

SUPPORTING STATEMENT – PART A for

OMB CONTROL NUMBER 0584-00XX:

Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools

**Proposed Rule – Child Nutrition Programs: Community Eligibility Provision – Increasing
Options for Schools (RIN 0584-AE93)**

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Attachments

- A. Burden Chart for OMB Control Number 0584-00XX, proposed rule, *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools*
- B. Burden Narrative: Estimate of the Information Collection Burden for OMB Control Number 0584-NEW associated with Proposed Rule: *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools (RIN 0584-AE93)*
- C. The proposed rule, *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools*
- D. Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1751 et seq.)
- E. Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779)
- F. 7 CFR Part 245 – Determining Eligibility For Free And Reduced Price Meals And Free Milk In Schools

- G. Merge Burden Chart for OMB Control Number 0584-0026 Showing the Impact of the Proposed Rule, *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools*
- H. Comment from the California Department of Education
- I. Comment from Texas Department of Agriculture
- J. Additional Information for A.2 Purpose and Use of Information

A. JUSTIFICATION

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 request for a new information collection that contains existing information collection requirements, which are being impacted by the proposed rulemaking, *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools* (RIN 0584-AE93) (Attachment C). These existing information collection requirements are currently approved in OMB Control Number 0584-0026 7 CFR Part 245 – Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (expiration date 9/30/2026). Due to ongoing work on a number of high-priority rules, other workload priorities, and because the timeline for this rule crossed with that for the renewal of OMB Control Number 0584-0026, FNS requests a new OMB Control Number for this rulemaking submission. Although FNS is requesting a new OMB Control Number for this submission, FNS intends to merge this new information collection into OMB Control Number 0584-0026 after the final rule submission is reviewed by OMB. After the merge has been completed, FNS will delete the new information collection from our inventory.

The proposed rule amends Program regulations associated with the School Meals Programs, which consists of the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). The rule proposes to expand access to CEP by lowering the minimum identified student percentage participation threshold from 40 percent to 25 percent, which would give States and

schools greater flexibility to choose to invest non-Federal funds so that no-cost meals can be offered to all enrolled students. Students who are classified as “identified students” are directly certified for free school meals and do not need to submit a household application (such as those directly certified through the Supplemental Nutrition Assistance Program (SNAP)). Therefore, the proposal to lower the required identified student percentage will expand access to the CEP and this, in turn, will provide more schools with an additional option for offering no-cost meals to students without requiring households to submit applications for free or reduced-price meals.

As a result, more students, families, and schools would have an opportunity to experience the benefits of the Community Eligibility Provision, including access to meals at no cost, reducing paperwork for school nutrition staff and families, eliminating unpaid meal charges, minimizing stigma, and streamlining meal service operations.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) (Attachment E) requires the Secretary of Agriculture to prescribe such regulations as deemed necessary to carry out this Act and the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1751 et seq.) (Attachment D). The NSLA, as amended, authorizes the NSLP to safeguard the health and well-being of the Nation's children and provide free or reduced-price school lunches to eligible students through subsidies to schools. As required, the Secretary of Agriculture issued 7 CFR Part 245 (Attachment F), which sets forth policies and procedures for determining eligibility for free and reduced-price meals, as well as for operating special reimbursement provisions such as the Community Eligibility Provision (CEP). The School Meals Programs (NSLP and SBP) safeguard the health and well-being of the Nation's children via the provision of free or reduced-price meals at school and the service of meals and snacks to children. This information collection is required to administer and operate the School Meals Programs in accordance with the NSLA.

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.

This rule proposes changes that would expand access to CEP, by lowering the minimum identified student percentage participation threshold from 40 percent to 25 percent, which would give States and schools greater flexibility to elect CEP. This proposed rulemaking does not include any new information collection requirements, but the changes made to the CEP eligibility threshold will impact the number of respondents/responses for existing reporting and recordkeeping requirements that are currently approved for the state administering agencies, local education agencies (LEAs), and the participating households.

Participating in the CEP is a voluntary decision made by local school districts. To be eligible for CEP under current program regulations, an LEA, group of schools, or school must ensure that at least 40 percent of enrolled students are identified students, participate in both the National School Lunch Program and the School Breakfast Program, and serve lunches and breakfasts to all enrolled students at no charge.

