

**State Plan for Pandemic EBT
 Summer 2023
 February 16, 2023**

Issuing Agency/Office:	FNS / Child Nutrition Programs, Supplemental Nutrition Assistance Program
Title of Document:	State Plan for Pandemic EBT: Summer 2023
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Summary:	(1) This document is a template to assist states in the development of an approved state plan to operate Pandemic EBT for school children and for children in child care during summer 2023. (2) This document relates to Section 1101 of 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), the American Rescue Plan Act, 2021 (P.L. 117-2), and the Consolidated Appropriations Act, 2023 (P.L. 117-328).
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Additional context and background for this document can be found at:
<https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>

The submission of a P-EBT state plan, associated template and related reporting obligations are addressed in OMB# 0584-0660, expiration 11/30/2023.

**State Plan for Pandemic EBT
Summer 2023¹
February 16, 2023**

*Please note that due to the FY 2023 Consolidated Appropriations Act, states can submit a P-EBT Plan for Summer 2023 **without** a School Year 2022-2023 P-EBT Plan for School Children or Children in Child Care.*

1. State: Colorado

2. Primary Citation: Families First Coronavirus Response Act (FFCRA), as amended.

3. Executive Summary:

Please provide the following data. In addition, please include a statement indicating that you commit to informing USDA of any significant increase or decrease in these data points during the summer period covered by this initial plan (or subsequent amendment).

- a. Estimated total amount of P-EBT benefits the state will issue to school children within this amendment's date range.² (Consult the appropriate table in Section 4, "Benefit Levels.")
- b. Estimated total number of school children to which the state will issue P-EBT benefits.
- c. Tentative P-EBT issuance schedule (the date(s) on which Summer P-EBT benefits will be issued). Assuming that the public health emergency ends on May 11 as anticipated, P-EBT funds will not be available beyond the end of fiscal year 2023. **As a result, states must issue all P-EBT benefits by September 30, 2023.** This applies to P-EBT benefits for school year 2022-2023 and summer 2023. Benefits issued by the states for the summer and school year after this date may result in liability to the state.
- d. Names of state agencies involved in administering this plan.

Response:

Estimated amount issued to school children: \$45,600,000

Estimated number of school children: 380,000 students

¹ Changes to the Summer P-EBT program contained in the Consolidated Appropriations Act, 2023 are highlighted in yellow throughout this document.

² The Biden Administration recently announced that, at present, it intends to end the COVID-19 public health emergency declaration on May 11, 2023. In the event that the public health emergency does end on May 11, prior to the start of P-EBT's covered summer period, states may not issue P-EBT summer benefits to children in child care in 2023.

Colorado commits to informing USDA of any significant increase or decrease to these estimations that impact the Summer 2023 period covered by this plan.

Colorado anticipates issuing all Summer 2023 P-EBT benefits for school children in **late August 2023**. All intended issuances are planned to complete prior to the September 30, 2023, deadline. P-EBT benefits will be issued in a one-time lump sum to eligible students.

The state agencies administering this plan are the Colorado Department of Human Services (CDHS) and the Colorado Department of Education (CDE).

4. Summer P-EBT for school children:

- Describe how the state will identify school children who attended an NSLP-participating school at the end of school year 2022-2023 who qualified to receive free or reduced price school meals under the NSLP or SBP. This group includes:
 - School children who attended a school that participated in the Community Eligibility Provision or Special Provisions 2 or 3 in school year 2022-2023.
 - Children who were directly certified for free school meals or who were certified by application for free or reduced price school meals during school year 2022-2023, or children who are determined newly eligible for free or reduced-price meals.

States may not issue summer 2023 P-EBT benefits to children who did not attend an NSLP-participating school at the end of the school year immediately preceding the summer (i.e. at the end of SY 22-23).

