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

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

This document explains the calculation of the information collection burden for the information collection titled 7 CFR Part 245 - Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools. A 60-Day Notice concerning this revision was published in the Federal Register on May 8, 2023 (Volume 88, Number 88, pages 29623-29625). Bolded text refers to revisions to burden hours.

REPORTING REQUIREMENTS

AFFECTED PUBLIC: STATE AGENCIES (SA)

1. 7 CFR Part 245.6(i) requires SAs and LEAs that plan to use or disclose information about children eligible for free or reduced price meals and/or free milk in ways not specified in this section must obtain written consent from the child's parent or guardian prior to the use or disclosure.

FNS estimates that 54 SAs (out of a total of 54 SAs) will submit 1 report annually for a total of 54 responses ($1 \times 54 = 54$). The estimated average burden per response is 15 minutes (0.25 hours) for a total estimated burden of 13.5 hours ($54 \times 0.25 = 13.5$). There is no change in burden.

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

There are 54 SAs that submit 1 response annually for a total of 54 responses ($1 \times 54 = 54$). The estimated average burden per response is 15 minutes (0.25 hours) for a total estimated burden of 13.5 hours ($54 \times 0.25 = 13.5$). There is no change in burden.

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3. 7 CFR Part 245.9(f)(6) requires SAs to notify LEAs of their community eligibility status by April 15.

FNS estimates that 55 SAs will submit 158.75 responses annually for an estimated total of 8,731 responses ($54 \times 158.75 = 8,731$). The estimated average burden per response is 3 minutes (0.0501 hours) for a total estimated burden of 437 hours ($8,731 \times 0.0501$). This burden is increased by 1 burden hours, from 436 burden hours to 437 burden hours, due to an increase in the number of States with schools participating in the Community Eligibility Provision (CEP). The increase in burden hours is an adjustment.

4. 7 CFR Part 245.12(g) requires that SAs notify FNS when there is a change in the State's TANF Program that would no longer make households automatically eligible for free meals.

There are 54 SAs that will submit 1 response annually for a total of 54 responses ($54 \times 1 = 54$). The estimated average burden per response is 6 minutes (0.1002 hours) for a total estimated burden of 5.4 hours ($54 \times 0.1002 = 5.4$). There is no change in burden.

5. 7 CFR Part 245.12(h)(4) requires State agencies submit to FNS upon request, the number of schools on Provision 1, Provision 2 or Provision 3 and extensions.

FNS estimates that 35 (out of 54 SAs) will submit 1 response upon request for the number of Provision 1, 2 or 3 schools for a total of 35 responses annually ($35 \times 1 = 35$). The estimated average burden per response is 1.5 hours for a total burden of 52.5 hours ($35 \times 1.5 = 52.5$). There is no change in burden.

6. 7 CFR Part 245.13(e) requires SAs that fail to meet the direct certification benchmark to develop and submit a Continuous Improvement Plan (CIP) within 90 days of notification.

FNS estimates that 16 SAs will need to submit a CIP. Each SA will submit 1 response upon request for a total of 16 responses annually ($16 \times 1 = 16$). The estimated average

burden per response is 3 hours for a total burden of 48 hours (16 x 3 = 48). This burden is increased by 18 hours, from 30 to 48 hours due to increase in the number of SAs failing to meet direct certification benchmarks. The increase in burden hours is an adjustment.

7. 7 CFR Part 215.13a(b) requires each SA to provide LEAs with schools participating in the Special Milk Program 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.

FNS estimates that 52 SAs will provide 1 response each year for a total of 52 annual responses (52 x 1 = 52). The estimated average burden per response is 12 minutes (0.2004 hours) for a total burden of 10.4 hours (52 x 0.2004 = 10.4). There is no change in burden.

AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)/SCHOOL FOOD
AUTHORITIES (SFAs)

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

FNS estimates that 15,340 LEAs (out of a total of 19,371 LEAs) will submit an average of 219.7311 responses annually for a total of 3,370,675 responses (15,340 x 219.7311 = 3,370,675). The estimated average burden per response is 1 minute (0.0167 hours) for a total burden of 56,290 hours (3,370,675 x 0.0167 = 56,290). This burden is reduced by 11,123 hours, from 67,414 to 56,290 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The decrease in burden hours is an adjustment.