Local Educational Agencies (LEAs) and schools participating in CEP serve all meals at no charge to all enrolled students for one or more 4-year cycles. To participate, the LEA or school must meet the minimum identified student percentage (students certified for free school meals without the use of a household application divided by enrolled students, multiplied by 100). State agencies must confirm the eligibility of an LEA or school that elects to participate. This proposed rule would amend 7 CFR 245.9(f)(3)(i) to require a LEA, group of schools, or school to have an identified student percentage of at least 25 percent, as of April 1 of the school year prior to participating in CEP. Individual schools participating in

CEP as part of a group would be permitted to have an ISP lower than 25 percent, provided that the group's aggregate ISP is at least 25 percent. Additionally, State agencies are required to disseminate information about CEP to eligible and potentially eligible LEAs and schools through an annual third-party disclosure (public notification) requirement.

The information being collected is required to administer and operate this program in accordance with the NSLA. The Program is administered at the State agency and LEA levels and the NSLA requires that accounts and records as may be necessary to enable FNS to determine whether the program is in compliance with this Act and the regulations. The information collections associated with this proposed rule occur at the State agency and local program operator levels in the form of recordkeeping and reporting requirements. FNS does not collect or share the required information at the Federal level.

FNS does not expect lowering the threshold to participate in CEP to an ISP of 25% to impact the approved public notification requirements at 7 CFR 245.9(f)(7) because the requirement for the State agencies to make the lists of LEAs and schools receiving notifications of their eligibility status is already approved in OMB Control Number 0584-0026 for all of the State agencies.

For details concerning the information being collected, the burden categories impacted by the final rule, the obligation to respond, from whom and how the information will be collected, how the information will be used, the frequency of the information collection, whether the information will be shared with any other organization inside or outside USDA, and how the information requirements are being impacted, please see *Additional Information for A.2 Purpose and Use of Information* (Attachment J).

To review the proposed rule requirements that cause information to be collected in further detail and how frequently each collection occurs, please see the *Burden Narrative: Estimate of the Information Collection Burden for OMB Control Number 0584-NEW associated with Proposed Rule: Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools (RIN 0584-AE93 (Attachment B).*

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.

Each State agency maintains its own website to communicate electronically with LEAs. School districts tend to allow, and often encourage, household applications for SBP and NSLP participation to be submitted electronically via schools' websites or email; however, submissions of household applications in paper form is acceptable. FNS does not expect that households experience a difference in the time needed to complete applications between the paper and electronic applications. 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 and NSLP 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 12,171,267 responses included in this new collection, FNS estimates that approximately 70% (8,519,887 responses) will be submitted electronically. When this new collection is merged into OMB Control Number 0584-0026, FNS estimates that approximately 8,590,933 responses (70%) will be submitted electronically. Electronic submissions are primarily related to communications between State agencies and LEAs, though households also may submit household applications electronically.

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.

A5. Impacts on Small Businesses or Other Small Entities.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information being requested or required has been held to the minimum necessitated by Federal Requirements. State agencies are not considered small entities as State populations exceed the 50,000 threshold for a small government jurisdiction. However, SFAs, LEAs, and schools generally meet the definition of a “small governmental jurisdiction,” which meets the definition of “small entity” in the Regulatory Flexibility Act. Out of the 15,057 SA/LEA respondents, FNS estimates that approximately 15,003 are small entities. Therefore, out of the total 3,485,189 respondents for this collection, less than 1% are small entities. When this collection is merged into OMB Control Number 0584-0026, FNS estimates that the small entities will still make up less than 1% of the total respondents.

