

**State Plan for Pandemic EBT
Children in School and Child Care, 2022-2023**

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| Summary: | (1) This document is a template to assist states in the development of state plans to operate Pandemic EBT for children in schools or child care during school year (SY) 2022-2023. (2) This document relates to Section 4601 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), and the American Rescue Plan Act of 2021 (P.L. 117-2). |

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

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

State Plan for Pandemic EBT
Children in School and Child Care, 2022-2023

1. **State:** Delaware

2. **Primary Citations:** Families First Coronavirus Response Act (FFCRA);
Continuing Appropriations Act, 2021 and Other Extensions Act;
Consolidated Appropriations Act, 2021;
American Rescue Plan Act of 2021

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 *date range*¹ covered by this initial plan (or subsequent amendment).

- a. The *date range* covered by this state plan or amendment
 - for children in school
 - for children in child care
- b. Estimated monthly and total *amount* of P-EBT benefits the state will issue within this plan/amendment's date range.
 - Estimated amount issued to school children in SNAP households.
 - Estimated amount issued to school children in non-SNAP households
 - Estimated amount issued to non-school children in child care
- c. Estimated total *number* of children to which the state will issue P-EBT benefits.
 - Estimated number of school children in SNAP households
 - Estimated number of school children in non-SNAP households
 - Estimated number of non-school children in child care
- d. Tentative P-EBT issuance schedule (the dates on which you will issue P-EBT benefits).
 - School children in SNAP households
 - School children in non-SNAP households
 - Children in child care
- e. Names of state agencies involved in administering this plan.

Response:

- a. The *date range* covered by this state plan or amendment
 - for children in child care: September 1, 2022 through May 11, 2023

¹ The date range covered by P-EBT state plan or amendment. A state's plan will typically cover the instructional months in the state's school year (September 2022 through June 2023, for example).

- b. Estimated monthly and total **amount** of P-EBT benefits the state will issue within this plan/amendment's date range.

- Estimated amount issued to non-school children in child care:

| | |
|--------------------------|-------------|
| Monthly 9/2022 – 4/2023: | \$680,000 |
| Monthly 5/2023: | \$340,000 |
| Total: | \$5,780,000 |

Delaware estimates 17,000 children will be eligible for a \$40.00 monthly P-EBT benefit multiplied by 8 full months of eligibility and one partial month of eligibility, for an estimated maximum total issuance of approximately \$5,780,000.00.

P-EBT Child Care Calculations

$[18] \text{ school days a month} \times [\$8.18] \text{ P-EBT daily benefit} = [\$147.24] \text{ P-EBT monthly benefit}$

$[\$147.24] \text{ P-EBT monthly benefit} \times [27\%] \text{ reduction in CACFP meals} = [\$39.75] \text{ P-EBT child care monthly benefit}$

$[17,000] \text{ children} \times [\$40.00] \text{ (rounded) P-EBT child care monthly benefit} = [\$680,000] \text{ P-EBT child care per month 9/2022 through 4/2023}$

$[\$680,000] \text{ P-EBT child care per month 9/2022 through 4/2023} \times [8] \text{ months} = [\$5,440,000] \text{ total P-EBT child care for 8 full months of eligibility}$

$[17,000] \text{ children} \times [\$40.00] \text{ (rounded) P-EBT child care monthly benefit} \div 2 = [\$340,000] \text{ total P-EBT child care per month 5/2023 (9 days)}$

$[\$5,440,000] + [\$340,000] = [\$5,780,000] \text{ total P-EBT child care}$

- c. Estimated total **number** of children to which the state will issue P-EBT benefits.

- Estimated number of non-school children in child care: 17,000

- d. Tentative P-EBT issuance schedule (the dates on which you will issue P-EBT benefits).

- Children in child care: P-EBT child care benefits will be divided into a single issuance for fall benefits and a single issuance for spring benefits.
 - Fall benefit (9/2022 through 12/2022): Main issuance date at the end of [May 2023](#)
 - Spring benefit (1/2023 through 5/2023): Main issuance date at the end of July 2023
 - Contingency and correction issuances for SY 2022-2023 will be ongoing starting after the [May 2023](#) issuance date through September 2023.

Delaware confirms that all P-EBT benefits will be issued by September 30, 2023.

- e. Names of state agencies involved in administering this plan.
 - Delaware Department of Health and Social Services
 - Delaware Department of Education

Delaware commits to informing USDA of any significant increase or decrease in these data points during the plan period of September 2022 through May 2023 and any subsequent amendments.

