

P-EBT Q&A – September 8, 2022
P-EBT Assistance for Children in Schools and Child Care
School Year 2022-2023

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Summary:	<p>(1) This document provides information to states to assist in the development of state plans to operate Pandemic EBT for school children and children in child care.</p> <p>(2) This document relates to the Families First Coronavirus Response Act (P.L. 116-127) as amended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), the Consolidated Appropriations Act, 2021 (P.L. 116-260), and the American Rescue Plan Act (P.L. 117-2).</p>

Additional context and background for this document can be found at State Guidance on Coronavirus P-EBT: [Click Here](#)

School Year 2022-2023 P-EBT Basics

1. Will P-EBT for school year (SY) 2022-2023 operate in the same way as P-EBT during SY 2021-2022? What, if anything, has changed?

P-EBT requirements for SY 2022-2023 will generally be the same as P-EBT requirements during SY 2021-2022. For example:

- P-EBT may be available to eligible school children and children who attend covered child care facilities; and
- States must submit P-EBT plans to USDA for review and approval. USDA has provided an updated template for states to use for their SY 2022-2023 plans.¹

However, there is one significant change from last year. As discussed in USDA's policy memo of September 8, 2022, USDA recognizes that some children who are currently enrolled in non-NSLP-participating virtual schools, or are currently homeschooled, previously attended NSLP-participating schools that closed or reduced their days or hours due to concerns about a COVID-19 outbreak. These children are eligible for P-EBT benefits if they attended NSLP-participating schools where they would receive free or reduced price school meals if not for the schools' closure or reduced attendance or hours, and either enrolled in a fully virtual institution or began homeschooling since the January 27, 2020 start of the pandemic **due to concerns about COVID**. These children would have received free or reduced price school meals if not for the SARS-CoV-2 (COVID-19) public health emergency. States must ensure that these eligible children can receive P-EBT benefits under their P-EBT plans for SY 2022-2023.²

2. Must states submit new plans to operate P-EBT during SY 2022-2023?

Yes, states must submit new plans for USDA review and approval before they can issue P-EBT benefits in SY 2022-2023. Although some states may anticipate having no need for P-EBT during the school year, USDA encourages all states to have updated plans on file in case conditions change.

¹ The P-EBT Assistance for Children in Schools and Child Care is covered under OMB Control # 0584-0660, Pandemic EBT (Schools) which expires on November 30, 2023. The collection covers the burden associated with states submitting school year, child care, and summer plans as well as the submission of the FNS-366a, SF-425 reporting forms, the submission of administrative cost grants.

² At their option, states may extend P-EBT benefits to these children in past school years by submitting an amendment to an approved P-EBT plan for those years. While USDA encourages states to do this where feasible, the decision to submit a state plan amendment is a state decision.

3. Some states and localities have lifted health mandates related to SARS-CoV-19. Does this mean that P-EBT is no longer available?

No. State and/or local mandates or declarations do not govern the availability of P-EBT benefits. P-EBT eligibility is based on the federal public health emergency declaration in response to an outbreak of SARS-CoV-2, the virus that causes COVID-19. The U.S. Secretary of Health and Human Services issues public health emergency declarations related to SARS-CoV-2. They can be found at HHS.Gov ([Click Here](#)).

State and/or local mandates or declarations do not govern the availability of P-EBT benefits, although they can form the basis for simplified assumptions for child care P-EBT. See Q&A #32 below, for more information on the potential impact of state or local health mandates.

4. May states issue benefits to children who were covered by their approved P-EBT plans for past school years but were missed or issued too small a benefit due to state error?

Yes, states with approved prior year P-EBT plans, including plans for the summer, can issue new or corrected P-EBT benefits to children who were covered by the terms of those plans but did not receive benefits or received too small a benefit due to a state error.

5. Will USDA approve P-EBT plan amendments for prior years?

Consistent with previous guidance, USDA will approve limited amendments to approved school year or summer P-EBT plans under certain circumstances. For example, USDA will consider amendments that provide households with additional time to provide the address, head of household, and other contact information necessary for the state to create an EBT case file. Similarly, USDA will consider amendments to extend or modify the state's process of matching children's names to school district lists of children who were already determined eligible for free or reduced price benefits. This includes providing benefits to eligible children who left their NSLP participating schools at any time since the start of the public health emergency to begin homeschooling or to attend fully virtual schools due to concerns about COVID (see Q&A #1). Except for students that are newly eligible under the updated interpretation for eligible children described in Q&A # 1, USDA will not consider amendments to open or re-open an application process to establish the income eligibility of households for prior school years.

6. What happens to children's eligibility for P-EBT benefits if the federal public health emergency for COVID-19 ends during school year 2022-2023? May states submit plans after the end of the public health emergency?

