

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

Wes Gaddie, Program Analyst

USDA, Food and Nutrition Service

Special Nutrition Programs

Child Nutrition Programs

School Meals Branch

1320 Braddock Place

Alexandria, VA 22314

Phone: 703-457-7718

wesley.gaddie@usda.gov

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A. JUSTIFICATION

Terms of Clearance:

When OMB approved the previous renewal of this collection on July 14, 2020, FNS received the following terms of clearance as part of the approval:

FNS may make changes to the address as a de minimis change. Where applicable, FNS shall inform LEAs of its statutory exemption from Family Educational Rights and Privacy Act of 1974.

In regards to the Family Educational Rights and Privacy Act of 1974, USDA has confirmed that this exemption is explained to program operators in The Eligibility Manual for Schools (Attachment G). USDA will continue to communicate to program operators that they are bound by the disclosure requirements imposed by Section 9(b)(6) of the NSLA (Attachment H) and not FERPA.

A1. 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 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 7 CFR Part 245 – *Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools*. 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 and section 9 of the NSLA 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 how the agency has actually used 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 A.

Other local level reporting, recordkeeping, and public notification requirements associated with Program eligibility criteria and Federal requirements fall on LEAs or 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), 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. 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 A.

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). 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 to 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 the "Estimate of the Information Collection Burden for OMB #0584-0026" located 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.

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 for State agencies to submit information to FNS are submitted to FNS 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. 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 12,550,211 responses for this collection, FNS estimates that approximately 80% (10,040,169 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 purposes described in Question 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.

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 19,426 SA/LEA respondents, FNS estimates that approximately 19,037 are small entities. Therefore, out of the total 3,571,312 respondents for this collection, approximately 1% are small entities. Information being requested or required has been held to the minimum necessitated by Federal requirements.

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 information collection, which contains both mandatory and required to obtain or retain benefits information requirements, 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:

- **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, 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 concerning this revision was published in the Federal Register on May 8, 2023 (Volume 88, Number 88, pages 29623-29625). The comment period for the information collection ended on July 7, 2023. FNS received two comments in response to the agency's notice. These comments dealt with general issues in the NSLP not directly related to this information collection (Attachment C1 and Attachment C2). These comments did not contain any information which alters FNS' previous burden estimates for this collection or for the NSLP collection (0584-0006). The comments gave more general feedback on the usefulness of the NSLP.

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 two commenters that included contact information (Attachment C2 and Attachment C4). Based on the nature of the comments received, 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 format (if any), and on the data elements to be recorded, disclosed, or reported.

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

FNS shared the federal register notice with the members of the Child Nutrition State Systems Work Group, a work group composed of State agency directors and staff who are responsible for meeting the State level reporting and recordkeeping requirements in this collection, and encouraged the work group members to provide comments. The following individuals from the Child Nutrition State Systems Work Group were consulted about burden estimates associated with this data collection:

1) Carla Bankes, State Director, Child Nutrition Programs, Wyoming, Department of Education (carla.bankes@wyo.gov)

2) Natalee Mickelson, School District Consultant, Michigan Department of Education
(MickelsonN@michigan.gov)

3) Janet Johnson, Assistant Director, District and Support Services, Department of Public Instruction (janet.williamsjohnson@dpi.nc.gov)

None of the individuals consulted chose to submit comments on the information collection, so FNS did not make any changes to burden estimates or other aspects of the information collection as a result of the comments.

A9. Explain any decision 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.

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 Residential Child Care Institutions (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 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 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 contain any forms that require a Privacy Act Statement. For the previous renewal, the USDA Privacy Officer indicated that there were no privacy concerns since FNS does

not store any eligibility information. The USDA Privacy Officer reviewed the 60-Day Notice on January 17, 2023.

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. USDA 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 collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

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 3,571,312 respondents, 12,550,211 responses, and 660,799 burden hours. As a result of Program adjustments, this revision will remove 3,927 hours of burden from the current inventory. The following tables and Attachment B reflect the estimated burden associated with this information collection for each type of respondent. The respondents for this information collection include: 55 State agencies, 19,371 LEAs/SFAs, and 3,551,886 households.

