



BILLING CODE: 3410-30-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities; Proposed Collection; Comment Request:

Determining Eligibility for Free and Reduced Price Meals and Free Milk

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on a proposed information collection. This collection is a revision of a currently approved collection for determining eligibility for free and reduced price meals and free milk in schools as stated in 7 CFR Part 245. These federal requirements affect eligibility under the National School Lunch Program, School Breakfast Program, and the Special Milk Program and are also applicable to the Child and Adult Care Food Program and the Summer Food Service Program when individual eligibility must be established. The current approval for the information collection burden associated with 7 CFR Part 245 expires on March 31, 2013. The revisions being requested are from rule making and are also from revisions made to a form associated with this information collection.

DATES: Written comments must be submitted by [insert date that is 60 days following the publication of this notice in the Federal Register].

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Jon Garcia, Acting Branch Chief, Program Analysis and Monitoring Branch, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 640, Alexandria, Virginia 22302. Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All written comment(s) will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Room 640, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval, and will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Jon Garcia at (703) 305-2600.

SUPPLEMENTARY INFORMATION:

Title: Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools – 7 CFR Part 245

OMB Number: 0584-0026

Expiration Date: March 31, 2013

Type of Request: Revision of a currently approved collection

Form Number: FNS-742

Abstract: The Food and Nutrition Service administers the National School Lunch Program, the School Breakfast Program, and the Special Milk Program as mandated by the Richard B. Russell National School Lunch Act (NSLA), as amended (42 U.S.C. 1751, et seq.), and the Child Nutrition Act of 1966, as amended (42 U.S.C. 1771, et seq.). As provided in 7 CFR Part 245, schools participating in these meal programs must make free and reduced price meals available to eligible children. Similarly, all schools and institutions participating in the free milk option of the Special Milk Program must make free milk available for eligible children. This information collection obtains eligibility information for free and reduced price meals and free milk and also incorporates verification procedures as required to confirm eligibility. FNS uses form FNS-742, titled “School Food Authority Verification Summary Report,” for State agencies to report data on verification of eligibility to FNS as required by 7 CFR 245.6a(h). All State agencies report this data electronically to FNS. The FNS-742 form has been recently revised and the title slightly modified (refer to Appendix A at the end of this notice). The estimated time for completion has been increased to 45 minutes per School Food Authority response; therefore, the previously approved reporting burden hours have increased by 5,215 hours for this form.

In addition, this information collection is also requesting a revision in the burden hours due to rulemaking. The revision is based on the implementation of an interim final rule titled, “Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals,” published April 25, 2011, Federal Register, Vol. 76, No. 79, pp. 22785-22802, which incorporates into 7 CFR Part 245 provisions from the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265, concerning the direct certification of children receiving Supplemental Nutrition Assistance Program (SNAP) benefits and also the certification of certain children who are homeless, runaway, or migratory. The revisions decrease the total approved reporting burden by -113,070 hours due to a reduction in household reporting burden as well as increase the total approved recordkeeping burden by 5 hours for State agencies.

Affected Public: Individuals/Households, School Food Authorities, and State Agencies

Estimated Number of Respondents: 8,303,871

Estimated Number of Responses per Respondent: 2.2350528

Estimated Total Annual Responses: 18,559,590

Estimated Time per Response: 0.05202604

Estimate Total Annual Burden on Respondents: 965,582

Current OMB Inventory: 1,073,432

Difference (Burden Revisions Requested): -107,850

Refer to the following tables for estimated total annual reporting and recordkeeping burden per each type of respondent:

Table 1 Reporting:

(a) Affected Public	(b) Form Number	(c) Estimated No. Respondents	(d) Estimated No. Responses Per Respondent	(e) Estimated Total Annual Responses (c x d)	(f) Estimated Hours Per Response	(g) Estimated Total Annual Burden Hours (e x f)
Reporting Burden						
State Agencies	742*	56	5.79	324	1.163	377
School Food Authorities	742*	20,858	483.1047	10,076,598	0.0283325	285,495
Individuals / Households	N/A	8,262,043	1.0232267	8,453,943	0.0796859	673,660
TOTAL		8,282,957	2.237228	18,530,865	0.0514988	959,532

*Form FNS-742 does not incur all of the burden associated with the affected respondents.