- Describe how the state will ensure that households with children eligible for free or reduced price school meals will have an opportunity to establish their eligibility by application through the end of SY 22-23 and into the summer of 2023 (*to the extent possible*). USDA understands that states that elect to keep their school meal application process open beyond the end of the school year will set a summer application deadline that allows the states to process these applications and issue benefits by September 30, 2023.

Response:

The Colorado Department of Education (CDE) intends to complete a state-wide data collection from districts in May and June 2023 to collect student enrollment and eligibility data from the May 2023 enrollment month, which represents the last school month immediately preceding summer 2023. This data collection will be open for both public and non-public schools and will require school enrollment entry and exit dates, as well as the 2022-23 free or reduced-price school meals status. Since district schedules differ with the Spring semester ending between early May and mid-June, Colorado will have the data collection open through June 20th to allow districts to edit their submissions to include

students who apply for FRPL through May 31, 2023 or the end of their respective 2022-23 school year, whichever is earlier. Please note the FRPL application processing time is 10 days. This deadline of June 20th ensures all students who submitted an FRPL application by May 31st and are determined eligible can be included in the one-time summer 2023 P-EBT data collection.

With the records submitted in this data collection, Colorado will ensure only students who attended an NSLP-participating school as of May 2023 and were determined eligible for free or reduced-price school meals (through family eligibility or through Provisional school enrollment) as of June 10th, 2023 (i.e. application submitted by May 31, 2023) will be determined eligible for summer 2023 P-EBT benefits.

As a reminder, Colorado is a local control state. This fact, coupled with the Colorado State Board of Education's previous decision that P-EBT data collection cannot be mandatory for school districts, means Colorado can only act on the data submitted to the program. CDHS and CDE can encourage, but cannot require, districts to participate in the data collection. Additionally, we cannot require districts to provide their entire student population. Training for districts will be made available through a variety of communication avenues to a wide range of district staff, as was done in past years. Office hours and technical support will also be offered, as we have done in the past. Additionally, CDE works directly with Student Information System vendors to set up extract reports to ease the burden of data collection and encourage participation. This year the file layout has been simplified to focus only on summer requirements, plus Colorado incorporated feedback from data respondents of extending the data collection timeline into June to allow for edits to the submitted data. We pursue these efforts to encourage districts to accurately submit their entire student population data.

Colorado has obtained approval from the Colorado Department of Education's Education Data Advisory Committee for the data collection file layout and detailed instructions to provide to district staff to complete the data submission request. Additionally, CDE will collect the data via their Data Pipeline platform which allows validation rules to be put in place. Business rules will be set to ensure the most accurate data possible. For example, submission of future enrollment and FRPL eligibility dates will not be permitted, Student Date of Birth cannot be later than the Enrollment Date, and other rules to ensure districts are not submitting blatant data entry errors. Where possible, fields in the data collection are restricted to a set of defined values. The rules applied have been developed and refined over the years of collecting data for the purposes of P-EBT benefit issuance. Colorado will also continue to utilize attestation statements where districts must certify the accuracy of the information submitted. Beyond the data collection, the analysis planned for CDE and Crocus in July 2023 is meant to ensure the appropriate students receive benefits by checking school enrollment entry and exit dates at an NSLP or Provisional institution, as well as FRPL status and eligibility date in order to confirm May 2023 eligibility for summer 2023 P-EBT. Through this process, Crocus also runs address validation on the school-provided data and replaces invalid addresses with a CDHS placeholder address to reduce costly undeliverable card attempts.

In order to ensure successful Summer 2023 program administration prior to the September 30, 2023, deadline, it will not be possible for Colorado to consider eligibility for students who become newly eligible for free or reduced-price school meals after the planned May/June 2023 data collection. Furthermore, logic would suggest that since the emergency feeding during COVID ended prior to the 2022-2023 school year, families who would complete a free or reduced-price meal application would have already done so to receive meals during the 2022-2023 school year. Because of these factors, this May/June 2023 data collection will be a one-time opportunity for schools and school districts to submit student data to the P-EBT program for summer 2023 P-EBT benefit determination.