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

Estimated Number of Respondents: 3,571,312

Estimated Number of Responses per Respondent: 3.514

Estimated Total Annual Responses: 12,550,211

Estimated Hours per Response: 0.0527

Estimate Total Annual Burden Hours: 660,799

Current Approved OMB Burden Hours: 664,726

Difference Requested (hours): -3,927

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	Due to Adjustment
Reporting								
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/ guardian prior to the use or disclosure.	245.6(i)	54	1	54	0.25	13.5	13.5	0
SAs enter into written agreement with the agency receiving children's free and reduced price meal and/or free milk eligibility information.	245.6(j)	54	1	54	0.25	13.5	13.5	0
SA to notify LEAs of their community eligibility status as applicable	245.9(f)(6)	55	158.75	8,731	.0501	437.42	436.45	1
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.	245.12(g)	54	1	54	0.1002	5.4	5.4	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	52.5	0
SAs that fail to meet the direct certification benchmark must develop and submit a <i>Continuous Improvement Plan</i> within 90 days of notification.	245.13(e)	16	1	16	3	48	30	18
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.	215.13a(b)	52	1	52	0.2004	10.4	10.4	0
SA reporting burden for electronic reports (FNS-742, FNS-874) accounted	245.6a(h) 245.11(b)(2) 245.11(c)(3)							

for in the Food Program Reporting System (FPRS) OMB# 0584-0594.	245.11(i)								
State Agency Reporting Burden Total		55	163.56	8,996	0.0646	581	562	19	
LEAs notify households of approval of meal benefit applications.	245.6 (c)(6)(i)	15,340	219.73110	3,370,675	0.0167	56,290.3	67,414	-11,123	
LEAs must notify households of children's eligibility in the Special Milk Program after approving their applications.	245.6(c)(6)(i)	446	8.54	3,808	0.0167	63.59	76.16	-13	
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	332.1888	5,095,776	0.0167	85,099.46	101,915.52	-16,816	
LEAs must notify households in writing that children are eligible for free milk based on direct certification and that no application is required.	245.6 (c)(6) (ii)	446	20.04	8,938	0.0167	149.26	178.76	-29.5	
LEAs provide written notice to each household of denied free or reduced price benefits.	245.6 (c)(7)	15,340	11.56480	177,404	0.0167	2,962.65	3,548.08	-585	
LEAs provide written notice to each household of denied free milk benefits	245.6 (c)(7)	446	0.42691	190	0.0167	3.18	3.81	-1	
LEAs must have a written agreement with an agency to disclose children's free and reduced price meals and/or free milk eligibility information.	245.6 (j)	19,371	1	19,371	0.500	9,686	9,686	0	
LEAs notify households of selection for verification.	245.6a(f)	15,340	6.543	100,369	0.25	25,092	25,092	0	
LEAs must provide households that failed to verify eligibility with 10 day notice for receiving a reduction or termination of free or reduced price meal benefits.	245.6a(j)	15,340	2.65365	40,707	0.1002	4,078.8	4,070.7	8	
LEAs must provide households that failed to confirm eligibility with 10 days notice for receiving a reduction or termination of free milk benefits.	245.6a(j)	446	0.047085	21	0.1002	2.1	2.1	0	
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	29.50	0	
LEAs submit to State agency documentation of acceptable identified student percentage of	245.9(f)(4)(i)	500	1	500	0.25	125.00	125.00	0	