Table 2 Recordkeeping:

(a) Affected Public	(b) Form Number	(c) Estimated No. Respondents	(d) Estimated No. Responses Per Respondent	(e) Estimated Total Annual Responses (c x d)	(f) Estimated Hours Per Response	(g) Estimated Total Annual Burden Hours (e x f)
Recordkeeping Burden						
State Agencies	742*	56	120.98	6,775	0.2483	1,682
School Food Authorities	N/A	20,858	1.05235	21,950	0.199	4,368
TOTAL		20,914	1.3735	49,639	0.21062	6,050

*Form FNS-742 does not incur all of the burden associated with the affected respondents.

Estimated Total Reporting and Recordkeeping Burden: 965,582 hours

Robin D. Bailey, Jr.
Acting Administrator
Food and Nutrition Service

June 4, 2012____
Date

Attachment

Appendix A

Proposed Revision of FNS-742 School Food Authority Verification Collection Report

SAMPLE VERSION

OMB APPROVED NO. 0584-0026
Expiration Date: XX/XX/XXXX

Department of Agriculture, Food and Nutrition Service School Food Authority (SFA) Verification Collection Report			
State agencies must report the information on this form ANNUALLY for each SFA with schools operating the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). All SFAs, including SFAs with all schools exempt from verification requirements, must complete applicable sections.			
According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. The valid OMB number for this collection is 0584-0026. The time required to complete this information collection is 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed and complete and review the information collection.			
State Agency Name:		SFA ID#:	Type of SFA: <input type="checkbox"/> Public <input type="checkbox"/> Nonprofit/Private
SFA Name:		SFA City:	School Year: From: 20 To: 20
			SFA Zip code: <input style="width: 20px; height: 15px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 15px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 15px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 15px; border: 1px solid black;" type="text"/>
Section 1	Total Schools, Residential Child Care Institutions (RCCIs) and Enrolled Students	**All SFAs must report Section 1**	
		1-1: Total schools (Do not include RCCIs):	
		1-2: Total RCCIs (Do not include schools counted in 1-1):	
		1-2a: RCCIs with day students (Report ONLY day students in 1-2aB):	
		1-2b: RCCIs with NO day students:	
Section 2	SFAs with schools operating alternate provisions	**ONLY SFAs with alternate provisions must report Section 2**	
		2-1: Operating Provision 2/3 in a BASE year for NSLP and SBP:	
		2-2: Operating Provision 2/3 in a NON BASE year for NSLP and SBP:	
		2-2a: Provision 2/3 students reported as FREE in a NON BASE year:	
		2-2b: Provision 2/3 students reported as REDUCED PRICE in a NON BASE year:	
		2-3: Operating other alternatives for NSLP and SBP:	
		2-4: Operating an alternate provision(s) for only SBP or only NSLP:	
Section 3	Students approved as FREE eligible NOT subject to verification	**ALL SFAs must report Section 3 or check box 3.1 if applicable**	
		3.1: <input type="checkbox"/> Check the box only if each school/RCCI in the SFA was not required to perform direct certification with SNAP (i.e. NON-BASE year Provision 2/3 for all schools)	
		3-2: Students directly certified through Supplemental Nutrition Assistance Program (SNAP): Do not include students certified with SNAP through the letter method	
		3-3: Students directly certified through other programs: Include those directly certified through Temporary Assistance for Needy Families (TANF), Food Distribution Program on Indian Reservations (FDPIR), or Medicaid (if applicable); those documented as homeless, migrant, runaway, foster, Head Start, Pre-K Even Start, or non-applicant but approved by local officials. DO NOT include SNAP students already reported in 3-2.	
Section 4	Students approved as FREE or REDUCED PRICE eligible through a household application	**ALL SFAs collecting applications must report Section 4**	
		4-1: Approved as categorically FREE Eligible: Based on those providing documentation (e.g. a case number on an application for SNAP, TANF, FDPIR)	
		4-2: Approved as FREE eligible: Based on household size and income information	
		4-3: Approved as REDUCED PRICE eligible: Based on household size and income information	
T-1: Total FREE Eligible Students Reported: <input style="width: 50px;" type="text"/>		T-2: Total REDUCED PRICE Eligible Students Reported: <input style="width: 50px;" type="text"/>	

****ALL SFAs must report Section 5 or check box 5.1 if applicable****

5.1: Check the box if ALL schools and/or RCCIs are exempt from verification (see instructions for list of exemptions). If 5.1 is checked, no further reporting in Section 5 is required.

