

## Attachment A

### Estimate of the Information Collection Burden for OMB #0584-0026 7 CFR Part 245 - Determining Eligibility for Free and Reduced Price Meals

This document explains the calculation of the information collection burden for the information collection titled 7 CFR Part 245 - Determining Eligibility for Free and Reduced Price Meals, as submitted for the final rule titled, “National School Lunch Program and School Breakfast Program: Eliminating Applications Through Community Eligibility As Required By The Healthy, Hunger-Free Kids Act Of 2010”. Bolded text refers to revisions to burden hours.

### **REPORTING REQUIREMENTS**

#### AFFECTED PUBLIC: STATE AGENCIES (SA)

1. 7 CFR Part 245.6(i) requires SAs and LEAs to obtain prior written consent from parent or guardian to use or disclose information other than specified by regulation.

There are 54 SAs that submit 1 report annually for a total of 54 responses. The estimated average burden per response is 0.25 hours for a total estimated burden of 13.5 hours.

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

There are 54 SAs that submit 1 response annually for a total of 54 responses. The estimated average burden per response is 0.25 hours for a total estimated burden of 13.5 hours.

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

**FNS estimates that 54 SAs will submit 85 responses annually for a total of 4590 responses. The estimated average burden per response is 0.05 hours for a total estimated burden of 229.5 hours. This is new burden due to rulemaking.**

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**(Note: The proposed rule included 2 SAs that do not have the community eligibility provision. The final rule ICR therefore is adjusted to show 54 SAs.)**

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

There are 54 SAs that will submit 1 response annually for a total of 54 responses. The estimated average burden per response is 0.1 hours for a total estimated burden of 5.4 hours.

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

FNS estimates that 43 (out of 54 SAs) will submit 1 response upon request for the number of Provision 1, 2 or 3 schools for a total of 43 responses annually. The estimated average burden per response is 1.5 hours for a total burden of 64.5 hours.

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

FNS estimates that one third of the 54 SAs (18 SAs) will need to submit a CIP. Each SA will submit 1 response upon request for a total of 18 responses annually. The estimated average burden per response is 3 hours for a total burden of 54 hours.

AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)

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

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**FNS estimates that 19,600 LEAs will submit an average of 271 responses annually for a total of 5,311,600 responses. The estimated average burden per response is 0.02 hours for a total burden of 106,232 hours. The number of responses was decreased resulting in a decrease in burden of 1,568 hours due to rulemaking.**

- 2. 7 CFR Part 245.6(c)(6)(ii) requires LEAs to notify households in writing that children are eligible for free meals based on direct certification and that no application is required.**

**FNS estimates that 19,600 LEAs will submit an average of 250 responses annually for a total of 4,900,000 responses. The estimated average burden per response is 0.02 hours for a total burden of 98,000 hours. The number of responses was decreased resulting in a decrease in burden of 3,920 hours.**

**Note: Since the proposed rule was published, this information collection has had its required three year renewal which updated the number of households to 5,096,000. The final rule maintains the decrease in the total number of households that need to be notified, since this rule streamlines and eliminates the need to send separate notifications; therefore, the final burden maintained a similar impact to the proposed decrease of 3,732 hours and is decreased by 3,920 hours.**

- 3. 7 CFR Part 245.6(c)(7) requires LEAs to notify households in writing of denied benefits.**

**FNS estimates that out of 19,822 LEAs, 19,600 will submit an average of 10 responses annually for a total of 196,000 responses. The estimated average burden per response is 0.02 hours for a total burden of 3,920 hours.**

**Since the proposed rule was published, this information collection has had its required three year renewal which updated the number of households. The reduction estimated in the proposed rule has therefore already been accounted for in the renewal and is not duplicated in this submission for the final rule.**

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4. 7 CFR Part 245.6(j) requires SFAs to enter into written agreement with the agency to disclose children's free and reduced price eligibility information.

FNS estimates that out of 19,822 LEAs, 2000 will submit 1 response annually for a total of 2000 responses. The estimated average burden per response is 0.5 hours for a total burden of 1,000 hours.

**Since the proposed rule was published, this information collection has had its required three year renewal which updated the number of households. The reduction estimated in the proposed rule has therefore already been accounted for in the renewal and is not duplicated in this submission for the final rule.**

5. 7 CFR Part 245.6a(f) requires LEAs to notify households of selection for verification.

FNS estimates that out of 19,822 LEAs, 19,600 will submit 8 responses annually for a total of 156,800 responses. The estimated average burden per response is 0.25 hours for a total burden of 39,200 hours.