LEA/school electing the provision								
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	0.0835	728.87	698.32	31
LEAs to amend free and reduced policy statement and certify that schools meet eligibility criteria	245.9(g)	500	1	500	0.1002	50.10	50	0
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	29.5	0
LEAs submit to SA for approval a free and reduced price policy statement.	245.10(a)	18,925	0.25	4,731.25	0.0835	395	378.48	17
Each SFA approved to participate in the SMP shall enter into a written agreement with the SA or FNSRO, as applicable, that may be amended as necessary.	215.7(d)	446	0.20	89.20	0.50	44.6	44.6	0
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	111.5	0
Local Educational Authority (LEA) / School Food Authority (SFA) Reporting Burden Total		19,371	455.953	8,832,491	0.0209	184,941	213,453.52	-28,512
Households complete application form for participation in the Special Milk Program.	245.6(a)(1)	3,808	1.00	3,808	0.1169	445.16	419	26
Households complete application form for free or reduced price meal benefits.	245.6(a)(1)	3,548,078	1	3,548,078	0.1169	414,770.32	390,289	24,482
Households assemble written evidence for verification of eligibility for free and reduced price meals and send to LEA.	245.6a (a)(7) (i)	100,369	1	100,369	0.5	50,184.5	50,185	0
Households cooperate by providing collateral contacts for verification of eligibility	245.6a (a)(7) (ii)	1,004	1	1,004	.1002	100.6	100	0
Households respond to requests for verification of eligibility in the Special Milk Program	215.13a(g)(2) (iv)	114	1	114	.5	57.12	57	0

Household Reporting Burden Total		3,551,886	1.03	3,653,373	0.1274	465,558	441,049	24,508
Total Reporting Burden for Part 245 with Revisions		3,571,312	3.5	12,494,860	0.0521	651,080	655,065	-3,985

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
Reporting Burden						
State Agencies		55	163.56	8,996	0.0646	581
LEAs/SFAs		19,371	455.953	8,832,491	0.0209	184,941
Individuals / Households		3,551,886	1.03	3,653,373	0.1274	465,558
TOTAL		3,571,312	3.50	12,494,860	0.0521	651,080

Recordkeeping								
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours	Current OMB approved Burden	Due to Adjustment
SAs must maintain agreement with SNAP SA for conducting direct certification.	245.6(b)(1)(iv)	55	1	55	0.1002	5.51	5.29	0.2
State Agency to review and confirm LEAs' eligibility to participate in CEP.	245.9(f)(4)(ii)	55	9.09	500	.0835	41.75	40	2
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	52.5	0
SAs maintains annual verification data collected from SFAs (for FNS-742).	245.12(i)	54	1	54	0.2004	10.82	10.53	0.3
SAs that fail to meet the direct certification benchmark must maintain a <i>Continuous Improvement Plan</i>	245.13(g)	16	1	16	0.5	8	5	3
State Agency Recordkeeping Burden Total		55	12	660	0.1797	119	113	5
LEAs must maintain documentation substantiating eligibility determinations for 3 years after the end of the fiscal year.	245.6(e)	15,340	1	15,340	.0835	1,280.9	1,227	54
Upon request, make all records pertaining to its milk program available to the State agency and	215.7(7)	446	1	446	2.5	1,115	1,115	0

to FNS; such records shall be retained for a period of three years after the end of the fiscal year to which they pertain.								
LEA to maintain documentation related to methodology used to calculate the identified student percentage and determine eligibility	245.9(h) (3)	500	1	500	.9018	451	455	-4
Local Educational Authority Recordkeeping Burden		15,786	1.03	16,286	.1748	2,847	2,797	50
Total Recordkeeping Burden for Part 245 with Revisions		15,841	1.07	16,946	0.1750	2,965	2,911	55

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
Recordkeeping Burden						
State Agencies		55	12.00	660	0.1797	119
LEAs/SFAs		15,786	1.03	16,286	0.1748	2,847
TOTAL		15,841	1.07	16,946	0.1750	2,965