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 a new information collection request which contains existing information requirements currently approved under OMB Control Number 0584-0026. These mandatory and required to obtain/retain a benefit requirements are related to a final rule *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools* (RIN 0584-AE93). State agencies and LEAS are required to report information that is used to determine eligibility for free and reduced-price meals, which is required by law in order to mandatory statutory reporting requirements. If households wish to receive free or reduced-price meal benefits, they need to submit an application. This information collection enables FNS to monitor the methods used to make eligibility determinations, the number of schools operating under the CEP, and changes in the number of children directly certified, the number of household applications submitted, and the number of children participating in school meal programs. FNS collects most data on an annual basis, with the sole exception of the free and reduced-price policy statements which State agencies collect occasionally when LEAs make revisions to their eligibility policy. If the data were collected less frequently, FNS would not be able to properly monitor SA and SFA compliance, 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 in 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 45-day Federal Register Notice is embedded in the proposed rule, *Child Nutrition Programs: Community Eligibility Provision—Increasing Options for Schools*, which was published in the Federal Register on March 23, 2023 (Vol. 88, No. 56, page 17406). The comment period for the proposed changes in the information collection burden ended on May 8, 2023. Since this request is being submitted after the end of the comment period for the proposed rule, FNS is including copies of the comments in this submission for reference only (Attachments H and I). The summary of the comments and the responses to those comments will be included in the information collection request for the final rule, which will be submitted as soon as this one is approved.

Describe efforts to consult with persons outside the agency to obtain their views on the avail-

ability 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.

FNS provided notice and comment through the notice of a proposed rulemaking for the proposed rule, which specifically included the solicitation of comments on the proposed collections of information. Therefore, FNS did not consult with members of the public and affected agencies outside of the rule's 45-day comment period to obtain views on the proposed information collections, including the availability of data, frequency of collections, or recordkeeping and reporting requirements. Interested members of the public and program operators can provide FNS with comments concerning the necessity, practical utility, accuracy, and merit of the information collection activities proposed via the 45-day notice embedded in the rule. Comments will be addressed during the final stage of rulemaking and included in the final rule's information collection request.

When FNS finalizes an information collection package, the package will be available through www.regulations.gov for review and comment by stakeholders such as State agencies, community groups, and the public regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNS consults with FNS Regional offices (FNSROs) regarding any proposed changes as the result of legislative, regulatory, or administrative changes. FNSROs are in daily contact with State agencies, which provide feedback on FNS processes and

procedures for this information collection. Feedback from the State agencies is then used by FNS to help shape the burden estimates for this collection.

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 re-enumeration of contractors or grantees.

No payment or gift will be 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 D), and title 7 CFR 245.6 limit the disclosure of all student eligibility information obtained through the free and reduced-price meals 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.

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

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

This ICR does not include any forms that require a Privacy Act Statement. The FNS Privacy Officer approved the information collection request associated with the proposed rule without further questions on January 9, 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 and NSLP. Therefore, household applications for free and reduced-price school meals 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 or NSLP.

Race and ethnicity data are collected in household applications for free and reduced-price meals to ensure compliance with USDA nondiscrimination requirements for federally-assisted programs. These data are used to evaluate the SBP and NSLP 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 notifies applicants that solicited information will be used to determine the eligibility of schoolchildren. Applicants are also made aware that information collected through household applications may be shared with auditors for program reviews; law enforcement officials to help them look into violations of program rules; and education, health, and nutrition programs to help them evaluate, fund, or determine benefits for their programs. FNS obtains consent by requiring the signature of program applicants on household applications, which attests to the submission of accurate information and acknowledgement of the notices therein.

A12. Estimates of the Hour Burden of the Collection of Information.

Provide estimates of the hour burden of the 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.**

Although FNS is requesting a new information collection request for the information collection requirements included in the proposed rule, *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools* (Attachment C), these are actually existing requirements that are currently approved under OMB 0584-0026. FNS plans to merge the requirements impacted by this proposed rule into OMB Control Number 0584-0026 at a later date. FNS estimates that this new collection will have 3,485,189 respondents, 12,171,267 responses, and 626,375 hours. This collection includes reporting and recordkeeping information requirements only; but it does not include any third-party disclosure (public notification) requirements because they are not impacted by the final rule. To estimate the number of respondents, Program Analysts analyzed each provision involving information collection and assessed the number of schools that would newly become eligible to operate CEP.