2. 7 CFR 245.6(c)(6)(i) requires LEAs to notify households of the children's eligibility in the Special Milk Program after approving their applications.

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FNS estimates that 446 LEAs will submit an average of 8.54 responses annually for a total of 3,808 responses ($446 \times 8.54 = 3,808$). The estimated average burden per response is 1 minute (0.0167 hours) for a total burden of 63.59 hours ($3,808 \times 0.0167 = 63.59$). This burden is reduced by 13 hours, from 76.16 to 63.59 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The decrease in burden hours is an adjustment.

3. 7 CFR Part 245.6(c)(6)(ii) requires LEAs to notify households in writing that children are eligible for free meals based on direct certification and that no application is required.

FNS estimates that 15,340 LEAs will submit an average of 332.1888 responses annually for a total of 5,095,776 responses ($15,340 \times 332.1888 = 5,095,776$). The estimated average burden per response is 1 minute (0.0167 hours) for a total burden of 85,099.46 hours ($5,095,776 \times 0.0167 = 85,099.46$). This burden is reduced by 16,816 hours, from 101,915.52 to 85,099.46 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The decrease in burden hours is an adjustment.

4. 7 CFR Part 245.6(c)(6)(ii) requires LEAs to notify households in writing that children are eligible for free milk based on direct certification and that no application is necessary.

FNS estimates that 446 LEAs will submit an average of 20.04 responses every year for a total of 8,938 annual responses ($446 \times 20.04 = 8,938$). The estimated average burden per response is 1 minute (0.0167 hours) for a total annual burden of 149.26 hours ($8,938 \times 0.0167 = 149.26$). This burden is reduced by 29 hours, from 178.76 to 149.26 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The decrease in burden hours is an adjustment.

5. 7 CFR Part 245.6(c)(7) requires LEAs to notify households in writing of denied free or reduced price meal benefits.

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FNS estimates that 15,340 LEAs will submit an average of 11.5648 responses each year for a total of 177,404 annual responses ($15,340 \times 11.5648 = 177,404$). The estimated average burden per response is 1 minute (0.0167 hours) for a total burden of 2,962.65 hours ($177,404 \times 0.0167 = 2,962.65$). This burden is reduced by 585 hours, from 3,548.08 to 2,962.65 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The decrease in burden hours is an adjustment.

6. 7 CFR Part 245.6(c)(7) requires LEAs to notify households in writing of denied milk benefits.

FNS estimates that 446 LEAs will submit an average of 0.4269 responses each year for a total of 190 annual responses ($446 \times 0.4269 = 190$). The estimated average burden per response is 1 minute (.0167 hours) for a total annual burden of 3.18 hours ($190 \times 0.0167 = 3.18$). This burden is reduced by 1 hour, from 3.81 to 3.18 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The decrease in burden hours is an adjustment.

7. 7 CFR Part 245.6(j) requires LEAs to have a written agreement with an agency to disclose children's free and reduced price meal and free milk eligibility information.

FNS estimates that 19,371 LEAs will submit 1 response annually for a total of 19,371 responses ($19,371 \times 1 = 19,371$). The estimated average burden per response is 30 minutes (0.5 hours) for a total burden of 9,686 hours ($19,371 \times 0.5 = 9,686$). There is no change in burden.

8. 7 CFR Part 245.6a(f) requires LEAs to notify households of selection for verification.

FNS estimates that out of 19,371 LEAs, 15,340 will submit 6.543 responses annually for a total of 100,369 responses ($15,340 \times 6.543 = 100,369$). The estimated average burden per

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response is 15 minutes (0.25 hours) for a total burden of 25,092 hours ($100,369 \times 0.25 = 25,092$). There is no change in burden.

9. 7 CFR Part 245.6a(j) requires that LEAs provide households that failed to confirm eligibility with 10 days notice for receiving a reduction or termination of free or reduced price meal benefits.