4. P-EBT for School Children (section omitted from this child care plan submission)

5. P-EBT for Children in Child Care

Standard for P-EBT Eligibility

A child enrolled in a covered child care facility is eligible for P-EBT if:

1. The child is a member of a household that is enrolled in SNAP in the benefit month.
2. The child is enrolled in a covered child care facility. (Note that under the FFCRA, USDA deems all children under the age of 6 to be enrolled in a covered child care facility.)
3. During a public health emergency designation, the child's child care facility is closed or is operating with 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 facility, or in the area of the child's residence, is closed or is operating with reduced attendance or hours.

There are no changes for P-EBT for children in child care from SY 2021-2022. USDA encourages states to refer to their **approved** SY 2021-2022 child care plan to complete this section. Please describe:

- how the state will identify eligible children and confirm their eligibility consistent with the above standard,
- how the state will set benefit levels for children,
- the roles and responsibilities of each state agency or other partners involved in P-EBT and
- any simplifying assumptions the state proposes to use and the justification for using those simplifying assumptions.

If the state will establish a reduction in access to child care using the CACFP data method, we recommend that the state respond to all points as described in their **approved** SY 2021-2022 child care plan, such as:

- The state will confirm that there has been a statewide reduction in access to child care for each of the months of the current school year relative to the same months immediately prior to the pandemic, and will share this data and calculations with USDA before issuing benefits for any months.

- The state will use the sum of CACFP lunch claims for child care centers and family day care homes as reported by the state on the FNS-44². The state will exclude at-risk lunches and adult lunches.
- The state will set an average monthly P-EBT child care benefit using the reduction in aggregate lunch claims over a designated period of time, the average number of school instructional days over the course of the current school year, and the SY 2022-2023 P-EBT benefit per day.
- The designated period over which the state will set the average monthly benefit (e.g., a separate average monthly benefit for the fall semester and the spring semester).
- The state will monitor CACFP lunch claims through the end of the school year (or through the end of the public health emergency, as applicable) and will only issue benefits for months where lunch claims remain below claims for the most recent same month prior to the pandemic.

USDA will continue to support states with their calculations for the above approach.

If the state will establish a reduction in access to child care using a different approach, such as individual children's eligibility or proximity to area schools, then please describe below what the state will do and how this approach will be consistent with the above standard, such as:

- How will the state determine that a child's residence is in the area of one or more schools that is closed or is operating with reduced attendance or hours? (See Q&A #30)
- For children whose residence is *not* in the area of one or more closed schools or schools operating with reduced attendance or hours, how will the state determine those children's eligibility? (See Q&A #32-33). Specifically, how will the state determine that:
 - the child's child care facility is closed or is operating with reduced attendance or hours, or
 - the child's child care facility is in the area of one or more schools that are closed or operating with reduced attendance or hours?
- Are there any state or local public health ordinances that limit the capacity of child care facilities in response to COVID-19 in your state? If yes, describe how you will use those to find that all SNAP-participant children under age 6 are eligible for P-EBT in those areas?
- Describe the process that the state will use to update and re-establish each child's continued P-EBT eligibility and benefit level consistent with changes in the operating status of the child care facility or area schools? How frequently will that information be updated? (Note that this information must be updated no less frequently than every other month.)

² The burden associated with state reporting of CACFP meal claims via the FNS-44 form is covered under OMB Control number 0584-0594, *Food Programs Reporting System (FPRS)*, expiration date July 31, 2023.

Response:

Responsible State Agencies

The following agencies are responsible for the development of this plan and will share responsibility for administration of the plan:

- Delaware's Department of Health and Social Services is the lead agency for P-EBT. The Division of Social Services (DSS) determines eligibility and issues benefits for SNAP. DSS also handles the issuance of P-EBT benefits.
- Delaware's Department of Education (DOE) provides administrative support for P-EBT by making available CACFP data to DSS for the determination of P-EBT child care benefits.

Identifying SNAP Enrolled Children

- Delaware will identify non-school children who began school year 2022-2023 under the age of 6 and were part of a household that receives SNAP.
- Consistent with P-EBT's authorizing statute, all children under the age of 6 are deemed enrolled in a covered childcare facility.
- The State will make the reasonable simplifying assumption that non-school children who began receiving benefits as a 5-year-old earlier in school year 2022-2023 remain enrolled in a covered child care facility through the end of the school year as long as the household continues to receive SNAP.
- Delaware understands that a child's eligibility for P-EBT child care benefits ends when a child's SNAP enrollment ends.
- Delaware will ensure that children who receive P-EBT benefits under the State's approved plan for school children will not also receive P-EBT child care benefits.
- For May 2023, Delaware confirms that it will identify and issue benefits to households with eligible children who applied for SNAP from May 1 through May 11, and are found eligible for May benefits.