Children's eligibility for P-EBT school year benefits ends once the U.S. Department of Health and Human Services lifts the public health emergency for COVID-19. However,

children remain entitled to all benefits accrued on P-EBT-eligible days prior to the end of the public health emergency. States that did not have approved plans in place prior to the end of the health emergency may submit plans to USDA in order to issue these accrued benefits.

P-EBT Assistance for Schoolchildren

7. What are the P-EBT eligibility criteria for school children in SY 2022-2023?

The criteria are the following:

- i. There is a Federal Public Health Emergency designation based on SARS-CoV-2 in place,
- ii. The children would have received free or reduced price school meals under the NSLP and SBP if not for the COVID health emergency. This includes children who are directly certified or certified by application. It also includes children enrolled in a Community Eligibility Provision school or a school operating under Provisions 2 or 3, and
- iii. The children do not receive free or reduced-price meals at the school because the school closed or has been operating with reduced attendance or hours for at least 5 consecutive days due to the COVID emergency in the current school year. This includes children who left their NSLP-participating schools to enroll in a fully virtual institution or to begin homeschooling due to concerns about COVID and remain enrolled in the virtual institution or continue to be homeschooled (see Q&A #1).

8. Do schools need to be closed or operating at reduced attendance or hours for 5 consecutive days for a student to receive P-EBT benefits?

Yes. Schools must be closed or operating at reduced attendance or hours for 5 consecutive days during SY 2022-2023 for a student to receive P-EBT benefits. Once a school meets the minimum 5 consecutive day threshold, during SY 2022-2023, then that school does not need to meet that threshold again for the duration of the current federal public health emergency. After the threshold is met, free or reduced-price eligible children may receive P-EBT benefits on days that they do not attend school in person and do not have access to a meal service at the school due to COVID-19, including the five initial days.

- 9. If a school has returned to in-person instruction, but the school continues to provide virtual instruction for COVID-related reasons at the election of the student or the student's family, is that school operating at reduced attendance?**

Yes. If the school is offering virtual instruction to students on an exception basis for COVID-related reasons then USDA considers the school to be operating at reduced attendance.

- 10. May states use school children's most recent prior year free or reduced price eligibility to establish P-EBT eligibility in SY 2022-2023?**

No. Since schools are collecting applications at the start of this school year for purposes of returning to normal NSLP operations, those applications, and not a prior year's applications, must be used to determine P-EBT eligibility.

- 11. If a child is determined eligible for free or reduced price meals after the state begins its SY 2022-2023 P-EBT program, would the child's P-EBT eligibility begin at the time of application submission or will it apply back to the beginning of the current school year?**

School districts have resumed collecting applications to establish eligibility for NSLP benefits during SY 2022-2023. Accordingly, USDA believes the submission date of those applications is the best feasibly available data for determining the start of a child's eligibility for P-EBT in SY 2022-2023.

- 12. Some schools will continue to impose temporary virtual or hybrid schedules on their students in direct response to the COVID-19 health emergency. Are free and reduced price eligible students attending those schools eligible for P-EBT on virtual learning days?**

Yes. Students who attend these schools and are eligible for free or reduced price NSLP meals would have received those meals at the school except for their school's closure or reduced operations. To the extent these schools continue this model of virtual instruction in response to COVID-19, free and reduced price eligible children attending those schools are P-EBT eligible on virtual learning days.

- 13. Many schools that have resumed full-time in-person instruction continue to approve parent or student-initiated virtual learning on an exception basis for COVID-related reasons. Are free and reduced price eligible students attending those schools eligible for P-EBT on their virtual learning days?**

Yes. Since the school is operating at reduced attendance in response to COVID (see Q&A #9), these students are eligible for P-EBT benefits on school-approved virtual learning days.

14. Some children attending NSLP participating schools that are otherwise fully virtual attend school in person for a couple of hours per day; others attend for half a day. May these children receive P-EBT benefits on those days?

Children who are eligible for free or reduced-price NSLP meals are eligible for P-EBT benefits on days that they do not receive a meal service at school as a result of the school's closure or reduced attendance or hours due to the COVID health emergency. If a child receives a school meal at the school while they are attending in-person, they are ineligible for P-EBT benefits on that day. USDA cannot provide specific instruction to states to cover all possible situations. States must explain how they will address these cases consistent with FFCRA requirements and under what circumstances they propose issuing P-EBT benefits to these children.

15. Some states and school districts offer virtual learning through public or private non-NSLP-participating virtual schools. Are students who enrolled in these institutions in response to COVID eligible for P-EBT?

USDA considered the statutory language and determined that, in certain cases, children who previously attended an NSLP-participating school and are eligible for free or reduced price meals, but enrolled in a non-NSLP-participating virtual institution in response to COVID, are eligible for P-EBT.³ These children would have received free or reduced price school meals under the NSLP and SBP if not for the COVID health emergency. See Q&A #25 for available simplifying assumptions to identify these children.

