to the certification statement identified in Item 19 of the OMB 83-I "Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.