Establishing a Reduction in Access to Child Care Using the CACFP Data Method

- CACFP lunch claims confirm that there has been a statewide reduction in access to child care for each of the months of the current school year relative to the same months immediately prior to the pandemic.
 - For purposes of this plan, Delaware will use the sum of CACFP lunch claims for child care centers and family day care homes as reported by the State on the FNS-44. The State will exclude at-risk lunches and adult lunches.

- Delaware will monitor CACFP lunch claims through the end of the school year and will only issue benefits for months where lunch claims (to the extent that preliminary data are available) remain below claims for the most recent same month prior to the pandemic.

Setting Benefit Levels Using the CACFP Data Method

- Delaware will set an average monthly P-EBT child care benefit for the fall semester and a separate average monthly benefit for the spring semester. The averages are calculated using **the following three factors:**

Fall semester benefit:

1. The reduction in aggregate lunch claims over the fall semester relative to the same months from the fall of 2019. Based on Delaware’s anticipated distribution of fall semester P-EBT child care benefits in April 2023, the State will use fall 2022 CACFP claims data for the months of September 2022 through December 2022.
2. The average number of school instructional days over the course of the current school year. This is equal to the number of instructional days in the year divided by the number of school months: $[180] \div [10 \text{ months}] = [18]$ days per month.
3. The school year 2022-2023 P-EBT benefit per day of \$8.18.

Table 1: Reduction in CACFP lunch claims – fall semester

| Fall Semester | | | | Percent Change, Fall Semester: |
|--|----------------|---|----------------|--|
| CACFP lunch claims pre-pandemic months | | CACFP lunch claims current school year months | | |
| September 2019 | 215,996 | September 2022 | 171,181 | To be applied to daily rate and number of school instructional days per month. |
| October 2019 | 261,069 | October 2022 | 178,607 | |
| November 2019 | 222,905 | November 2022 | 165,824* | |
| December 2019 | 216,735 | December 2022 | 155,899* | |
| Total | 916,705 | Total | 671,511 | |

Note:

CACFP Lunch Claims: Free, reduced price, and paid lunches for CACFP child care centers (excluding at-risk lunches) and family day care homes. The figures above are total lunches reported to USDA on FNS-44, Part E, column D, *minus columns A2 and C*, for lines 33, 36, and 39.

*November 2022 and December 2022 claims are preliminary CACFP lunch claim amounts.

**The percent change is based on final CACFP lunch claim amounts for September 2022 and October 2022 only.

Before calculating its monthly fall P-EBT benefit, Delaware commits to sharing its data and calculations with USDA. The state will also confirm that CACFP claims for all available months of the fall semester remain below CACFP claims for the same months immediately prior to the pandemic before issuing benefits for any of those months.

Spring semester benefit:

1. The spring semester benefit will be calculated as above, but will use the aggregate reduction in lunch claims over the available months of the spring semester relative to the same months immediately prior to the pandemic to calculate the first factor. See Table 2. Based on the State’s anticipated distribution of spring semester P-EBT child care benefits in July 2023, the State will use spring 2023 CACFP claims data for the months of January 2023 through March 2023.
2. The average number of school instructional days over the course of the current school year. This is equal to the number of instructional days in the year divided by the number of school months: $[180] \div [10 \text{ months}] = [18]$ days per month.
3. The school year 2022-2023 P-EBT benefit per day of \$8.18

Table 2: Reduction in CACFP lunch claims – spring semester

| Spring Semester | | | | Percent Change, Spring Semester: |
|---|------------------|--|------------|---|
| CACFP lunch claims pre-pandemic months | | CACFP lunch claims current school year months | | |
| January 2020 | 249,744 | January 2023 | TBD | To be applied to daily rate and number of school instructional days per month. |
| February 2020 | 235,765 | February 2023 | TBD | |
| March 2019 | 250,629 | March 2023 | TBD | |
| April 2019 | 259,707 | April 2023 | TBD | |
| May 2019 | 265,004 | May 2023 | TBD | |
| Total | 1,260,849 | Total | TBD | TBD% |

Note:

CACFP Lunch Claims: Free, reduced price, and paid lunches for CACFP child care centers (excluding at-risk lunches) and family day care homes. The figures above are total lunches reported to USDA on FNS-44, Part E, column D, *minus columns A2 and C*, for lines 33, 36, and 39.