16. Are free and reduced price eligible children who are no longer attending an NSLP/SBP eligible school and are being homeschooled due to concerns about COVID-19 eligible to receive P-EBT?

Yes, these children are eligible for P-EBT benefits under certain circumstances (see Q&A #1). Similar to the guidance above for fully virtual schools, children who are eligible for free and reduced price school meals and are being homeschooled because of COVID-19 may be eligible for P-EBT if they left their NSLP-participating school to begin homeschooling due to concerns about COVID and remain homeschooled this year.⁴

17. Are children eligible for P-EBT on days that school buses are not running, or on days that classes are canceled because of school staffing challenges?

No. The Families First Coronavirus Response Act (FFCRA) authorizes the issuance of P-EBT benefits on days that students do not have access to meals at school due to a school

³ USDA discusses this change in policy in a September 8, 2022 memo on the agency's P-EBT website ([click here](#)).

⁴ The same September 8, 2022 memo on the agency's P-EBT website ([Click Here](#)) that discusses the agency's change in policy on non-NSLP-participating virtual institutions applies to certain homeschooled children as well.

closure or reduction in attendance or hours tied to “concerns about a COVID-19 outbreak.” Students are eligible for P-EBT benefits (consistent with the terms of a state’s approved plan) if they are quarantined in response to their possible exposure to COVID.⁵ If that exposure takes place on a school bus or in class, the school may very well suspend bus service or temporarily close the school as part of the same emergency response. However, it is the COVID exposure that triggers the quarantine, the students’ eligibility for P-EBT benefits, and the school’s consequent decision to suspend bus service and temporarily close the school. By contrast, if a school suspends bus service or cancels classes due to its inability to fill staff positions for reasons that are not related to “concerns about a COVID-19 outbreak,” even if that inability has an attenuated connection to the pandemic-induced labor shortage, then any associated absences on those days are not P-EBT eligible. States are responsible for communicating this to their schools and confirming that they do not issue P-EBT benefits for non-COVID-related absences or virtual learning days.

18. USDA will approve P-EBT plans for school children in SY 2022-2023 that provide benefits when a COVID incident closes a school or requires the majority of students in the school to switch to virtual instruction. Must states supplement these plans with a process for families to claim benefits for children with isolated COVID- related absences and virtual learning days?

Yes. Given that most schools are committed to in-person instruction this year, a plan that limits benefits only to children affected by occasional school-wide closures may leave many eligible children without benefits. Accordingly, school year 2022-2023 plans that issue benefits when a COVID incident closes a school or requires the majority of students in the school to switch to virtual instruction must provide an opportunity for families of eligible children affected by isolated COVID-related absences and virtual learning days to establish their eligibility and claim benefits.

Simplifying Assumptions and Best Feasibly Available Data⁶

19. The Families First Coronavirus Response Act (FFCRA), as amended, authorizes states to make simplifying assumptions and use the best feasibly available data to identify eligible school children, determine the operating status of schools, and establish state or regionally based benefit levels. How can states apply this flexibility to their P-EBT plans for school children?

⁵ Note that children are also eligible for benefits if approved for virtual instruction at the initiation of their parents. See Q&A #13.

⁶ USDA’s P-EBT Q&As for school year 2021-2022 discussed several simplifying assumptions for schools operating hybrid schedules like those that were common in school year 2020-2021. Because few schools are operating hybrid schedules today, we have excluded those Q&As from this year’s document. To the extent that some schools continue to operate under hybrid schedules, we refer states to review Q&As #22-24 from last year’s document ([Click Here](#)).

USDA understands that the collection of school and student level information to support the calculation and issuance of P-EBT benefits is a challenge that varies across states and depends on the structure and capability of state and local administrative data systems, resource availability, and rules governing the transfer of data across government agencies. FFCRA, as amended, authorizes states to make simplifying assumptions and use the best feasibly available data to accommodate these challenges, to limit administrative burden, and to facilitate the delivery of program benefits to eligible children.

The fundamental intent of the program is to provide P-EBT benefits to children for days that they do not receive a meal service at school. To that end, states should tie P-EBT benefit levels *as closely as possible* to children's circumstances. But FFCRA recognizes that issuing benefits that precisely match each child's number of virtual learning days may not be possible or administratively feasible.

In all cases, state P-EBT plans must describe how their approach makes use of best *feasibly available* data, and describe any simplifying assumptions proposed and why they are needed, including why alternative approaches supported by more precise data are not administratively feasible. ***Questions 21-24 offer states several options for simplifying the calculation of P-EBT benefit levels.***

20. States will generally calculate student-specific P-EBT benefits this school year rather than the uniform school-level benefits common in SY 2020-2021. Under these student-specific plans, schools provide states with a separate count of absences and virtual learning days for each student, which are claimed as COVID-related. What reasonable quality-assurance measures should states take to ensure that benefits are only issued for COVID-related absence or virtual learning days?

