



Food and Nutrition
Service

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August 9, 2023

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

TO: Dr. Patty Bennett
Regional Administrator
Mid-Atlantic 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 Delaware's enclosed plan to operate P-EBT for children in schools and child care.

Summary of State's Plan

The Delaware Department of Health and Social Services and the Delaware 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 September 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. Children in child care are eligible if they are enrolled in SNAP and their child care facility is closed or operating with reduced attendance or hours, or if they live in the area of a school that is closed or operating with reduced attendance or hours. 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 or child care facilities.

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, Delaware has or will:

(for children currently enrolled in NSLP-participating schools)

- rely on attendance data reported by schools to the state to identify P-EBT eligible days:
 - for schools that do not track COVID-related absences, Delaware will issue P-EBT benefits automatically to free and reduced price eligible school children with a total of 5 or more days of consecutive excused absences,
 - for schools that track COVID-related absences, Delaware will issue P-EBT benefits to eligible children based on actual days of COVID-related absences,
 - only schools that have met the minimum 5 consecutive day threshold of being closed or operating with reduced attendance or hours will be authorized to issue P-EBT benefits to their students,
- households of eligible children who had COVID-related absences of 4 or fewer consecutive days may fill out a form to report P-EBT eligible days to the state:
 - the information on the form will be reviewed against school P-EBT data to prevent duplicate P-EBT issuances,
 - the school or school district will validate that the child is eligible for free or reduced price meals and count of absences before issuing benefits,
 - households may submit requests through early September 2023,
- tentatively issue automatic benefits for Fall 2022 (September 2022 through December 2022) in mid-August 2023,
- tentatively issue automatic benefits for Spring 2023 (January 2023 through May 2023) in late-September 2023,
- issue benefits in response to parent requests in September,
- issue contingency and corrections 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,
- develop an application that is equivalent to a school year 2022-2023 free and reduced price meal application, requires all 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,
- Delaware will confirm enrollment of children who may have started virtual school or homeschooling in Delaware in SY 20-21 or later by using homeschool student rosters provided by DOE (households of children attending virtual schools must register for a Delaware homeschool),
- for non-K-12 children who were previously enrolled in an NSLP-participating school in Delaware, Delaware 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-12 children who began school as homeschooled or virtual school children after the start of the pandemic, or for older children who began school as homeschooled or virtual school children in Delaware after the pandemic, the state will verify the child's identity through Delaware vital statistic records, Delaware's SNAP and TANF eligibility system, or identity documentation requested from households (e.g., birth certificates, passports, or collateral contacts),
- applicants will provide the name of their children's current assigned school and school district; 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,
- for children who are not categorically eligible for free meals or whose local public school does not participate in CEP, the state will confirm income eligibility for free or reduced price meals in SY 22-23 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 at or above 5 percent, the state will continue to verify all applications,
 - if the error rate is below 5 percent, the state will verify 10 percent of remaining applications; if at any time, the error rate rises above 5 percent, Delaware will resume verifying the documentation for all applicants,
- the application will require parents to promptly notify the state if their children return to an in-person school during the school year,
- the state will provide USDA the opportunity to review the application prior to implementation,

- households will be able to submit completed applications through mid-September 2023,
- tentatively issue automatic benefits for Fall 2022 (September 2022 through December 2022) in mid-August 2023,
- tentatively issue automatic benefits for Spring 2023 (January 2023 through May 2023) in late-September 2023,
- issue benefits in response to parent requests in September or October,
- issue contingency and corrections 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.

- Delaware estimates that it will issue \$1.9 million to approximately 32,000 school children for school closures and reductions in attendance and hours extending from September 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 Delaware. 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

Delaware 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

Delaware 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 Delaware Department of Health and 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 Delaware Department of Health and 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 Delaware'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 Mid-Atlantic Regional Office.

Sincerely,

Cindy Long
Administrator