The tables included in this supporting statement and the Excel charts included in this submission include updated estimates from the estimates published in the Federal Register. These updates are due to two different factors. One is a technical correction to a typographical error that stated that the burden for the currently approved reporting requirements impacted by

the proposed rule was 628,673 hours rather than 639,788 hours. The other is due to an update in some of the decimal conversions. Since the publication of the rule, FNS has updated some of the decimal conversions used in OMB Control Number 0584-0026 to ensure consistency in the estimates. Consequently, FNS updated the decimal conversions used in this submission to ensure that the impact of the proposed rule (which FNS estimates will be a decrease in burden) is accurately captured.

The burden hour and response estimates for the new information collection are reflected in the attached Burden Chart (Attachment A) and in the Burden Narrative (Attachment B), as well as summarized below. To see the projected estimates for OMB Control Number 0584-0026 once the rule provisions are merged into the collection, please refer to Merged Burden Chart (Attachment G) and the Burden Summary below.

Burden Summary of Reporting Requirements

Affect Public (Respondents): Individual/Households; and State, Local and Tribal Government.

The respondent groups identified include households, State agencies, and LEAs.

Estimated Number of Respondents: 3,485,189

Estimated Number of Responses per Respondent: 3.49

Estimated Total Annual Responses: 12,155,590

Estimated Time per Response: 0.051 (approximately 3 minutes)

Estimate Total Annual Burden on Respondents: 624,790 hours

Reporting									
Description of	Regulation	Estimated	Freque	Total	Averag	Estimate	Hours	Estimated	Estimat

Activities	Citation	# of Respondents	Percentage of Responses	Annual Responses	Average Burden Hours per Response	Total Annual Burden Hours for OMB# 0584-00xx Due to Proposed Rulemaking	Currently Approved Under OMB# 0584-0026	Future Burden Hours for OMB# 0584-0026 After the Merge with OMB# 0584-00xx	Future Burden Hours for OMB# 0584-0026 Due to Proposed Rulemaking
State agency to notify LEAs of their community eligibility status as applicable.	245.9(f)(6)	55	84.15	4,628	0.050	232	437	669	
Total State Agency Reporting		55		4,628		232	437	669	
LEAs submit to State agency documentation of acceptable identified student percentage of LEA/school electing the provision.	245.9(f)(4)(i)	337	1.00	337	0.250	84	125	209	
LEAs notify households of approval of meal benefit applications.	245.6(c)(6)(i)	15,003	219.00	3,285,657	0.0167	54,870	56,290	54,870	
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)	15,003	332.00	4,980,996	0.0167	83,183	85,099	83,183	
LEAs provide written notice to each household of denied free or reduced-price benefits.	245.6(c)(7)	15,003	11.56	173,435	0.0167	2,896	2,963	2,896	
LEAs notify households of selection for verification	245.6a(f)	15,003	6.50	97,520	0.250	24,380	25,092	24,380	

LEAs must provide households that failed to confirm eligibility with 10 days' notice for receiving a reduction or termination of free or reduced-price meal benefits.	245.6a(j)	15,003	2.65	39,758	0.1002	3,984	4,079	3,984	
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)	4,628	1.00	4,628	0.0835	386	729	1,115	
LEAs to amend free and reduced policy statement and certify that schools meet eligibility criteria.	245.9(g)	337	1.00	337	0.1002	34	50	84	
Total Local Education Agency Reporting		15,003		8,582,667		169,818	174,427	170,722	
Total State and Local Agency Level Total		15,058	656.21	8,587,295	0.070	170,049	174,864	171,390	
Households complete application form for free or reduced-price meal benefits.	245.6(a)(1)	3,470,131	1.00	3,470,131	0.1169	405,658	414,770	405,658	
Households assemble written evidence for verification of eligibility for free and reduced-price meals and send to LEA.	245.6a(a)(7)(i)	98,164	1.00	98,164	0.500	49,082	50,185	49,082	
Total Household Reporting		3,470,131	1.03	3,568,295	0.127	454,740	464,955	454,740	
Total Reporting		3,485,189	3.49	12,155,590	0.051	624,790	639,820	626,131	

Burden Summary of Recordkeeping Requirements

Affected Public (Respondents): State, Local and Tribal Government. The respondent groups identified include State agencies and LEAs.