In addition to providing clear written guidance to school and school district officials on what constitutes a COVID-related absence or virtual learning day, consistent with the state plan, USDA encourages states to develop additional standards to ensure the reliability of student-specific P-EBT issuances. USDA offers three examples below. In all cases, states must not issue P-EBT benefits to students for absence or virtual learning days that are not COVID-related.⁷ States may adopt the following or propose their own measures, which must be approved in their P-EBT plans.

- a. The state will follow up with schools that report significant numbers of COVID-related student absences in months when the school does not report a mandatory quarantine for any students. Except for students' pre-approved virtual learning days, a state may question whether absences in a month when no student is quarantined at the order of the school are COVID related.

⁷ Please note that children are only eligible for P-EBT benefits if their schools are closed or operating with reduced attendance or hours for a minimum of 5 consecutive days. Please see Q&A #7.

- b. The state will follow up with any school that issues P-EBT benefits in a month when the school district's absentee rate returns to pre-pandemic levels.
- c. The state will follow up with any school that proposes to issue P-EBT benefits at a rate that is clearly out of line with known community COVID incidence rates, the P-EBT benefits requested by nearby schools, or data collected through the state's school testing and contact tracing process.

21. May states issue a fixed P-EBT benefit amount across months to children receiving 100% virtual instruction?

Yes, states may calculate a fixed benefit amount for fully virtual children by taking the number of scheduled instructional days in the state's school calendar (a number that excludes school breaks and holidays) and dividing that by the number of months in the school year. This allows states to issue a fixed benefit to children receiving 100% virtual instruction each month for as long as students remain in that virtual status due to concerns about COVID-19. If the student's virtual status changes and they begin receiving meals at school, the P-EBT benefit must be reduced or ended, as appropriate to the circumstances.

22. May states issue an average benefit for students with one or more COVID-related absences?

Yes. States may set an average benefit for students with one or more COVID-related absences. States would calculate such a benefit based on the average length of a COVID-related absence at the school, school district, county, or state level. States may propose this option in their state plan if they are able to confirm that an individual student had one or more COVID-related absences in a month but are unable to accurately count the student's number of COVID-related absences. This might be the case in states with limited student information systems, or in states where the transfer of student health-related data is limited by state law or local procedural hurdles.

Note that under any plan that distributes average benefits to students, it is the state's responsibility to ensure that the average reasonably reflects the actual distribution of students' COVID-related absences. USDA encourages states to monitor differences across the state or school districts and ensure those differences are limited. Significant differences call for region or school district specific averages to prevent discriminatory outcomes. Given the constant change in state and local COVID case counts, USDA encourages states to re-calculate their school, county or state average using COVID-related absence data every month. At a minimum, however, states must recalculate their averages no less frequently than every other month.

23. In most states, COVID-related incidents trigger absences of varying lengths. Rather than issue a unique benefit for the length of each student’s COVID-related absence, may states issue a limited set of tiered benefits to simplify administration and communication with parents?

Yes, states may issue fixed benefits based on differences in the length of COVID-related absences without computing unique benefits for each student. A tiered benefit structure may be easier to administer and communicate to families. In addition, some states note that a tiered benefit may reduce administrative cost and present less risk to program integrity.

At a minimum, a tiered benefit must distinguish very short COVID-related absences from absences of greater length. This benefit is intended for states that wish to use pre-determined lengths of COVID-related absences. States that wish to issue a single P-EBT benefit to all children should instead consider calculating an average benefit that reflects the range of actual absences recorded over the course of the month (see Q&A #22).

USDA will approve tiered benefit levels at the midpoint of each tier. An example commonly used by states last year is below.

COVID-Related Absence Days	P-EBT Benefit Days
1-5	3
6-15	The number of weekdays in the state's standard quarantine period. In the absence of a standard quarantine period, the state may issue the midpoint of this range, or 10 days.
16+	Full month (typically 18 days)

Note that the schedule above is only an example. The state may propose different ranges for its tiered benefits to match the most common types of COVID-related absences in the state. For example, if a single-day COVID-related absence is common in the state’s school districts (perhaps for testing) then the state should include a fourth category for single-day absences rather than issue 3 days of benefits to all of those children. Similarly, the broad middle category is intended to capture the state’s standard quarantine period. If the state has standard quarantines of multiple lengths, the state should split that category into more refined subcategories. And finally, states must review their fixed categories and make necessary changes through a plan amendment as state or school district policies on COVID-related isolation periods evolve.

24. In some states, schools may not be able to distinguish COVID-related absences from other excused absences. How might those states use schools' excused absence data to determine children's P-EBT benefits?

USDA expects schools to report the best feasibly available data, such as students' individual COVID-related absences, to their states. However, where that data is not feasibly available, a state may propose a plan to issue P-EBT benefits for a subset of student absences if the state can provide reasonable assurance that the adjusted absence days are COVID-related. States may consider the following simplification or suggest their own options with appropriate justification.