5. Benefit Levels

Summer 2023 P-EBT Benefit

Please note that this new benefit from the Consolidated Appropriations Act, 2023 has changed from the level for Summer 2022 P-EBT benefits.

Summer 2023 P-EBT Benefit	
Contiguous U.S.	\$120
Alaska	188
Hawaii, Guam, Virgin Islands, Puerto Rico, American Samoa, Commonwealth of the Northern Mariana Islands	139

6. Implementation Timeline, EBT Processing, and Benefit Issuance

Please provide an implementation timeline for summer 2023 with estimated dates for major milestones in your plan.

- States should develop their timeline cooperatively, including input from its EBT processor and all state agencies involved in implementing P-EBT. Instead of using specific dates, describe important milestones and realistic durations between them. USDA suggests that states build their timelines from the date USDA approves the state’s plan (Day #0).
- The timeline must include the state’s tentative issuance dates. In past years, most states issued in phases, and on a rolling basis thereafter. For example: issuance to SNAP households Day #10, to non-SNAP households on Day #15, and to newly identified cases from Day #16 onward. This is a best practice, which we encourage states to continue.
- If the PHE ends on or before September 30, 2023, states must issue all P-EBT benefits by September 30, 2023.
- Examples of other possible milestones include, but are not limited to:
 - State Education agency provides student data to SNAP state agency (Day #5)
 - P-EBT hotline becomes active (Day #9)
 - Public notice campaign begins (Day #10), etc.

Please also address each of the following:

- Will the state issue P-EBT benefits on a unique P-EBT card design? If so, who will receive these cards, non-SNAP households only? Or also SNAP households?
- How will the state distinguish P-EBT from SNAP and D-SNAP issuances? USDA strongly encourages the use of a sub-benefit type, even if your state did not do so in P-EBT issuances for previous school years. This will greatly facilitate the states' ability to report and USDA to maintain accountability for P-EBT.
- What will be your draw/spend priority for P-EBT, SNAP, and D-SNAP? USDA suggests making P-EBT first on your draw/spend priority.
- How will the state handle expungement of P-EBT benefits? USDA recommends that states follow the same expungement rules that the state currently follows for SNAP.
- How will you and your EBT processor handle returned P-EBT cards? How will you handle the need to issue replacement cards in these cases?
- Will you issue *new* P-EBT cards to existing P-EBT households?
 - If so, who will receive these cards? Non-SNAP households only? Or also SNAP households?
 - If not, how will you handle cases where the P-EBT household no longer has their P-EBT card?

Response:

Anticipated Timeline:

- April - Finalize and gain approval for Summer 2023 P-EBT Plan with FNS
- May/June - CDE data pipeline team opens P-EBT data collection for schools/districts to submit May 2023 enrollment data
- Beginning of July - CDE / Crocus analyzes school data and assigns Summer 2023 benefits to P-EBT eligible students
- End of July - CDE / Crocus delivers Summer 2023 file to CDHS / Deloitte
- Beginning of August - CDHS/Deloitte conduct testing of files for Summer 2023
- Late August: P-EBT benefits issued for Summer 2023 and P-EBT eligibility notices are mailed to all eligible families
- September: If Colorado discovers after our August issuance that the state or its school districts made an error that the state has time to correct, then the state will make that correction

The State will continue to use the unique P-EBT cards designed and issued since July 2020 in order to reduce card needs for the Summer 2023 P-EBT program. This will save program costs, reduce administrative work, and enable benefits to reach families faster by issuing to existing cards.

Students eligible for Summer 2023 P-EBT based on school enrollment will receive benefits on the P-EBT-designed card.

As was done in earlier rounds of P-EBT, CDHS will use a separate Benefit Code for P-EBT to track spending separately from SNAP and other benefit types.

CDHS will make P-EBT the first draw/spend priority and P-EBT benefits will remain available for use for 274 days, in alignment with SNAP expungement rules.