Estimated Number of Respondents: 15,058

Estimated Number of Responses per Respondent: 1.04

Estimated Total Annual Responses: 15,677

Estimated Time per Response: 0.101 (approximately 6 minutes)

Estimate Total Annual Burden on Respondents: 1,585 hours

Recordkeeping									
Description of Activities	Regulation Citation	Estimated # of Respondents	Frequency of Responses	Total Annual Responses	Average Burden Hours per Response	Estimated Total Annual Burden Hours for OMB# 0584-00xx Due to Proposed Rulemaking	Hours Currently Approved Under OMB# 0584-0026	Estimated Future Burden Hours for OMB# 0584-0026 After the Merge with OMB #0584-00xx	Estimated Future Change in Burden Hours for OMB# 0584-0026 Due to Rulemaking
State Agency to review and confirm LEAs eligibility to participate in Provisions 1, 2, or 3 or the Community Eligibility Provision.	245.9(f)(4)(ii)	55	6.13	337	.0835	28	42	70	28
Total State Agency Recordkeeping		55	6.13	337	0.084	28	42	70	28
LEA must	245.6(e)	15,003	1	15,003	0.0835	1,253	1,281	1,253	-28

maintain documentation substantiating eligibility determinations for 3 years after the end of the fiscal year.									
LEA to maintain documentation related to methodology used to calculate the identified student percentage and determine eligibility.	245.9(h)(3)	337	1	337	.9018	304	451	755	304
Total Local Education Agency Recordkeeping		15,003	1.02	15,340	0.101	1,585	1,774	2,078	304
Total Recordkeeping		15,058	1.04	15,677	0.101	1,585	1,774	2,078	304

Summary of Total Burden (Reporting and Recordkeeping) for the New Collection

Affected Public (Respondents): State, Local, and Tribal Government and

Individuals/Households. The respondent groups identified include State agencies, LEAs, and Households.

Estimated Number of Respondents: The total estimated number of respondents in the proposed collection is 3,485,189. This includes: (1) 55 State agencies, (2) 15,003 school food authorities, (3) 3,470,131 Individuals/Households.

Estimated Number of Responses per Respondent: The overall frequency of responses across the entire information collection is approximately 3.492 annual responses per respondent.

Estimated Total Annual Responses: The total estimated number of responses in the proposed collection is 12,171,267.

Estimated Time per Response: The average estimated time per response for all respondents across the collection is approximately .051 hours, as shown in the table below.

Estimated Total Annual Burden: 626,375 hours.

	OMB# 0584-00xx Due to Proposed Rule	OMB # 0584-0026 Once Merged with OMB# 0584-00xx
TOTAL NO. RESPONDENTS	3,485,189	3,493,365
AVERAGE NO. RESPONSES PER RESPONDENT	3.492	3.513
TOTAL ANNUAL RESPONSES	12,171,267	12,272,761
AVERAGE HOURS PER RESPONSE	0.051	.053
TOTAL BURDEN HOURS	626,375	647,415
CURRENT OMB INVENTORY	0	660,799
TENTATIVE DIFFERENCE DUE TO RULEMAKING	626,375	-13,385

B. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

FNS estimates that the total cost to respondents for this collection will be \$11,326,659.52.

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 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 program staff are estimated at \$30.41 per staff hour. For household level burdens, the federal minimum wage of \$7.25 was used.

TOTAL COST TO PUBLIC = 171,635 hours x \$30.41 per hour = \$5,219,420.35 (State and local program staff). 454,740 hours x \$7.25 per hour = \$3,296,865 (households).

To account for fully-loaded wages, an additional \$2,810,374.17 (33% of \$8,516,285.35) has been added to \$8,516,285.35 for a total respondent cost of \$11,326,659.52. Once this rule collection is merged into OMB Control Number 0584-0026, FNS projects that the total respondent costs for this collection to be approximately \$38,052,873.32.

A13. Estimate 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 or start-up costs or annual operation or maintenance costs for this collection of information.

A14. Provide Estimates of Annualized Cost to the Federal Government.

Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

FNS national office (NO) employees spend time drafting the sections of the rule and regulations that pertain to the proposed collections of information. While the information collection requirements included in the proposed rule would not occur at the federal level, FNS NO staff would be responsible for providing technical assistance webinars and policy guidance that would

cover best practices for how respondents can meet the proposed collection of information requirements. FNS regional offices (FNSROs) would also provide technical assistance in the form of answering questions submitted on behalf of program administrators at all levels about the collections of information.