USDA will not approve this simplification or comparable simplifications for states that can feasibly identify COVID-related reasons for students' absences.

a. Establish a minimum block of 5 consecutive absence days before issuing benefits for any absences.

Under this option, states would not issue P-EBT benefits for student absences that fall short of a presumptively COVID-related block of 5 consecutive days. Such an approach sets an objective standard that may be easy to administer.

To protect children with COVID-related absences that fall short of the minimum, states must establish a process for families to submit documentation in support of their claim for benefits. In all such cases, the state must work with the school to confirm the length of the student's shorter absence.

Finally, states that elect this option would be responsible for following up with schools on any extended block of absences or recurring blocks of absences that suggest something other than a COVID-related reason.

25. May states make the simplifying assumption that children who left their NSLP-participating schools to enroll in fully virtual schools or to begin homeschooling since the start of the pandemic did so due to concerns about COVID?

States may make the simplifying assumption that eligible children who attended an NSLP-participating school and enrolled in a fully virtual institution or began homeschooling between the January 27, 2020 start of the PHE **through school year 2020-2021** did so due to concerns about COVID. This simplifying assumption, based on nationwide school closures and reduced attendance due to concerns about COVID-19, would allow states to issue P-EBT benefits to these children through a P-EBT plan amendment without further confirmation from parents or guardians on the reason that they left their NSLP-participating schools.

For eligible children who attended an NSLP-participating school and enrolled in a fully virtual institution or began homeschooling **in school years 2021-2022 or 2022-2023**, a

similar assumption would need to be supported by additional best feasibly available data, such as COVID case counts or other public health statistics, to demonstrate that it remains reasonable to assume that children who enrolled in the virtual school or began homeschooling did so due to concerns about COVID.

Note that states need not make this simplifying assumption *for any* of the school years 2019-2020 through 2022-2023 and may instead seek confirmation from parents and guardians that the reason their children left their NSLP-participating schools since the start of the public health emergency was due to concerns about COVID.

P-EBT Assistance for Children in Covered Child Care Facilities

26. What are the P-EBT eligibility criteria for children enrolled in child care?

P-EBT eligibility criteria for SY 2022-2023 are the following:

- i. There is a Public Health Emergency designation based on SAR-CoV-2 in place,
- ii. The child is a member of a household that is enrolled in SNAP,
- iii. The child is enrolled in a covered child care facility (under the December 2020 amendment to the FFCRA, all children under the age of 6 will be considered enrolled in a covered child care facility),
- iv. The child's covered child care facility is closed or has reduced attendance or hours for at least 5 consecutive days, resulting in the child's inability to attend the facility; or one or more schools in the area of the child care facility, or in the area of the child's residence, is closed or has reduced attendance or hours for at least 5 consecutive days.

27. Are all children under age 6 who receive SNAP benefits automatically eligible for P-EBT?

No. FFCRA considers all children under the age of 6 to be enrolled in a covered child care facility. However, the state must still confirm that the child's home address or child care facility is "in the area" of a closed school or a school operating with reduced attendance or hours or the child care facility the child is attending is closed or has reduced hours before providing P-EBT benefits.

28. Are SNAP-enrolled children who turn 6 before schools return to session, but are not enrolled in school in SY 2022-2023, ineligible for P-EBT child care benefits?

No, these children are not necessarily ineligible for P-EBT child care benefits. However, because these children are not under age 6, they are not deemed enrolled by the FFCRA in a covered child care facility. In order to issue benefits to these children, the state may use the best feasibly available data to verify their enrollment in a covered child care facility. The facility must be closed or operating at reduced attendance or hours, or located in the area of a school operating at reduced attendance or hours.

29. States will issue P-EBT child care benefits to some SNAP-enrolled children who are age 5 at the start of the school year. At some point during the school year, most of these children will reach their 6th birthday. May states continue to automatically issue P-EBT child care benefits to these children once they turn 6?

No. When a child turns 6, the child is no longer “deemed” enrolled in a covered child care facility. As noted in the previous Q&A, however, many of these children are enrolled in a covered facility. USDA understands the challenge associated with contacting the families of these children once they turn 6 to confirm their enrollment in a covered facility as a condition of continued receipt of P-EBT benefits. In these cases, states *may* make the reasonable simplifying assumption that children who began receiving benefits as a 5-year-old earlier in the school year remain enrolled in a covered child care facility through the end of the school year. This will allow the uninterrupted issuance of benefits to these children. *It is important to note, however, that this assumption only applies to the child’s continued enrollment in child care; the state may not assume continued SNAP enrollment through the end of the school year. P-EBT child care benefits end when SNAP enrollment ends.*

30. Under the FFCRA, states may issue P-EBT child care benefits to any child where “1 or more” schools in the area of the child’s residence are “closed” or operating at “reduced attendance or hours.” In SY 2022-2023, most schools have returned to in-person instruction, making school status a less suitable proxy for access to child care. How can states determine child care facility operating status and use that data to set P-EBT child care benefits in SY 2022-2023?