CDHS will continue to receive Returned Card reports from FIS (our EBT processor), which include a P-EBT indicator.

CDHS will not establish any new P-EBT accounts or issue any new cards after September 30; this includes cards to correct previous erroneous issuances to the wrong guardian.

CDHS has a dedicated P-EBT Call Center that will have access to information from FIS about which cards have been returned. The Call Center can process P-EBT address update requests and reissue returned P-EBT cards for families that contact the Call Center. P-EBT cards will not be re-issued after September 30, 2023, except in situations where the card

- was reported by parents/households as lost. These replacement cards will point to the same account as the original card, and no new benefits will be placed on these cards.
- was unable to be delivered and has been returned to the state. The state can mail these returned cards to a new address, and these cards will point to the same account as the original card.

Existing P-EBT households will not receive an automatically issued new P-EBT card; benefits will be paid to the existing P-EBT case. If the student is a first-time P-EBT recipient in Summer 2023, a new P-EBT card will be automatically triggered at the time of benefit issuance and mailed to the parent/guardian contact information provided by the student's school district in the May/June 2023 data collection. All cards will be issued by September 30, 2023.

If a family needs a P-EBT card replaced, the P-EBT Call Center will be equipped to issue replacement cards, as needed. Replacement card requests received after September 30th will only be replaced if the card

- was reported by parents/households as lost. These replacement cards will point to the same account as the original card, and no new benefits will be placed on these cards.
- was unable to be delivered and has been returned to the state. The state can mail these returned cards to a new address, and these cards will point to the same account as the original card.

7. Customer Service

To complete Section 7, we encourage states to use language from their previously approved SY 22-23 plans, if applicable.

- How will the state resolve disputes or issuance errors (incorrect benefit amount, denied benefits, etc.)? Based on the large number of such inquiries received by USDA, the states, and EBT processors, USDA suggests a phone number (hotline) staffed by personnel empowered to research and address such cases.

- Please describe how the state will serve groups with potential access problems, for example: homeless children, foster children, children without social security numbers, children and caregivers with limited English proficiency, households without internet access, and people living with disabilities.
- Describe the state’s public information campaign. That is, the information you will provide to the general public (i.e., *not directly* to P-EBT participants), and how you will provide that information (i.e., print or broadcast advertising, social media, mailers to the general population).
- Describe what information you will provide for households that do not want the P-EBT benefit that is directly issued to them. How to dispose of the card, etc.
- Describe the information you will provide *directly* to P-EBT participants (this is different than the information you provide to the general public), and how you will provide that information. For example:
 - What will you provide to explain the purpose of P-EBT and how to use the benefit? Based on the large number and wide variety of public inquiries that USDA, states, and EBT processor call centers received regarding P-EBT in over the past year, USDA recommends it include:
 - A description of P-EBT
 - Instructions for PINing a P-EBT card
 - Explanation of where benefits can be used
 - Explanation of how benefits can and cannot be used (i.e., eligible foods and non-eligible items)
 - Explanation of violations and penalties, such as trafficking
 - An indication that benefits are non-transferable
 - Instructions for destroying the card, if they want to decline benefits
 - Information regarding a hotline, helpdesk, or website/portal that participants can reach out to, if they have questions, need assistance (setting up a PIN, for example)
 - How will you provide P-EBT information to non-SNAP households? How will you provide P-EBT information to SNAP households?
 - Will you provide information via mailers? Will the mailer(s) be a flyer/brochure, buck slip, letter, or some other alternative? USDA recommends flyers/brochures, because these can be used more flexibly than buck slips.
 - Will you provide information via e-mail, text messages, social media, website, robo-call, and/or other electronic means?