Before calculating its monthly spring P-EBT benefit, Delaware commits to sharing its data and calculations with USDA. The State will also confirm that CACFP claims for all available months of the spring semester remain below

CACFP claims for the same months immediately prior to the pandemic before issuing benefits for any of those months.

6. Benefit Levels

Standard for Benefit Levels

1. The full daily benefit level for each eligible child is equal to the free reimbursement for a breakfast, a lunch, and a snack for school year 2022-2023. The benefit is multiplied by the number of days that the eligible child’s status makes them eligible for P-EBT benefits.

| 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:

- 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.
- Breakfast rates are those received by "severe need" schools.
- Snack rates are those for afterschool snacks served in afterschool care programs
- 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>

- Describe the benefit levels proposed, including how days of eligibility will be determined. What simplifying assumptions does the state propose? Why must the state make those simplifying assumptions? Please address both of these questions in detail.

Response:

Average monthly P-EBT child care benefits, fall and spring semesters:

| Child Care Calculation | Percent Change in CACFP Lunch Claims | Average # of Virtual Days per Month in Schools Plan | Daily Benefit Amount | Average Monthly Benefit |
|------------------------|--------------------------------------|---|----------------------|-------------------------|
| Fall Semester | 27% | 18 | \$8.18 | \$40.00 |
| Spring Semester | TBD | 18 | \$8.18 | TBD |

Notes:

- **Percent Change in CACFP Lunch Claims:** These are the figures in the lower right-hand corners of Tables 1 and 2.

- **Average Number of Virtual Days per Month:** This is the number of school instructional days in the state's school year divided by the number of benefit months in the state's P-EBT plan. Typically, this is 180 instructional days ÷ 10 benefit months (September through June or August through May).
- **Average Monthly Benefit:** This is the outcome of multiplying the figures in the three preceding columns.

7. Implementation Timeline, EBT Processing, and Benefit Issuance

Please provide an implementation timeline for SY 2022-2023 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.
- 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.

Response: Delaware's P-EBT Plan has been developed cooperatively between DSS and DOE, in consultation with Delaware's EBT processor.

Delaware anticipates issuing P-EBT child care benefits to eligible households in a single issuance for fall benefits and a single issuance for spring benefits.

- Fall benefit (9/2022 through 12/2022): Main issuance date at the end of April 2023
- Spring benefit (1/2023 through 5/2023): Main issuance date at the end of July 2023
- Contingency and correction issuances for SY 2022-2023 will be ongoing starting after the April 2023 issuance date through September 2023.
- Delaware confirms that all P-EBT benefits will be issued by September 30, 2023.

Delaware's customer service hotline for P-EBT has remained active since SY 21-22.

Delaware's P-EBT public information campaign and notification to households will tentatively begin in early April 2023.

Delaware commits to inform FNS of any significant changes to the above schedule.

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?

Response: SNAP households will receive P-EBT benefits on their SNAP EBT cards. Non-SNAP households will receive a unique P-EBT card.

- 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.

Response: Delaware will continue to use the P-EBT sub-benefit type as was used previously which is separate and apart from D-SNAP.

- 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.

Response: Delaware will make P-EBT first on the 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.

Response: Delaware will follow the same expungement rules as SNAP, with an expungement period of 274 days for inactive EBT accounts.

- 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?

Response: SNAP EBT and P-EBT cards will be returned to Delaware's EBT processor. Households will be informed of card replacement procedures and contact information for updating household information.

- 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: Delaware will not issue new P-EBT cards to existing P-EBT households. Existing P-EBT households will be instructed to retain their SNAP EBT and P-EBT cards from previous issuance rounds in case their children continue to remain eligible

for P-EBT. Households will be informed of card replacement procedures and may request replacement SNAP EBT and P-EBT cards from the EBT processor.

8. Customer Service

Recommended Standard for Household Support

USDA strongly encourages states to develop a customer service plan that anticipates common questions from households of children that are eligible and potentially eligible to participate in P-EBT, and that ensures that all who are eligible are able to receive and use their P-EBT benefits.

1. USDA strongly encourages states to provide a means to resolve disputes and answer questions from actual or potential P-EBT households.
2. USDA strongly encourages states to provide relevant program information to actual and potential P-EBT households.

- 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.

Response: Delaware has an established customer service hotline to resolve all P-EBT inquiries, disputes, and discrepancies that are reported. DSS works closely with DOE when issues involve eligibility for free and reduced-price meals. Disputes over amount of eligible P-EBT days can be addressed with schools, and the schools will have an opportunity to correct previous monthly issuances. Delaware has established an internal process to make corrections based on returned mail, changes reported by the schools, and information reported by households to DSS and DOE.