The purpose of the FFCRA’s child care component is to provide assistance to children whose access to child care, and child care meals, is compromised by the COVID health emergency.

Now that schools have returned to full-time in-person instruction, children have regained regular access to school meals and relatively few children will qualify for P-EBT school benefits. At the same time, some schools will allow parents to elect a virtual option on an exception basis for COVID-related need. Consistent with USDA’s current and past guidance, if just a few students in a school are approved for virtual or hybrid

learning, USDA recognizes that the school is operating at “reduced attendance” – a necessary condition for states to issue P-EBT school benefits to those students.

Despite this, USDA believes it would be counter to PEBT’s purpose to issue a P-EBT child care benefit to the area’s SNAP-enrolled preschool children equal to the benefit received by the small number of school children with fully virtual schedules. Instead, USDA encourages states to set benefit levels at an amount that is consistent with the return of near-normal access to schools and child care. The next two Q&As provide a couple of options. The first is the one adopted by nearly all states with approved P-EBT child care plans in SY 2021-2022.

31. Last year, USDA approved child care plans that established P-EBT eligibility and set benefit levels based on the reduction in current year CACFP lunch claims compared to the same months immediately prior to the pandemic. Will USDA approve that same method to issue P-EBT child care benefits in SY 2022-2023?

Yes, USDA will approve P-EBT child care plans that use the reduction in CACFP lunch claims to draw conclusions about the operating status of child care facilities for purposes of P-EBT and to set benefit levels. A simple approach, outlined in USDA’s P-EBT plan template and adopted by nearly all states with approved P-EBT child care plans in SY 2021-2022, consists of the following:

- a. Confirm that there is a continued reduction in access to child care by comparing CACFP lunch claims in the current school year to the same months immediately prior to the pandemic for child care centers and family day care homes.
- b. Monitor the latest CACFP lunch claims and issue benefits for months where claims remain below claims for the same months immediately prior to the pandemic.
- c. Multiply the reduction in CACFP lunch claims by the number of school instructional days in the month and by the daily P-EBT benefit amount to determine a benefit for the month.
- d. Share the state’s CACFP claim data and benefit calculation with USDA before calculating and issuing benefits.

32. If a state or local public health ordinance *mandates* a reduction in the capacity of child care facilities in response to COVID-19, may the state consider all SNAP- recipient children under age 6 who live in the area covered by that ordinance eligible for P-EBT benefits?

Yes, because in this case the local public health ordinance “has reduced [the] attendance or hours” of the child care facilities in the designated area. The state must

still confirm all other conditions of P-EBT eligibility are met, including that a Public Health Emergency designation due to an outbreak of SARS-Cov-2 is in effect. If the local public health ordinance is lifted or amended, the state must reevaluate the operating status of child care facilities in that area.

- 33. Some SNAP-participant children under age 6 are enrolled in a child care facility that is closed or operating at reduced attendance or hours, but neither the facility nor the child's residence is in the area of a school that is closed or operating at reduced attendance or hours. In addition, aggregate measures of access to child care (such as a state's CACFP meal claims) have returned to pre-pandemic levels. How might states confirm the P-EBT eligibility of these children?**

If a SNAP-participant child under age 6 is enrolled in a child care facility that is closed or operating at reduced attendance or hours, that child may be eligible for P-EBT. In this case, states should work to confirm the status of the individual covered child care facility. If that is not possible, states may consider contacting and collecting information directly from the affected households.

Issues Common to P-EBT's School and Child Care Components

- 34. Many states will take advantage of simplifying assumptions or best feasibly available data to determine P-EBT benefit levels for children in schools or child care. What should states communicate to parents regarding the value of their P-EBT benefits? And how should states handle that communication?**

Every state is responsible for communicating to parents/guardians how the state's P-EBT program works and how the state sets benefit levels. This explanation must be transparent, easily accessible on the state's P-EBT website and in any communication distributed directly to parents, and communicated in a manner accessible to parents with disabilities and parents with limited English proficiency.

As discussed elsewhere in this document, USDA encourages states to set benefit levels as closely as possible to children's individual circumstances. The states' use of simplifying assumptions and best feasibly available data to set benefit levels is ultimately a matter of state discretion. The state should explain to parents how it exercised that discretion, if at all, and how it impacts their children's benefit levels.

USDA encourages states to point to the very reasonable need to limit state and local administrative cost, overcome data challenges, and facilitate the timely issuance of benefits.

35. May a child receive P-EBT benefits under both the school and child care components?

No, the maximum P-EBT daily benefit for any child is equal to the value of the free reimbursement for one breakfast, one lunch, and one snack. States must describe in their state plans how they will ensure that no child receives P-EBT benefits in excess of the maximum amount.

