



Food and Nutrition  
Service

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July 19, 2023

**SUBJECT: Pandemic Electronic Benefits Transfer Program (P-EBT)  
Approval of California's State Plan for Children in Schools  
and Child Care, School Year 2022-2023**

**TO:** Jesus Mendoza, Jr.  
Regional Administrator  
Western Regional Office

The Families First Coronavirus Response Act (P.L. 116-127; the Act), as amended, authorized a temporary assistance program for households with children without access to meals in school and to certain SNAP-enrolled children in child care during the public health emergency declared on January 27, 2020. Pursuant to the authority granted under Section 1101 of the Act, FNS approves California's enclosed plan to operate P-EBT for children in schools.

### **Summary of State's Plan**

The California Department of Social Services and the California Department of Education will issue P-EBT benefits through the state's Supplemental Nutrition Assistance Program (SNAP) EBT card system to households with eligible children. The state's plan covers the months of August 2022 through May 11, 2023.

School children are eligible for benefits if they would have received free or reduced price meals at their schools through the National School Lunch Program (NSLP) if not for the closure or reduced attendance or hours of their schools for a period of at least 5 consecutive days. The state will use the best feasibly available data and USDA-approved simplifying assumptions to issue benefits in amounts that are tied as closely as possible to the number of days that eligible children do not receive a meal service through their schools.

### **Children in Schools**

The state and its school districts will identify children eligible for free or reduced price NSLP meals using the most current available data. All school districts that rely on eligibility data from the most recent prior year will have a means to address that they do not issue benefits to school year 2021-2022 graduates and other non-students, and will offer households with new students the ability to establish their eligibility through the traditional school food authority-run school meal application and direct certification processes. The state will also provide a path for households with eligible homeschooled children and children in fully virtual schools to receive benefits; these children may be eligible if they began homeschooling or enrolled in fully virtual school due to concerns about the COVID health emergency.

In addition, California has or will:

**(for children currently enrolled in NSLP-participating schools)**

- confirm for that all students in second grade and above in NSLP-participating public and private schools, students were enrolled in IS in both SY 21-22 and SY 22-23 in order for P-EBT benefits to be issued for IS days. P-EBT benefits will not be issued for IS days for students who are enrolled in IS for SY 22-23 only, with the exception of students who started their school careers in IS in SY 22-23 (i.e. enrolled in kindergarten and first grade in SY 22-23),
- conduct an ad-hoc data collection to identify all eligible students with COVID-related excused absences and Independent Study (IS) virtual learning days in NSLP-participating public schools in SY 22-23,
- collect data directly from NSLP-participating private schools in a separate one-time collection to identify all eligible students with COVID-related excused absences and IS virtual learning days in SY 22-23,
- for both NSLP-participating public and private schools, excused absences that total 5 or more days within a single month will be considered P-EBT-eligible, COVID-related absences,
  - IS days that total 5 more days in a single month will be considered P-EBT-eligible, COVID-related absences only for students who were enrolled in IS in both SY 21-22 and SY 22-23
- for eligible students who had 5 or more IS days or COVID-related absences each month, calculate benefits for each student based on the student's number of eligible virtual learning (IS) days and COVID-related absences in the month:
  - if a student had 5 or more excused absences or IS days in any month in SY 22-23, then all excused absence or IS attendance days in that month will be considered P-EBT eligible,
  - for students in a fully virtual schedule, this will equal 18 days' worth of benefits per month, for the months of August 2022 through April 2023,
    - for the month of May 2023, the state will cap benefits at 9 days (the number of school days in May through May 11),
  - California will issue P-EBT benefits automatically to school children for these P-EBT-eligible days,
- families may make a claim with the state through its call center for any COVID-related absence or IS days that totals fewer than 5 days in a month:
  - the family will verbally attest that the absence days are COVID-related and the state will retain a record of the parent or guardian's attestation, and
  - the state will verify that the absences claimed as COVID-related by the family in a given month were no greater than the number of excused absences in the same month using the absence data provided by the schools, prior to issuing benefits for those days,
  - for claims based on IS days, the state will verify that the student was enrolled in IS in **both** SY 21-22 and 22-23 before issuing

benefits, with the exception of students who started their school careers in IS in SY 22-23 (i.e. enrolled in kindergarten and first grade in SY 22-23),

- the state will verify that schools were closed or operated with reduced attendance or at reduced hours for 5 consecutive days in SY 22-23 before issuing P-EBT benefits to children in those schools,
- tentatively issue automatic benefits on a staggered basis starting in mid-August through mid-September,
- tentatively issue benefits in response to parent requests starting in mid-August through mid-September,
- tentatively issue benefits to students who may have been inadvertently missed starting in mid-September through December 31, 2023.