Response:

Due to the time constraints of the Summer 2023 P-EBT program and the state’s anticipated late-August 2023 benefit issuance date, Colorado will not be able to offer a parent-initiated post-issuance process to review Summer 2023 benefits. However, if Colorado discovers after our late-August issuance that the state or its school districts made an error that the state has time to correct, then the state will make that correction. For example, if Colorado discovers after benefits are issued that the state missed an entire school’s worth of children whose data was submitted in the summer 2023 data collection, and there’s still time to issue those benefits before September 30, then the state will do that.

The State is making every effort to accurately administer benefits upon the initial planned issuance in late-August 2023.

Children with Potential Access Barriers

CDE has included the McKinney-Vento State Coordinator in P-EBT planning to ensure P-EBT benefits reach eligible children who are homeless and unstably housed. Most of these children have a mailing address on file with the school, but some are P.O. boxes or change frequently enough that the address may not be considered reliable. For these situations, CDHS has developed a process for card issuance at local county human services offices.

In instances of out-of-home family or kinship care situations, the CDHS P-EBT team will also follow up with CDHS's Child Welfare team to request an updated parent/guardian contact and mailing address to increase the probability of reaching the intended recipient, the student.

To ensure equal access for families with Limited English Proficiency (LEP), CDHS' P-EBT Call Center shall require a percentage of call center agents to be English-Spanish bilingual. It is estimated that 30 percent of calls and emails will require Spanish speaking and/or written resolution. Language Line will also be offered for language requests beyond English and Spanish. CDHS will mail P-EBT-related notices in both English and Spanish, including a cover page offering translation assistance on all client correspondence, and outreach materials will be created in a range of additional languages. Community partners will also support outreach and education efforts with LEP families.

Retailer Communication

The Colorado Retail Council and Rocky Mountain Food Industry Association will be utilized to prepare grocery retailers for the increased spending. CDHS will take the lead in messaging to these groups, with whom the Department has previously worked under P-EBT 1.0, 2.0, and 3.0.

Public Information Campaign

In collaboration with CDE and community partners, CDHS will provide information to the public regarding P-EBT benefits and eligibility through a variety of communication channels.

Similar to previous issuances, CDE and CDHS will continue to host a dedicated website with up-to-date information on P-EBT, including eligibility criteria and other frequently asked questions. This website will be promoted on CDE and CDHS's social media platforms, such as Facebook and Twitter. Social media posts will continue to be utilized, as were during the 21-22 school year, to communicate program updates regarding the Summer 2023 P-EBT program.

In order to make the messaging campaign easy for partners, the state will work collaboratively to create and promote P-EBT outreach toolkits for the Summer 2023 period with flyers and general messaging, available in English and Spanish. A subsequent goal of

these toolkits will be to provide schools and school districts with marketing strategies and messages that can be sent home with families once the plan has been approved. CDHS and CDE will also post copies of template notices sent to families on their respective websites. These notices are detailed below.

Communication with Eligible Families

Families will receive a notice letter included with their card or mailed to them as part of auto-issuance which will include a general explanation of P-EBT, eligibility for the program, benefit amounts, instructions for setting up their card, how to request a replacement card, how to check balances, where P-EBT can be used, eligible items for purchase, who to contact for questions, an explanation of violations and penalties (such as trafficking), an indication that benefits are non-transferable, and instructions for destroying the card and opting out, if they want to decline benefits.

The letters will also provide resources for the P-EBT Call Center that can assist families with card issues, and to the CDHS website <https://cdhs.colorado.gov/p-ebt> where more information on P-EBT can be found. For newly eligible children, the notice will also include information on where to go for step-by-step instructions on setting up a PIN for their card and what to do if they do not want to use benefits. The notice letters will be available in Spanish and English.

The notice letter included with their card or mailed to them as part of auto-issuance will also include instructions for destroying the card and opting out if they want to decline benefits.

Non-SNAP and SNAP Households

P-EBT participants from Non-SNAP and SNAP households will receive notice letters upon initial issuance. Letters will outline information mentioned previously and provide participants with resources such as the call center and website where further information can be found. All households will be directed to the P-EBT call center where they can receive more information on P-EBT cards and funds.