**Since the proposed rule was published, this information collection has had its required three year renewal which updated the number of households. The reduction estimated in the proposed rule has therefore already been accounted for in the renewal and is not duplicated in this submission for the final rule.**

6. 7 CFR Part 245.6a(j) requires that LEAs provide households that failed to confirm eligibility with 10 days notice for receiving a reduction or termination of benefits.

FNS estimates that out of 19,822 LEAs, 19,600 will provide 2 notices annually for a total of 39,200 responses. The estimated average burden per response is 0.1 hour for a total burden of 3,920 hours.

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

FNS estimates that out of 19,822 SFAs, 1,160 have Provision 1, 2, or 3 schools and will submit 1 response annually for a total of 1,160 responses. The estimated average burden per response is 0.25 hours for a total burden of 290 hours.

8. **7 CFR Part 245.9(f)(4)(i) requires LEAs submit to SA documentation demonstrating that the LEA or school meets the identified student percentage by June 30.**

**FNS estimates that 2,000 LEAs will submit 0.25 responses annually for a total of 500 responses. The estimated average burden per response is 0.25 hours for a total burden of 125 hours (500 X 0.25 = 125). This is new burden due to rulemaking.**

**Note: Since the proposed rule was published, CEP was implemented as a pilot and the final rule uses available data to update the number of LEAs from 500 to 2,000. It more accurately updates the burden hours per response from 0.033 hour (2 min) to 0.25 hour (15 minutes). Therefore, the burden associated with the final rule updates the proposed burden from 17 hours to 125 hours.**

9. 7 CFR Part 245.9(f)(5) requires LEAs submit to SA a list of schools identified at potentially eligible by April 15. This is new burden due to rulemaking.

**FNS estimates that 5,159 LEAs will submit 1 response annually for a total of 5,159 responses. The estimated average burden per response is 0.08 hours for a total burden of 413 hours (5,159 X 0.08 = 413).**

**The final rule more accurately updates the burden hours per response from 0.0167 hour (1 min) to 0.08 hour (5 minutes). Therefore, the final rule updates the proposed burden from 86 hours to 413 hours.**

- 10. 7 CFR Part 245.9(g) requires LEAs that elect to participate in a Provision to amend their Free and Reduced Price Policy Statement to include a list of all participating schools and certify the schools meet the criteria.**

**FNS estimates that 3,000 LEAs will submit 1 response annually for a total of 3,000 responses. The estimated average burden per response is 0.1 hours for a total burden of 300 hours (3,000 X 0.1 = 300). An adjustment was made to more accurately reflect the number of estimated respondents in the proposed rule (from 500 to 3,000).**

11. 7 CFR Part 245.9(h) requires SFAs with schools under Provisions 2 or 3 to submit to FNS upon request all data and documentation used in granting extensions.

FNS estimates that out of 19,822 SFAs, 1,160 have Provision 2 or Provision 3 schools and will submit 0.25 responses annually for a total of 290 responses. The estimated average burden per response is 0.25 hours for a total burden of 72.5 hours.

12. 7 CFR Part 245.10(a) requires LEAs to submit to State agency for approval a free and reduced price policy statement.

FNS estimates that out of 19,822 LEAs, there are 19,600 that will submit 1 report annually for a total of 19,600 responses. The estimated average burden per response is estimated to be 0.08 hours for a total burden of 1,568 hours (19,600 X 0.08 = 1,568).

AFFECTED PUBLIC: HOUSEHOLD LEVEL

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

**FNS estimates that there are 5,375,000 households that will submit 1 record annually for a total of 5,375,000 responses. The estimated average burden per response is 0.11**

**hours for a total burden of 591,250 hours ( $5,375,000 \times 0.11 = 591,250$ ). The number of households responding was decreased resulting in a decrease in burden of 1,650 hours.**

**Note: Since the proposed rule was published, this information collection has had its required three year renewal which updated the number of households to 5,390,000. The final rule maintains the additional decrease in the total number of households that will need to submit an application, since this rule streamlines and eliminates the need to submit applications; therefore, the final burden maintained a similar impact to the proposed decrease of 1,786 hours and is decreased by 1,650 hours.**

2. **7 CFR Part 245.6a(a)(7)(i) requires households to send written evidence for verification of eligibility to LEA.**

**FNS estimates that 159,500 households will submit 1 response annually for a total of 159,500 responses. The estimated average number of burden hours per response is 0.5 resulting in estimated total burden hours of 79,750 ( $159,500 \times 0.5 = 79,750$ ).**

**Note: Since the proposed rule was published, this information collection has had its required three year renewal which updated the number of households to 160,000. The final rule maintained a similar impact to the proposed decrease of 383 hours and is decreased by 250 hours.**

3. 7 CFR Part 245.6a(a)(7)(ii) requires households to cooperate by providing collateral contacts for verification of eligibility.