The 2024 Federal Wage Salary Tables (2024 General Schedule (GS)) for Washington, DC-Northern Virginia) areas were used to estimate the hourly wages for FNS staff both in the National Office and in the Regional Offices (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2024/general-schedule/>). The GS for Washington DC – Northern Virginia areas was used to calculate the rates for the seven Regional Offices due to the variations among the offices. FNS estimates the hourly wage rate is \$58.41 (GS 13, Step 2) for FNS NO staff responsible for drafting rules and regulations. The estimated hourly wage rate for FNS NO staff who work on collection of information requests and technical assistance resources is \$55.45 (GS 12, Step 6). The estimated average hourly rate for FNS Regional Office (FNSRO) staff who provide technical assistance by responding to inquiries received from program administrators at all levels is \$51.55 (GS 11, Step 10). It is estimated GS 13, Step 2 employees spend approximately 320 hours drafting, reviewing, and revising the proposed rule’s language and its regulations on sections that pertain to the collections of information. It is estimated GS 12, Step 6 employees spend approximately 40 hours developing and presenting technical assistance webinars, and 80 hours drafting, reviewing, revising policy guidance to provide information about the collection of information requirements and how they may be met. Lastly, it is estimated GS 11, Step 10 employees would spend an estimated 80 hours developing responses and responding to incoming inquiries from program administrators at all levels. These estimates are based on FNS employees who work to complete these tasks. The table below shows estimations of the annualized sums of federal salary wages for each function

FNS employees perform and the estimated total annual costs to the federal government. To account for fully loaded wages, an additional 33 percent of the totaled salary wages is added to estimate the total annualized costs to the federal government. When this new collection is merged into the existing information collection, FNS estimates that the total federal costs will be \$178,226.39.

FEDERAL COSTS OF CNP PERSONNEL					
FUNCTION	FNS NO/FNSRO	PAY SCALE	HOURLY PAY	ANNUAL STAFF HOURS	TOTAL COST
Developing the Rule and Regulations	FNS NO	GS 13, Step 2	\$58.41	320 Hours	\$18,691.20
Developing and Presenting TA Webinars	FNS NO	GS 12, Step 6	\$55.45	40 Hours	\$2,218.00
Developing Policy Guidance	FNS NO	GS 12, Step 6	\$55.45	80 Hours	\$4,436.00
TA – Responding to Program administrators	FNSRO	GS 11, Step 10	\$51.55	80 Hours	\$4,124.00
TOTAL SALARY WAGES					\$29,469.20
FULLY LOADED WAGES (33%)					\$9,724.84
TOTAL ANNUALIZED COST					\$39,194.04

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 83-1.

Although FNS is requesting a new information collection for the information requirements related to the lowering of the minimum identified student percentage participation threshold from 40 to 25 percent that are discussed in this proposed rule, these information requirements are actually existing requirements that are currently approved in OMB Number 0584-0026. After OMB has approved the information collection requirements that will be submitted later in conjunction with the

final rule, FNS plans to merge the requirements and their burden into OMB Control Number 0584-0026.

FNS estimates that this new collection will have 3,485,189 respondents, 12,171,267 responses and 626,375 burden hours as a result of the proposed rule.

FNS estimates that once merged, the proposed rule will decrease the reporting burden by 13,689 hours and increase the recordkeeping burden by 304 hours, for an overall decrease of 13,385 burden hours. For the responses, FNS estimates that the proposed rule will reduce the reporting responses by 286,516 responses and will increase the recordkeeping responses by 337 responses, for an overall reduction of 286,179 responses. The total number of respondents are also expected to decrease by 77,947 respondents. Overall, FNS estimates that after the merge, OMB Control Number 0584-0026 will have 3,493,365 respondents, 12,272,761 responses and 647,415 burden hours as a result of the proposed rule. Please refer to Attachments A, B, and G for the specific burden revisions made due to rulemaking requirements.

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 employ statistical methods and there are no plans to publish the results of this collection for statistical use.

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 related 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.