8. Over-issuance of P-EBT benefits

To complete Section 8, we encourage states to use language from their previously approved SY 22-23 plans, if applicable.

States should outline a process to recover or adjust P-EBT payments to correct errors on previous issuances. States 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.

The process should take into consideration that many households received their benefits, without application, through an automated match process that relied on the state's own administrative data. 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. 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. Under no circumstances may the state reduce a SNAP benefit to settle a P-EBT claim.

Finally, the states recognize that USDA is responsible for ensuring accountability of funds for P-EBT purposes. As part of its oversight responsibilities, USDA may hold state agencies liable for aggregate over-issuances or improper payments. USDA's course of action is to pursue P-EBT over-issuance claims in the aggregate where USDA believes 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.

Please describe how your state will manage P-EBT payment errors.

Response:

As a general rule, CDHS will not pursue claims against minors, as the P-EBT cards are issued directly to eligible children. Colorado will mitigate over-issuances by issuing Summer 2023 benefits retroactively and ensuring de-duplication so no child receives more than one P-EBT benefit for the summer period. For any P-EBT cases identified as incorrect, Colorado will complete USDA's over-issuance spreadsheet and will confer with FNS to consider appropriate next steps.

9. Benefit Issuance Reporting

The state agrees to complete the FNS-292 form as well as all other normally recurring SNAP reporting, including the FNS 46, 388, and 778 reports, on a timely basis in accordance with requirements.

10. Administrative Funding

A separate grant to cover state level administrative costs associated with the administration of P-EBT will be awarded to the SNAP state agency within each state. As the authorized grantee, the SNAP state agency will be granted access to the associated letter-of-credit in which the administrative grant funds will be placed. As P-EBT related state administrative costs may be incurred by state agencies other than the SNAP state agency, the SNAP state agency will be responsible for entering into interagency agreements in the form of a Memorandum of Understanding, or document of similar construct, with all other respective state agencies responsible for delivering P-EBT benefits. The SNAP state agency will be responsible for reimbursing the administrative costs of all associated agencies accordingly.

Prior to USDA releasing the grant for administrative funding, each SNAP state agency will be required to submit a P-EBT Budget Plan using the FNS-366(a) Program and Budget Summary Statement. Funds will not be released to the SNAP state agency's letter-of-credit

until this plan is submitted and approved. The SNAP state agency's Budget Plan should include the estimated administrative costs for all state agencies that will be handling P-EBT.

As noted in Item 10 above, the SNAP state agency will be also responsible for reporting all administrative expenditures on a separate FNS-778, Supplemental Nutrition Assistance Program, Federal Financial Report designated specifically for P-EBT. The expenditures on the FNS-778 should align with those outlined in the FNS-366(a), Program and Budget Summary Statement. The forms associated with P-EBT will be modified accordingly.

11. Release of Information

Per Section 1101(e) of the Families First Coronavirus Response Act: "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."

12. Civil Rights Statement

The state 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.

13. Administration of State P-EBT Plan

The state will administer P-EBT according to the terms of its approved state plan. In general, conditions related to benefit issuance reporting, administrative funding, and release of information remain in effect for the covered summer period. If the state wishes to change any of the terms of its plan, the state shall first notify USDA and will, if requested by USDA, submit a plan amendment for USDA review and approval.

Reminder

If the state needs to make any significant changes to its Summer 2023 plan after approval, the state needs to submit an amendment to USDA that describes the change and its impact on operating summer P-EBT. USDA will review the amendment and approve allowable amendments.

Signatures and Titles of Requesting SNAP and Child Nutrition State Agency Officials:



Signature

Karla Maraccini, Division Director, Food & Energy Assistance
Colorado Department of Human Services



Signature

Brehan Riley, Director of School Nutrition
Colorado Department of Education

Date of Request: April 11, 2023 (Updated April 26, 2023)