<p>5-2: Was verification performed and completed?</p> <p><input type="checkbox"/> Yes, completed by November 15th</p> <p><input type="checkbox"/> Yes, completed after November 15th</p> <p><input type="checkbox"/> No, verification was NOT performed or the process was not completed.</p>	<p>5-3: Type of Verification process used:</p> <p>1. <input type="checkbox"/> Standard (Lesser of 3% or 3,000 error-prone)</p> <p>2. <input type="checkbox"/> Alternative one (Lesser of 3% or 3,000 selected randomly)</p> <p>3. <input type="checkbox"/> Alternate two (Lesser of 1% or 1,000 error prone applications PLUS lesser of one-half of one percent or 500 applications with SNAP/TANF/FDPIR case numbers)</p>
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<p>If 1 or 3 checked in 5-3, report 5-4. If 2 checked in 5-3, enter "N/A" in 5-4</p>	<p>5-4: Total ERROR PRONE applications: <i>Report all applications as of October 1st considered error prone</i></p>	<p>5-5: Number of applications initially selected for verification sample:</p>
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****ALL SFAs must report 5-7 or check box 5-6 if applicable****

<p>5.6: <input type="checkbox"/> Check the box if direct verification was not conducted in the SFA, (i.e. not even one of the schools in the SFA performed direct verification). If 5-6 is checked, skip 5-7.</p>	<p>A. Number of Applications</p>	<p>B. Number of Students</p>
<p>Report if FREE and/or REDUCED PRICE eligibility is confirmed through direct verification with SNAP/TANF/FDPIR/MEDICAID as of November 15th</p>	<p>5-7: Confirmed through direct verification:</p>	

5-8: Results of Verification by Original Benefit Type

For each original benefit type (A, B, & C), report the number of applications and students as of November 15th for each result category (1, 2, 3, & 4). Do NOT include students and applications already reported in 5-7A or 5-7B.

A. FREE-Categorically Eligible <i>Certified as FREE based on SNAP/TANF/FDPIR documentation (e.g. case number) on application</i>			B. FREE-Income <i>Certified as FREE based on income/household size application</i>			C. REDUCED PRICE-Income <i>Certified as REDUCED PRICE based on income/household size application</i>		
Result Category	a. Applications	b. Students	Result Category	a. Applications	b. Students	Result Category	a. Applications	b. Students
1. Responded, NO CHANGE:			1. Responded, NO CHANGE:			1. Responded, NO CHANGE:		
2. Responded, Changed to REDUCED PRICE:			2. Responded, Changed to REDUCED PRICE:			2. Responded, Changed to FREE:		
3. Responded, Changed to PAID:			3. Responded, Changed to PAID:			3. Responded, Changed to PAID:		
4. NOT Responded, Changed to PAID:			4. NOT Responded, Changed to PAID:			4. NOT Responded, Changed to PAID:		

<p>VC-1: Total questionable applications verified for cause (Enter "N/A" if not applicable); <i>Report the number of applications as of November 15th verified for cause in addition to the verification requirement.</i></p>	
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Additional Instructions for Reporting the FNS-742

For additional guidance on verification requirements and procedures, refer to the Eligibility Manual
<http://www.fns.usda.gov/cnd/guidance/EliiMan.pdf>

Enter the State agency name, SFA name, SFA ID, SFA city, SFA Zip code for each SFA with schools and/or institutions operating the NSLP and/or SBP. Select if the SFA overall is public or a private/nonprofit entity and enter the school year for which the report is completed. Include schools and/or RCCIs and the enrolled students only once if operating both NSLP and SBP.

Section 1

All SFAs with schools or RCCIs operating the NSLP and/or SBP must complete this section regardless if all schools are exempt from verification. Report schools or institutions operating the NSLP and/or SBP and students with access to the NSLP and/or SBP as of the last operating day in October.

1-1A & B: TOTAL number of schools (not including RCCIs) operating the NSLP and/or SBP and the TOTAL number of enrolled students with access to the NSLP and/or SBP.