**(for eligible children attending non-NSLP virtual schools and eligible homeschooled children)**

- conduct a public information campaign to encourage households of potentially eligible children to apply for benefits through the state's P-EBT website:
  - the state's public information campaign will clarify that P-EBT eligibility applies to a well-defined, narrow subset of children who enrolled in homeschool or virtual school at some point after the start of the public health emergency due to concerns about COVID-19,
- develop an application for households of homeschooled students and students attending virtual schools that California does not readily have data for, that consists of a school year 2022-2023 free and reduced price meal application comparable to USDA's prototype school meal application, requires applicants to provide documentation for all income sources, and requires applicant to respond to a set of supplementary questions to confirm the remaining eligibility criteria:
  - applicants will select the reason their children attend a non-NSLP virtual school or are homeschooled; only applicants that select COVID concerns as the reason will be potentially eligible for P-EBT,
  - for non-K-2 children who were previously enrolled in an NSLP-participating school in California, the state will confirm that applicants were enrolled in an NSLP-participating school at some time on or after the January 2020 start of the pandemic; if not confirmed, the children will not receive benefits,
  - for K-2 children who began school as homeschooled or virtual school children after the start of the pandemic, or moved to California after the start of the pandemic, the state will ask for proof of student's identity; acceptable forms of proof include birth certificates, immigration or naturalization documents, hospital birth records, passports, or tax forms with dependent information,
  - applicants will provide the name of their children's current assigned school in SY22-23; the state will determine whether the school

- participates in CEP or Provisions 2 or 3, which satisfies the eligibility requirement for free or reduced price meals,
- applications will provide the private school affidavit number (for homeschooled students only) or proof of school enrollment,
  - the state will use information provided by the applicant, including SNAP and TANF case numbers, to determine whether the child could have been directly certified for free meals,
  - for children who are not categorically eligible for free meals or whose local public school does not participate in CEP or Provisions 2 or 3, the state will confirm income eligibility through a standard free and reduced price meal application:
    - the state will use the income documentation provided by applicants to verify eligibility as follows:
      - the state will confirm that the documentation matches the income entered on the application for the first 100 applications received,
      - if the error rate on the first 100 applications is above 5 percent, the state will continue to verify all applications,
      - if the error rate is at or below 5 percent, the state will verify 10 percent of remaining applications; if at any time, the error rate rises above 5 percent, California will resume verifying the documentation for all applicants,
    - the state will provide USDA the opportunity to review the application prior to implementation,
    - households must submit applications no later than August 15, 2023,
  - tentatively issue benefits to homeschooled and virtual school students as their applications are approved, starting in mid-August,
  - tentatively issue benefits to students who may have been inadvertently missed in the August issuance starting in mid-September through December 31, 2023.

Finally, the state will identify risks for improper payments and ensure a high level of integrity.

### **Estimated Caseload and Value of P-EBT Benefits**

The state will calculate monthly benefits for each eligible child in the household equal to the daily reimbursement for a free breakfast, lunch, and snack multiplied by the number of benefit days calculated as described in the state's plan.

- California estimates that it will issue \$1.4 billion to approximately 1.6 million school children for school closures and reductions in attendance and hours extending from August 2022 through May 11, 2023.

### **Release of Information**

Pursuant to Section 1101(e) of the Act, the Secretary hereby authorizes the release of the information necessary to carry out P-EBT in California. Section 1101(e) of the

Act states, “Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.”

### **Plan Timetable and Revisions**

California will distribute benefits to households consistent with the timeframes identified in the state plan. Should the state encounter challenges or delays that significantly impair its ability to implement the approved P-EBT plan or require substantive changes, the state must notify the FNS Regional Office as soon as possible. The FNS Regional Office will work with the state to identify reasonable solutions and review revised plans for approval or further revision.

### **Civil Rights**

California will continue to comply with civil rights requirements by not discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. The state will also provide meaningful access to its programs and activities for individuals who are limited English proficient, and provide equal access to individuals with disabilities.

### **Administrative Funds**

The California Department of Social Services will participate in a P-EBT Administrative Budget Planning process using the FNS-366(a) Program and Budget Summary. When the FNS-366(a) is finalized, that will determine the state’s Administrative Grant level. However, the FNS-366(a), Program and Budget Summary, may be updated and revised as the state’s operational plan evolves.

### **Reporting**

The California Department of Social Services will complete the FNS-292B, the FNS-46, the FNS-388, and the FNS-778 reports in accordance with existing requirements.

FNS values California’s partnership in the administration of Pandemic EBT. FNS stands ready to provide additional support as needed. If you have questions, please contact the FNS Western Regional Office.

Sincerely,

Cindy Long  
Administrator