



Food and Nutrition  
Service

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July 28, 2023

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

**TO:** Willie Taylor  
Regional Administrator  
Southeast 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 Kentucky's enclosed plan to operate P-EBT for children in schools and child care.

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

The Kentucky Department for Community Based Services and the Kentucky 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, Kentucky has or will:

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

- in lieu of issuing benefits automatically to students for COVID-related absences, Kentucky will provide a web-based application that all households will use to apply for P-EBT benefits for COVID-related absences in SY 22-23,
  - households will report the number of COVID-related absences for each month from September 1, 2022 through May 11, 2023,
  - households may submit applications from the beginning of August 2023 through September 30, 2023,
- for all applications, instruct school personnel to confirm each student's free/reduced-price meal eligibility for SY 22-23, and approve, correct, or deny any household-reported COVID-related absences each month,
  - schools that do not specifically track COVID-related absences will be instructed to only approve excused absences that do not contradict the household's report of the absence being COVID-related,
- the state will verify that the number of COVID-related absence days reported by households in a specific month do not exceed the number of excused absence days noted by the school district prior to issuing benefits,
- the state will match current student records to SY 22-23 child care P-EBT recipients; if the child received SY 22-23 P-EBT benefits for child care, the child will not be eligible for SY 22-23 P-EBT benefits for school children,
- confirm 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,
- issue benefits to students within 2 weeks of the application approval by the school administrator.
- issue benefits no later than November 10, 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 includes all components of a school year 2022-2023 free and reduced price 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 Kentucky, 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, and older children who began school as homeschooled or virtual school children in Kentucky after the start of the pandemic, the state will ask to submit proof (i.e., birth certificate) via the application,
  - applicants will provide the name of their children's current assigned school; if the school is a CEP school, the eligibility requirement for free or reduced price meals will be satisfied,
  - for students not assigned to a CEP school in SY 22-23 and not receiving SNAP, TANF, or Medicaid, if applicants report the status of the child as foster, runaway, homeless, or migrant, Kentucky will verify that the status is correct before deeming the eligibility requirement for free or reduced price meals to be satisfied,
  - for children who are not categorically eligible for free meals, and whose assigned public school does not participate in CEP, the state will confirm income eligibility through their application process; this includes children from households whose reported income on the application exceeds the eligibility criteria for free/reduced price meals,
  - households may submit applications between September 1 through September 30, 2023;
- 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, Kentucky 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,
- issue 20 days' worth of benefits per month, for the months of September 2022 through April 2023 (\$163.30/month),
  - for the month of May 2023, the state will cap benefits at 9 days (the number of school days in May through May 11) (\$73.62),
- issue benefits to students within 2 weeks of the application approval by the system.
- issue benefits no later than November 10, 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.

- Kentucky estimates that it will issue \$2.1 million to approximately 116,000 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 Kentucky. 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**

Kentucky 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**

Kentucky 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 Kentucky Department for Community Based 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 Kentucky Department for Community Based Services will complete the FNS-292B, the FNS-46, the FNS-388, and the FNS-778 reports in accordance with existing requirements.

FNS values Kentucky'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 Southeast Regional Office.

Sincerely,

Cindy Long  
Administrator