- 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.

Response: Delaware is committed to serving all households who qualify for P-EBT.

- DSS will work with schools and eligibility offices to ensure that there is a mailing address by which to provide benefits for households experiencing homelessness.
- For foster children, Delaware will inform the State's Department of Services for Children, Youth and Their Families of the P-EBT program, and to advise that foster parents update their addresses with their respective schools.
- A Social Security number is not collected for P-EBT purposes and is not needed to establish a P-EBT card PIN.
- Delaware provides all P-EBT information in English and Spanish and offers interpretation and translation of information into other languages as needed for households with limited English proficiency.

- Households without internet access may call the DSS customer service hotline for assistance. Information about the P-EBT program will be mailed to households and will also be posted in community locations.
 - Delaware will assist any customers with disabilities or access issues as needed.
- 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).

Response: Delaware posts P-EBT information at DSS eligibility offices and shares information with community agencies to ensure the public is aware of the program. Delaware will issue a press release regarding the continuation of P-EBT for SY 22-23. P-EBT information is available online at <https://www.dhss.delaware.gov/dss/pebt.html>. The P-EBT website contains detailed eligibility and benefit information and contact information for the P-EBT program. The website will be updated for SY 22-23 upon plan approval.

- Describe what information you will provide for households that do not want the P-EBT benefit that is directly issued to them. How dispose of the card, etc.

Response: Delaware instructs households that do not wish to receive benefits to destroy and properly dispose of the P-EBT card that is sent to them. These instructions are included on the P-EBT client notice, the P-EBT card mailer, and the P-EBT website.

- 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:
 - a. 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:
 - i. A description of P-EBT
 - ii. Instructions for PINing a P-EBT card
 - iii. Explanation of where benefits can be used
 - iv. Explanation of how benefits can and cannot be used (i.e., eligible foods and non-eligible items)
 - v. Explanation of violations and penalties, such as trafficking
 - vi. An indication that benefits are non-transferable
 - vii. Instructions for destroying the card, if they want to decline benefits

- viii. 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)
- b. How will you provide P-EBT information to non-SNAP households? How will you provide P-EBT information to SNAP households?
 - i. 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.
 - ii. Will you provide information via e-mail, text messages, social media, website, robo-call, and/or other electronic means?

Response: All of the information listed above is shared directly with all P-EBT households through a P-EBT client notice and the P-EBT card mailer. Both documents include the customer service hotline number and the P-EBT website link. Delaware's P-EBT website contains detailed P-EBT information. P-EBT information is also shared on DOE's website, school websites, and through social media. Flyers will be available at DSS eligibility offices and community locations. [Delaware will update the P-EBT public messaging to reflect the anticipated May 11, 2023 end date of the Federal public health emergency for COVID-19.](#)

9. Over-issuance of P-EBT benefits

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:

Delaware understands the expectations regarding P-EBT benefit over-issuances. Delaware will research and correct (when feasible) all identified improper P-EBT issuances, over-issuances, and under-issuances. Delaware will take prompt action on all reported changes to student and household information to ensure benefits are being issued accurately.

Delaware confirms that it will not attempt to reclaim P-EBT benefits by reducing a household's SNAP benefit. Since P-EBT benefits are unsolicited benefits, Delaware does recognize that efforts must be taken to communicate and attempt to rectify questions and concerns.

Delaware will research reported improper issuances resulting from incorrect or outdated guardian information. If the benefits were issued for the child based on the best available information and the benefits were spent, there is no further recourse available. If the benefit has not been spent, Delaware will stop benefits to the incorrect guardian and reissue benefits to the correct guardian for the child.

Delaware will report any improper payment or over-issuance to USDA and receive approval from USDA to make a correction prior to doing so. [Delaware commits to filling out the spreadsheet for over-issuances that USDA provided to states. Delaware will use the spreadsheet to provide a thorough explanation of the corrective action that the State will take or has taken to prevent recurrence of the error, in addition to the description of the error, number of children involved, and value of the over-issuance.](#)

10. 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.

11. 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, for the period of performance October 1, 2022 through September 30, 2023. 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 9 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.

12. 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.”


13. 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.

14. Administration of State P-EBT Plan

The State will administer P-EBT according to the terms of its approved state plan. 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.

Signature and Title of Requesting SNAP and Child Nutrition State Agency Officials:



Thomas Hall, Director
Division of Social Services

Date of Request: March 13, 2023

Date of Plan Revision: April 11, 2023