FNS estimates that 15,340 LEAs will provide 2.65365 notices annually for a total of 40,707 responses ($15,340 \times 2.65365 = 40,707$). The estimated average burden per response is 6 minutes (0.1002 hours) for a total burden of 4,078.8 hours ($4,707 \times 0.1002 = 4,708.8$). This burden is increased by 8 hours, from 4,070.7 to 4078.8 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

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

FNS estimates that 446 LEAs will provide 0.047 annual responses for a total of 21 annual responses ($446 \times 0.047 = 21$). The estimated average burden per response is 6 minutes (0.1 hours) for a total burden of 2.1 hours ($21 \times 0.1 = 2.1$). There is no change in burden.

11. 7 CFR Part 245.9(f) requires SFAs with schools under Provisions 1, 2, or 3 to identify those schools in its free and reduced policy statement and certify their eligibility for the first year of operation.

FNS estimates that 472 SFAs have schools electing Provision 1, 2, or 3 and will submit 0.25 responses annually for a total of 118 responses ($472 \times .25 = 118$). The estimated average burden per response is 15 minutes (0.25 hours) for a total burden of 29.5 hours ($118 \times 0.25 = 29.5$). There is no change in burden.

12. 7 CFR Part 245.9(f)(4)(i) requires LEAs submit to SA documentation demonstrating that the LEA or school meets the identified student percentage by June 30.

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FNS estimates that 500 LEAs will submit 1 response annually for a total of 500 responses ($500 \times 1 = 500$). The estimated average burden per response is 15 minutes (0.25 hours) for a total burden of 125 hours ($500 \times 0.25 = 125$). There is no change in burden.

13. 7 CFR Part 245.9(f)(5) requires LEAs to submit to the SA for publication a list of eligible and potentially eligible schools and their eligibility status; to elect the Community Eligibility Provision (CEP) to SAs by April 15, unless otherwise exempted by the SA.

FNS estimates that 8,729 LEAs will submit 1 response annually for a total of 8,729 responses ($8,729 \times 1 = 8,729$). The estimated average burden per response is 5 minutes (0.0835 hours) for a total burden of 728.87 hours ($8,729 \times 0.0835 = 728.87$). This burden is increased by 31 burden hours, from 698.32 to 728.87 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

14. 7 CFR Part 245.9(g) requires LEAs that elect to participate in a Provision to amend their Free and Reduced Price Policy Statement to include a list of all participating schools and certify the schools meet the criteria.

FNS estimates that 500 LEAs will submit 1 response annually for a total of 500 responses ($500 \times 1 = 500$). The estimated average burden per response is 6 minutes (0.1002 hours) for a total burden of 50 hours ($500 \times 0.1002 = 50$). There is no change in burden.

15. 7 CFR Part 245.9(h) requires SFAs with schools under Provisions 2 or 3 to submit to FNS upon request all data and documentation used in granting extensions.

FNS estimates that 472 SFAs have Provision 2 or 3 schools and will submit 0.25 responses annually for a total of 118 responses ($472 \times 0.25 = 118$). The estimated average burden per response is 15 minutes (0.25 hours) for a total burden of 29.5 hours ($118 \times 0.25 = 29.5$). There is no change in burden.

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16. 7 CFR Part 245.10(a) requires LEAs to submit to State agency for approval a free and reduced price policy statement.

FNS estimates that out of 19,371 LEAs, 18,925 will submit 0.25 reports annually for a total of 4,731 responses ($18,925 \times 0.25 = 4,731$). The estimated average burden per response is 5 minutes (0.0835 hours) for a total burden of 395 hours ($4,725 \times 0.0835 = 395$). This burden is increased by 17 burden hours from 378.48 to 395 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

17. 7 CFR Part 215.7(d) requires SFAs approved to participate in the Special Milk Program to enter into a written agreement with the State agency or FNSRO, as applicable, that may be amended as necessary.

FNS estimates that 446 LEAs will provide 0.2 responses each year for a total of 89 annual responses ($446 \times 0.2 = 89$). The estimated average burden per response is 30 minutes (0.5 hours) for a total burden of 44.6 hours ($89 \times 0.5 = 44.6$). There is no change in burden.

18. 7 CFR Part 215.13a(c) requires institutions electing to provide free milk to annually submit a written free milk policy statement for determining free milk eligibility of children under their jurisdiction.