36. Some children who are under 6 are also enrolled in school. How should the state determine the child's benefit?

States must use their discretion to determine whether school or child care P-EBT benefits should be issued to the child. The state should consider factors such as whether the pre-school age children attend school all day, whether the state's P-EBT school benefit is an average benefit, or whether the school benefit is tied directly to the child's number of virtual learning days. USDA also recognizes that the sequence in which states process child care and school benefits is a relevant factor, and that states may consider the efficiency or cost of administration in deciding how to proceed.

37. States will issue P-EBT benefits to most or all households unsolicited. What should states communicate to households who wish to decline the benefit?

States should instruct all P-EBT recipient households on how to decline their benefits. States should provide this instruction on their P-EBT websites and in any communication delivered directly to recipients. The state should also communicate to P-EBT recipients that their benefits are not transferrable and cannot be gifted or donated. States should instruct non-SNAP households who wish to decline their benefits to destroy their P-EBT cards. States should ensure that each of these communications is accessible to parents with disabilities and parents with limited English proficiency.

For current SNAP recipients, states will typically add P-EBT benefits to the households' existing SNAP EBT accounts. States should instruct those households who wish to decline their P-EBT benefit to contact the state agency. If administratively feasible, states may consider offering those households an option to request that future P-EBT issuances not be loaded to their EBT accounts.

38. Should states issue replacement P-EBT cards if they were lost or misplaced?

States should issue replacement P-EBT cards but cannot replace the value of any benefits which have already been redeemed.

39. May states recover over-issued benefits from P-EBT recipient households?

Yes. States that are approved to operate P-EBT are responsible for ensuring that P-EBT benefits are provided to eligible children in accordance with the FFCRA, as amended, and the state's approved P-EBT plan. USDA is legally obligated to account for aggregate over-issuances or improper payments.

States that recover or adjust P-EBT payments to correct errors on previous issuances cannot simply apply their existing SNAP benefit claim process to P-EBT. Accordingly, states should develop P-EBT-specific rules and procedures and include those in their state plans. States must also consider the capability of their SNAP systems to distinguish P-EBT from SNAP benefits. Under no circumstances may the state reduce a SNAP benefit to settle a P-EBT claim.

States should address a variety of considerations with respect to any potential recovery activities. As a practical matter, most or all P-EBT beneficiaries receive their payments unsolicited, based on existing state and school district records. Reclaiming benefits under those circumstances calls for a process that weighs the equity of the claim, the burden on affected households, and the likelihood and costs of recovery. Given those considerations, a state's P-EBT plan should consider reasonable thresholds for taking action to recover over-issued benefits. Finally, states that establish a process for benefit recovery must provide clear notice to beneficiaries of the circumstances under which the state may attempt to recover benefits or reduce a future issuance.

40. May states issue P-EBT benefits to households to correct a previous erroneous issuance?

Yes, when a state confirms the original issuance was made in error. Errors in state or local records may result in P-EBT issuances to the wrong household. For example, a state may erroneously issue a P-EBT card to a child's previous guardian rather than to his or her current guardian. A state might also issue a benefit based on an outdated address.

USDA's P-EBT plan template asks states to describe how they will resolve errors of the type described above: wrong household, wrong address, etc. USDA expects that states will research those cases individually and issue benefits only when the state confirms that its original issuance was made in error. States should not issue duplicate benefits in cases of disputed guardianship if the state believes the original issuance was correct.

41. How will states be held accountable for problems with program implementation?

Each state must operate P-EBT in accordance with the statutory requirements and its approved P-EBT plan. USDA is responsible for oversight of states' management of P-EBT and may hold a state agency liable for overall program operations that do not conform

to FFCRA requirements and the state's approved P-EBT plan. For example, USDA may hold state agencies liable for aggregate over-issuances or improper payments in situations where USDA determines such action is merited, based on the nature of the error that gave rise to the over-issuance, the size of the error, and whether such action would advance program purposes. This is the same standard that applies to all other state agency administered USDA nutrition assistance programs. USDA's oversight activities will focus on systemic issues, rather than individual eligibility determinations or benefit issuances.

Administrative Funding

42. How will USDA administer P-EBT's administrative funding provision?

The FFCRA provides for the full reimbursement of costs incurred to administer P-EBT from October 1, 2020, through the end of the current pandemic. This includes P-EBT administrative costs incurred by the states' SNAP and Child Nutrition agencies, as well as the P-EBT administrative costs incurred by local agencies and cooperators such as local educational agencies and school food authorities. It also includes P-EBT administrative costs incurred by third parties, including non-profit organizations, under contract with the states, local agencies, or cooperators to perform P-EBT administrative work.

FNS anticipates awarding new grants for both state and local P-EBT administrative costs in FY 2023. FNS hopes to have funding available in the first quarter of the fiscal year.