FNS estimates that out of 5,390,000 households, there are 1,000 that will each report 1 record annually for a total of 1,000 responses. The estimated average burden per response is 0.1 hours for a total burden of 100 hours.

**Since the proposed rule was published, this information collection has had its required three year renewal which updated the number of households. The reduction estimated in the proposed rule has therefore already been accounted for in the renewal and is not duplicated in this submission for the final rule.**

**RECORDKEEPING REQUIREMENTS**

**AFFECTED PUBLIC: STATE AGENCIES**

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

There are 54 (out of 56) State agencies that will maintain 1 record for a total of 54 responses. The estimated average burden per response is 0.1 hours for a total burden of 5 hours.

2. **7 CFR Parts 245.9(f)(7)(iii) and 245.9(f)(4)(ii) require that the State agency maintains lists of eligibility to participate in the community eligibility provision.**

**There are 54 State agencies that will maintain 9 records for a total of 486 responses. The estimated average burden per response is 0.08 hour for a total burden of 39 hours. This is new burden due to rulemaking.**

**Note: The final rule adjusts the number of State agencies from 56 to 54; the burden hours, therefore, changed from 40 to 39 hours.**

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

FNS estimates that 43 (out of 56) SAs have Provision 1, 2 or 3 schools and will maintain an average of 155 consolidated records (6,674 schools divided by 43 State agencies = 155 schools/State agency) for a total of 6,665 responses. The estimated average burden per response is 0.25 hours for a total burden of 1,666 hours.

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

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There are 54 SAs that will maintain 1 report and data collected for a total of 54 responses. The estimated average burden per response is 0.2 hours for a total burden of 11 hours.

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

FNS estimates that one third of the 54 SAs (18 SAs) will maintain 1 record for a total of 18 responses. The estimated average burden per response is 0.5 hours for a total burden of 9 hours.

### AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)

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

FNS estimates that out of 19,822 LEAs, 19,600 will maintain 1 set of records annually for a total of 19,600 responses. The estimated average burden per response is 0.08 hours for a total burden of 1,568 hours.

2. **The burden estimate previously listed under 7 CFR Parts 245.9(g) and (h), which requires that SFAs maintain records of schools implementing Provisions 1, 2, or 3 for three years after submission of the last claim for reimbursement, has been subsumed under the following provision, 245.9(h)(3). The result is a burden reduction of 2,699 hours.**
3. **7 CFR Parts 245.9 (h)(3) requires that LEAs of Provision schools maintain implementation records and documentation of methodology used to calculate the identified student percentage and eligibility.**

**FNS estimates that there are 3000 LEAs that maintain 1 record annually for a total of 3000 responses. The estimated average number of burden hours per response is 0.91**

resulting in estimated total burden hours of 2730 hours. This replaced 7 CFR Part 245.9(g)(h) and includes an adjustment to the existing burden to more accurately reflect the number of respondents and burden hours per response.

**Note:** The final rule correctly replaces the existing burden of 2,699 hours listed in the proposed rule for 245.9(g)(h) and merges it with the proposed new burden for 245.9(h) (3) of 40 hours for a total of 2,739 hours.

## **PUBLIC NOTIFICATION REQUIREMENTS**

### **AFFECTED PUBLIC: STATE AGENCIES**

1. 7 CFR Parts 245.9(f)(7) requires each SA to make publically available the names of LEAs and schools receiving notifications.

There are 54 SAs that will submit 1 notice annually for a total of 54 responses. The estimated average burden per response is 0.17 hours for a total estimated burden of 9 hours. This is new burden due to rulemaking.

**Note:** The final rule moves this requirement under public notification burden, instead of reporting burden. Additionally, the number of SAs has been reduced throughout this ICR from 56 to 54 and the time per response has been corrected from .017 minutes to 0.17. Therefore, the final rule has a net increase of 8 hours from the proposed rule.

2. 7 CFR Parts 245.12(a)(2) and 245.3(a) require each SA to annually announce the family-size and income standards.

There are 54 SAs that will submit 1 notice annually for a total of 54 responses. The estimated average burden per response is 0.1 hours for a total estimated burden of 5.4 hours.

### **AFFECTED PUBLIC: LOCAL EDUCATIONAL AGENCIES (LEA)**

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

There are 19,822 LEAs that will submit 1 notice annually for a total of 19,822 responses. The estimated average burden per response is 0.25 hours for a total estimated burden of 4,956 hours.

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

There are 19,822 LEAs that will submit 1 notice annually for a total of 19,822 responses. The estimated average burden per response is 0.1 hours for a total estimated burden of 1,982 hours.