1-2A & B: TOTAL number of RCCIs operating the NSLP and/or SBP and the TOTAL number of enrolled students with access to the NSLP and/or SBP in RCCIs.

1-2aA & 1-2aB: Of the RCCIs reported in 1-2A; enter the number of RCCIs with DAY students and ONLY the DAY students with access to the NSLP and/or SBP in RCCIs (**day students are those students NOT institutionalized and eligibility is determined individually by application or direct certification as applicable**).

1-2bA & 1-2bB: Of the RCCIs reporting in 1-2A; enter the number of RCCIs with NO day students and the TOTAL number of institutionalized students.

Section 2

All SFAs with some or all schools operating under an alternative provision must complete this section. For RCCIs operating an alternate provision, include both day and residential students. Report students with access to the NSLP and/or SBP as of the last operating day in October. 2-1 through 2-3 should be reported only if the school operates Provision 2/3 for BOTH programs resulting in no collection of applications for the school. Schools operating Provision 2/3 for only one program and collecting household applications for the other program should report applicable provision data in 2-4.

2-1A & B: BASE year is when certification procedures are conducted.

2-2A & B: NON BASE year is when no certification procedures are conducted.

2-2aB, 2-2bB: Multiply the most recent base year FREE percentage by the enrollment reported in 2-2B to determine 2-2aB. Multiply the base year REDUCED PRICE percentage by the enrollment reported in 2-2B to determine 2-2bB.

2-3A & B: Other alternatives include Provision 1 and universal meal service through census data or socioeconomic surveys.

2-4A & B: Enter the number of schools and/or RCCIs and students enrolled operating an alternate provision for **SBP or NSLP ONLY**. Include schools/RCCIs operating in both a base year and non base year.

2-5A & B: Number of schools operating the Community Eligibility Option and the number of enrolled students in the schools with access to the NSLP and/or SBP.

Section 3

All SFAs must complete this section. If each school/RCCI in the SFA was not required to perform direct certification with SNAP, then check box 3-1. Direct certification is the process by which the student is certified eligible based on documentation received directly from the applicable program (e.g. SNAP or TANF agency). This process eliminates the need for the household to submit an application. Report students approved FREE eligible as of the last operating day in October.

3-2B: Include students directly certified with SNAP. If a student is directly certified with SNAP as well as with another program (e.g. TANF/eligible homeless), include the student in this SNAP count (3-2B). Also include in this count any student in the SFA deemed eligible based on extended categorical eligibility via an eligible student in the primary household who has been directly certified with SNAP. Do NOT include SNAP letter method certifications in this SNAP count. (Letter method with SNAP is when the family submits a letter from the SNAP agency to document receipt of SNAP benefits. This is no longer considered to be direct certification.)

3-3B: Include students directly certified through programs other than SNAP, including those directly certified via TANF or FDPIR based on a letter provided by the family from the applicable agency. Include students in the SFA deemed eligible due to extended categorical eligibility via an eligible student in the primary household directly certified with TANF and FDPIR.

3-4B: Include ONLY students certified as categorically FREE eligible based on a letter submitted by family from the SNAP agency. Include students in the SFA deemed eligible due to extended categorical eligibility via an eligible student in the primary household certified as FREE categorically eligible with the letter method with SNAP.

Section 4

All SFAs with schools collecting individual household applications must report this section, including schools and/or RCCIs in a Provision 2/3 base year. Report number of **students(A)** as of the last operating day in October. Report number of **applications(B)** approved as of October 1st.

4-1A&B: Number of **applications** approved FREE eligible based on documentation submitted on an application (i.e. SNAP, TANF, or FDPIR case number) on file as of October 1st and the number of **students** approved FREE eligible based on documentation submitted on an application (i.e. SNAP, TANF, or FDPIR case number) as of the **last operating day in October**. *Include students in SFA deemed eligible due to extended categorical eligibility via an eligible student in the primary household categorically FREE eligible with SNAP, TANF, & FDPIR.*

4-2A&B: Number of **applications** approved FREE eligible based on income information submitted by the household on file as of **October 1st** and the number of **students** approved FREE eligible based on income information submitted by the household.

4-3A&B: Number of **applications** approved REDUCED PRICE eligible based on income information submitted by the household on file as of **October 1st** and the number of **students** approved REDUCED PRICE eligible based on income information submitted by the household.