FNS estimates that 446 institutions will provide 1 report annually for a total of 446 responses ($446 \times 1 = 446$). The estimated average burden per response is 15 minutes (0.25 hours) for a total burden of 111.5 hours ($446 \times 0.25 = 111.5$). There is no change in burden.

AFFECTED PUBLIC: HOUSEHOLD LEVEL

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1. 7 CFR Part 245.6(a)(1) requires households to complete application form for participation in the Special Milk Program.

FNS estimates that 3,808 households will submit 1 record annually for a total of 3,808 responses ($3,808 \times 1 = 3,808$). The estimated average burden per response is 7 minutes (0.1169 hours) for a total burden of 445.16 hours ($3,808 \times 0.1169 = 445.16$). This burden is increased by 26 burden hours from 419 to 445.16 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

2. 7 CFR Part 245.6(a)(1) requires households complete application form for free or reduced price meal benefits.

FNS estimates that there are 3,548,078 households that will submit 1 record annually for a total of 3,548,078 responses ($3,548,078 \times 1 = 3,548,078$). The estimated average burden per response is 7 minutes (0.1169 hours) for a total burden of 414,770.32 hours ($3,548,078 \times 0.1169 = 414,770.32$). This burden is increased by 24,482 burden hours from 390,289 to 414,770.32 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

3. 7 CFR Part 245.6a(7)(i) requires households to send written evidence for verification of eligibility for free and reduced price meals to LEA.

FNS estimates that 100,369 households will submit 1 response annually for a total of 100,369 responses ($100,369 \times 1 = 100,369$). The estimated average number of burden hours per response is 30 minutes (0.5 hours) resulting in an estimated total burden of 50,185 hours ($100,369 \times 0.5 = 50,185$). There is no change in burden.

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4. 7 CFR Part 215.13a(g)(2)(iv) requires households to respond to request for verification of applicants' free milk eligibility determinations.

FNS estimates that 114 households will submit 1 response annually for a total of 114 responses ($114 \times 1 = 114$). The estimated average number of burden hours per response is 30 minutes (0.5 hours) resulting in an estimated total burden of 57 hours ($114 \times 0.5 = 57$). There is no change in burden.

5. 7 CFR Part 245.6a(a)(7)(ii) requires households to cooperate by providing collateral contacts for verification of eligibility.

FNS estimates that 1,004 households will each report 1 record annually for a total of 1,004 responses ($1,004 \times 1 = 1,004$). The estimated average burden per response is 6 minutes (0.1002 hours) for a total burden of 100.6 hours ($1,004 \times 0.1002 = 100.6$). There is no change in burden.

RECORDKEEPING REQUIREMENTS

AFFECTED PUBLIC: STATE AGENCIES

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

There are 55 (out of 55) State agencies that will maintain 1 record for a total of 55 responses ($55 \times 1 = 55$). The estimated average burden per response is 6 minutes (0.1002 hours) for a total burden of 5.51 hours ($55 \times 0.1 = 5.51$). **This burden is increased by .2 burden hours (approximately 12 minutes) from 5.29 to 5.51 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.**

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2. 7 CFR Part 245.9(f)(4)(ii) requires state agencies to review and confirm LEAs eligibility to participate in the Community Eligibility Provision.

There are 55 State agencies that will maintain an estimated 9.09 records per year for a total of 500 annual responses ($55 \times 9.09 = 500$). The estimated average burden per response is 5 minutes (0.0835 hours) for a total burden of 41.75 hours ($500 \times 0.0835 = 41.75$). This burden is increased by 2 hours from 40 hours to 41.75 hours, due to an increase in the number of States with schools eligible to operate CEP. The increase in burden is due to an adjustment.

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

FNS estimates that 35 SAs have Provision 1, 2 or 3 schools and will maintain 1 consolidated record every year for a total of 35 annual records ($35 \times 1 = 35$). The estimated average burden per record is 1.5 hours for a total annual burden of 52.5 hours ($35 \times 1.5 = 52.5$). There is no change in burden.

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

There are 54 SAs that will maintain 1 report each year for a total of 54 annual records ($54 \times 1 = 54$). The estimated average burden per response is 12 minutes (0.2004 hours) for a total burden of 11 hours ($54 \times 11 = 10.8$). There is no change in burden.