Public Notification (State Agencies)								
	Section	Estimated Number of Respondents	Frequency of Response	Average Annual Responses	Average Burden per Response	Annual Burden Hours	Current OMB approved Burden	Due to Adjustment
Each SA shall by July 1 publicly announces 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.	245.3(a) 245.12(a) (2)	54	1	54	0.1002	5.41	5.40	0.01
State agency to make publicly available the names of LEAs and schools receiving notifications	245.9(f) (7)	55	1	55	0.1670	9.19	9.18	0.01
State Agency Recordkeeping Burden Total		55	1.98	109	0.14	15	15	0.02
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	245.5 & 245.9 & 245.3(b)	18,925	1	18,925	0.25	4,731.25	4,731.25	0

Provision 1, 2, or 3.								
LEAs publicly announce method to make an oral or written request for a hearing.	245.7(a)(2)(i)	18,925	1	18,925	0.1002	1,896.29	1892.5	4
LEAs with schools offering free milk available under the Special Milk Program shall annually make a public announcement.	215.13a(e)	446	1	446	0.25	112.0	112.00	0
Local Educational Authority/School Food Authority Public Notification Burden		19,371	1.98	38,296	0.1760	6,740	6736	4
Total Public Notification Burden for Part 245		19,426	1.98	38,405	0.1759	6,754	6,750	4

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
Public Notification Burden						
State Agencies		55	2	109	0.1339	15
LEAs		19,371	2	38,296	0.1760	6,740
TOTAL		19,426	1.98	38,405	0.1759	6,754

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

SUMMARY OF BURDEN (OMB #0584-0026) 7 CFR 245	
TOTAL NO. RESPONDENTS	3,571,312
AVERAGE NO. RESPONSES PER RESPONDENT	3.514
TOTAL ANNUAL RESPONSES	12,550,211
AVERAGE HOURS PER RESPONSE	0.0527
TOTAL BURDEN HOURS FOR PART 245	660,799
CURRENT OMB INVENTORY FOR PART 245	664,726
BURDEN REVISION REQUESTED	-3,927

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 2022 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 \$30.41 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 ($\$30.41 \times 660,799$ hours), which results in an initial cost of \$ 20,094,897.60. An additional \$6,631,316.20 (33% of \$20,094,897.60) is then added to account for fully-loaded wages, which results in a total cost to the public of \$26,726,213.80.

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 questions 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. 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 (\$52.66 hourly) based on the 2023 Washington, DC-Northern Virginia locality area take approximately 1,260 hours to analyze data received from State agencies, for an initial cost of \$66,351.60 ($\$52.66 \times 1,260$ hours). To account for fully-loaded wages, an additional \$21,896.03 (33% of \$66,351.60) is then added to the initial costs, resulting in an estimated annualized cost to the Federal Government of \$88,247.63. Additionally, it is estimated that a Branch Chief receiving an average GS grade 14 step 6 wage (\$74.00 hourly) based on the 2023 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 \$38,184.00 ($\74.00×516 hours). To account for fully loaded wages, an additional \$12,600.72 (33% of 38,184.00) is then added to the initial cost, resulting in an estimated annualized cost to the Federal Government of \$50,784.72. The total estimated annualized cost to the Federal Government is \$139,032.35.

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 664,726 total annual burden hours and 12,550,195 total annual responses. The total reporting, recordkeeping, and third-party disclosure burden hours associated with this revision is being decreased to 660,799 burden hours, removing 3,927 burden hours in the OMB information collection inventory. The total annual responses associated with this revision are being increased to 12,550, 211 responses, adding 16 responses from the OMB information collection inventory. The

decrease in the burden hours and the increase in the responses are due to adjustments. The 16 responses were added to the collection as the result of an additional State having schools that participate in the Community Eligibility Provision and having 6 additional States required to submit direct certification improvement plans. While the number of responses has increased, the burden hours have decreased 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. FNS estimates that this renewal will decrease the reporting burden by 3,985 hours, increase the recordkeeping burden by 55 hours, and increase the public notification burden by 4 hours. With this revision, FNS estimates that this collection will have 12,550,211 responses and 660,799 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 of the OMB 83-i

"Certification for Paperwork Reduction Act."

There are no exceptions to the certification statement.