T-1: Enter the total number of students reported as FREE eligible.
(3-2B) + (3-3B) + (3-3B) + (4-1B) + (4-2B) + (2-2aB, if applicable)

T-2: Enter the total number of students reported as REDUCED PRICE eligible
(4-3B) + (2-2bB, if applicable)

Section 5

If ALL schools/RCCIs in the SFA are exempt from verification activities, check box 5-1 and no further reporting is required in Section 5. Verification efforts are NOT required for:

- schools/RCCIs in which all children have been certified under direct certification procedures including children documented as eligible foster, migrant, runaway or homeless children RCCIs which do not have day students;
- schools electing the Community Eligibility Option;
- schools/RCCIs in which FNS has approved universal meal service through census data or using socioeconomic surveys; e.g., special cash assistance claims based on economic statistics regarding per capita income (Puerto Rico and the Virgin Islands);
- schools participating only in the Special Milk Program;
- schools in which all children are served with no separate charge for food service and no special cash assistance is claimed, (i.e., non-pricing programs claiming only the paid rate of reimbursement);
- all schools are Provision 2/3 schools in a non-base year;
- schools which do not have any free or reduced price eligible students.
- other FNS determined exemptions on a case-by-case basis.

5-2: Indicate whether verification was performed and completed by the deadline of November 15th. If verification was completed after the deadline, report the remainder of Section 5 as applicable.

5-3: If verification was completed, check the type of verification process used to comply with the requirements of 7 CFR 245.6a. Please note the qualification requirements in 7 CFR 245.6a(d) must be met to use the two alternate sample sizes.

- *Standard:* Verify 3% or 3,000, whichever is less, of all approved error-prone applications on file as of October 1. If there are not enough error-prone applications, LEA must select at random additional applications to complete sample size.
- *Alternate one:* Verify 3% or 3,000, whichever is less, of all randomly selected approved applications on file as of October 1.
- *Alternate two:* Verify the lesser of 1% or 1,000 approved applications as of October 1 selected from error prone applications PLUS the lesser of one-half of one percent or 500 applications approved as of October 1 that provided a case number in lieu of income.

5-4: Error-prone applications are household applications approved as of October 1 indicating monthly income within \$100 of the monthly limit or annual income within \$1,200 of the annual limit of the applicable income eligibility guidelines.

5-5: Enter the total number of applications initially selected for the verification process as indicated in 5.3.

5-6: Check if direct verification was not conducted in the SFA (not even one school in the SFA conducted direct verification).

5-7A & B: Only report applications and students if FREE and/or REDUCED PRICE eligibility is confirmed through direct verification. Report applications and students not directly verified in the appropriate category in 5-8.

5-8: For the purposes of this report verification is complete

- for households whose eligibility does not change: as of the date of the confirmation of eligibility by a reviewing official;
- for households which do not appeal a change in eligibility: as of the first operating day following the last date for filing an appeal in response to a notice of change in eligibility;

for households which appeal a change in eligibility: as of the first operating day following a decision by the hearing official. **Responded:** The household provided sufficient documentation. This includes verbal or written notification that the household declines benefits. **NOT Responded:** The household did not provide sufficient documentation or the household did not provide a response.

A1, B1, & C1: Number of applications with no change, and the number of students on these applications.

A2 & B2: Number of applications changed to REDUCED PRICE based on sufficient documentation provided by the household, and the number of students on the applications.

C2: Number of applications changed to FREE based on sufficient documentation provided by the household, and the number of students on the applications.

A3, B3, & C3: Number of applications for which the eligibility was changed to PAID based on sufficient documentation by the household, and the number of students on the applications.

A4, B4, & C4: Number of applications for which the eligibility was changed to PAID because documentation necessary to complete the verification process was NOT provided, and the number of students on the applications. The number of applications reported in 5-8 should include both the results of verification from verification process and the results from any applications verified for cause reported in VC-1.

VC-1: If applicable in at least one school and/or RCCI, report all applications verified for cause outside of the verification process (7 CFR 245.6a) as of November 15th. Applications verified for cause are NOT considered part of the required sample size.

Include the results of verification for cause by original benefit type in the appropriate category in 5-8.

[FR Doc. 2012-13943 Filed 06/07/2012 at 8:45 am; Publication Date: 06/08/2012]