43. What administrative costs may states claim for reimbursement?

The grants will be available for the necessary, allowable, and reasonable state and local agency costs associated with the administration of P-EBT. The award will follow general Government-wide grant rules under 2 C.F.R. Part 200 unless otherwise provided for in the terms and conditions which will accompany the award.

44. What must the states report to USDA? When must they report?

States will be expected to submit a P-EBT administrative cost plan for both State and Local Level grants for the intended period of operations for USDA approval. The approved funding amount of this plan will serve as a limit on state and local expenditures. Should costs be higher than expected, a state may amend their plan and seek USDA approval for a higher level of administrative funding. During the period of performance of the grant, the SNAP state agency will be expected to aggregate obligation and outlay data from all state agencies utilizing the award and report quarterly to USDA using a P-EBT specific instance of the FNS-778.

*States, when reporting on the final FNS-778, must ensure that all P-EBT Administrative Cost expenditures align with cost categories listed on the FNS-388, Administrative Cost Spending Plan.

Further guidance, including specific reporting timeframes, will be included in the terms and conditions to accompany the award.

45. Will USDA provide any funds for the up-front costs of developing states' P-EBT operations?

Yes. USDA will work with the states to provide initial funding. This initial funding will allow states to help defray their administrative costs while the ultimate level of the administrative cost grant is determined. This initial funding may be extended while the SNAP state agency works with their Child Nutrition state agencies to develop the more detailed FNS-366(a).

46. What happens when the Public Health Emergency declaration ends?

When the public health emergency ends, the authorization that supports the administrative cost grants will ultimately end as well. When this happens, FNS intends to acknowledge that PEBT administrative cost born by states will continue beyond the final fiscal year for which benefits will be issued by extending the performance period of the administrative cost awards to include a reasonable period of time for states to conclude their operations in an orderly fashion. This will likely involve an extension of the award period of performance into FY 2024. In this eventuality, FNS will give states the opportunity revise the 366a administrative cost plan to ensure their award includes sufficient funds to cover these closing costs. The exact length of the period of performance extension has not yet been determined but will likely span at least the first two quarters of FY 2024. FNS will release guidance on the timeframes associated with closing out the P-EBT administrative cost grant awards.

P-EBT Benefit Amounts

47. What is the daily value of P-EBT benefits for SY 2022-2023?

The daily P-EBT benefit, for both school children and children in child care is shown in the chart below:

SY 2022-2023 July 1, 2022 - June 30, 2023	Free Reimbursements USDA School Meal Programs			
	Lunch	Breakfast	Snack	Daily Total
Contiguous U.S.	\$4.43	\$2.67	\$1.08	\$8.18
Alaska	6.87	4.21	1.75	12.83
Hawaii, Guam, Virgin Islands, Puerto Rico	5.10	3.09	1.26	9.45

Notes:

1. Lunch rates include the 8 cent performance-based reimbursement and the extra 2 cents per meal received by school food authorities in which 60 percent or more of the lunches served during the second preceding school year were served free or at a reduced price.
2. Breakfast rates are those received by "severe need" schools.
3. Snack rates are those for afterschool snacks served in afterschool care programs
4. The figures include the temporary additional funding for school lunch and school breakfast authorized under Section 2 of the Keep Kids Fed Act of 2022.

Source: <https://www.federalregister.gov/documents/2022/07/26/2022-15892/national-school-lunch-special-milk-and-school-breakfast-programs-national-average-paymentsmaximum>

Summer 2023 – Initial Guidance

48. Must states have an approved P-EBT plan in place for SY 2022-2023 in order to issue P-EBT benefits in the summer of 2023?

Yes, states must have a USDA-approved SY 2022-2023 P-EBT plan in place for school children or children in child care (or both) in order to issue P-EBT benefits in the summer of 2023. In addition, states must put their approved SY 2022-2023 plans into effect. While it is possible that some states will end up issuing no P-EBT benefits during the school year, states must be prepared to issue benefits in the event of a COVID-related school closure or reduced school attendance or school hours consistent with the terms of their approved plans.

49. Must states submit P-EBT plans to USDA for review and approval prior to issuing benefits in the summer of 2023?

Yes, states will have to submit summer 2023 plans for USDA review and approval. At this time, USDA anticipates offering a simplified plan template for the summer of 2023 comparable to the template used for the summer of 2022. However, this guidance may change if any new laws are enacted that impact summer P-EBT.

50. Will summer P-EBT be an option for states if the public health emergency ends during the school year?

Yes, FFCRA authorizes summer P-EBT in any “summer period that follows a school year during which there was a public health emergency designation” for COVID-19. While the FFCRA makes *school children* eligible for P-EBT benefits during the entire 2023 covered summer period, P-EBT’s *child care* population (SNAP-enrolled children under 6) is only eligible while the federal public health emergency declaration remains in place. If the public health emergency ends prior to the beginning of summer, the summer benefit will only be available for school children.