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

FNS estimates that 16 SAs will maintain 1 record each year for a total of 16 annual records ($16 \times 1 = 10$). The estimated average burden per record is 30 minutes (0.5

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hours) for a total burden of 8 hours ($16 \times 0.5 = 8$). This burden is increased by 3 hours, from 5 to 8 hours, due to an increase in the number of SAs failing to meet direct certification benchmarks. The increase in burden hours is an adjustment.

AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)/SCHOOL FOOD
AUTHORITIES (SFAS)

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

FNS estimates that 15,340 LEAs will maintain 1 set of records each year for a total of 15,340 annual records ($15,340 \times 1 = 15,340$). The estimated average burden per record is 5 minutes (0.0835 hours) for a total burden of 1,280.9 hours ($15,340 \times 0.08 = 1,280.9$). This burden is increased by 54 burden hours from 1,227 to 1,280.9 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

2. 7 CFR Part 215.7(7) requires that all records pertaining to the Special Milk Program be maintained for 3 years after the end of the fiscal year and be made available to SAs and FNS upon request.

FNS estimates that 446 LEAs will maintain 1 set of records each year for a total of 446 annual records ($446 \times 1 = 446$). The estimated average burden per request is 2.5 hours for a total burden of 1,115 hours ($446 \times 2.5 = 1,115$). There is no change in burden.

3. 7 CFR Parts 245.9(h)(3) requires that LEAs of Provision schools maintain implementation records and documentation of methodology used to calculate the identified student percentage and eligibility.

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FNS estimates that there are 500 LEAs that maintain 1 record annually for a total of 500 records ($500 \times 1 = 500$). The estimated average number of burden hours per record is 54 minutes (0.9018 hours), resulting in an estimated total burden of 451 hours ($500 \times 0.9185 = 451$). This burden is decreased by 4 burden hours from 455 to 451 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

PUBLIC NOTIFICATION REQUIREMENTS

AFFECTED PUBLIC: STATE AGENCIES

1. 7 CFR Parts 245.12(a)(2) and 245.3(a) require each SA to publicly announce the annual family-size income standards to be used by LEAs in making eligibility determinations for free or reduced price meals and for free milk.

There are 54 SAs that will submit 1 notice annually for a total of 54 responses ($54 \times 1 = 54$). The estimated average burden per response is 6 minutes (0.1002 hours) for a total estimated burden of 5.41 hours ($54 \times 0.1002 = 5.41$). There is no change in burden.

2. 7 CFR Parts 245.9(f)(7) requires each SA to make publicly available the names of LEAs and schools receiving notifications.

There are 55 SAs that will submit 1 notice annually for a total of 55 responses ($55 \times 1 = 55$). The estimated average burden per response is 10 minutes (0.1670 hours) for a total estimated burden of 9.19 hours ($55 \times 0.1670 = 9.19$). There is no change in burden.

AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEAs)/SCHOOL FOOD AUTHORITIES (SFAs)

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

There are 18,925 LEAs that will submit 1 notice annually for a total of 18,925 responses ($18,925 \times 1 = 18,925$). The estimated average burden per response is 15 minutes (0.25 hours) for a total estimated burden of 4,731 hours ($18,925 \times 0.25 = 4,731$). There is no change in burden.

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

There are 18,925 LEAs that will submit 1 notice annually for a total of 18,925 responses ($18,925 \times 1 = 18,925$). The estimated average burden per response is 6 minutes (0.1002 hours) for a total estimated burden of 1,896.29 hours ($18,925 \times 0.1002 = 1,896$). This burden is increased by 4 burden hours from 1,892.5 to 1,896.29 hours, due to the adjustment to the previous estimates for hours per response that was made in order for the estimates to be written in whole minutes. The increase in burden hours is an adjustment.

3. 7 CFR Part 215.13a(e) requires LEAs with schools offering free milk under the Special Milk Program to annually make a public announcement.

There are 446 LEAs that will submit 1 notice annually for a total of 446 notifications ($446 \times 1 = 446$). The estimated average burden per notification is 15 minutes (0.25 hours) for a total estimated burden of 112 hours each year ($446 \times 0.25 = 112$). There is no change in burden.