

**State Plan for Pandemic EBT**  
**Child Care, 2022-2023**

<b>Issuing Agency/Office:</b>	FNS / Child Nutrition Programs, Supplemental Nutrition Assistance Program
<b>Title of Document:</b>	State Plan for Pandemic EBT: Child Care, 2022-2023
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<b>Summary:</b>	(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

### Child Care, 2022-2023

1. **State:** New Mexico
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*<sup>1</sup> covered by this initial plan (or subsequent amendment).

- a. The *date range* covered by this state plan or amendment
  - 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 non-school children in 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
- d. Tentative P-EBT issuance schedule (the dates on which you will issue P-EBT benefits).
  - Children in child care
- e. Names of state agencies involved in administering this plan.

#### **Response:**

- a. **The date range** for this plan is for **August 2022 through May 2023 for both:**
  - *Children in Childcare*
- b. **Estimated monthly and total amount of PEBT benefits NM will issue from August 2022 through May 2023 is estimated to be:**
  - a. **Estimated amount issued to non-school children in Childcare**
    - Monthly-*\$1,521,100.00*
    - Total- *\$15,211,000.00*
- c. **Estimated total number of children to which NM will issue PEBT benefit to.**
  - Estimated number of non-school children in childcare: *70,000*
- d. **Tentative PEBT issuance schedule** – Once the PEBT plan is approved by USDA FNS, NM will determine the earliest issuance possible based on the availability of childcare data as well as availability in the eligibility system for issuance of benefits. The State is committed to informing FNS prior to the issuance once the estimated dates are determined for the following populations:
  - *Children in childcare*

This plan is for Children in Childcare only. NM is still reviewing the availability of required data to issue PEBT benefits to School Aged children. If it is determined that the data will be available, an amendment of this PEBT plan will be submitted for review and approval.

Once the plan is approved, the State will notify FNS of the issuance dates prior to issuance. The NMHSD in collaboration with the NM Early Childhood Education and Care Department (ECECD) commits to informing USDA of any significant increase or decrease in these data points during the date range covered by this plan. Specifically for the Childcare PEBT issuance, the state commits to sending the states spring lunch claims data and benefit calculation to SWRO prior to issuing any spring months so that a review can be done to ensure that the calculations are correct.

NM will begin to issue PEBT benefits *within two months from approval of the plan* and will schedule issuances to ensure that all issuances are completed no later than 2nd week of September 2023. For example, NMHSD receive the approved plan February 2023 -

- April 2023 would begin issuances for:
  - August 2022
  - September 2022
- May 2023 would do issuances for
  - October 2022
  - November 2022
- June 2023 issuance for:
  - December 2022
  - January 2023
- July 2023 issuance for:
  - February 2023
  - March 2023
- August 2023 issuance for
  - April 2023
  - May 2023
- September 2023 issuance for:
  - Any catch-up issuances

**e. Names of state agencies involved in administering this plan.**

- *New Mexico Human Services Department*
- *New Mexico Early Childhood Education and Care Department (ECECD) – Childcare PEBT benefits*

<sup>1</sup> 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).

#### 4. -EBT for School Children (see Q&As #7-25)

##### A. Eligible Children

###### *Standard for P-EBT Eligibility*

A child is eligible for P-EBT benefits if two conditions are met:

1. The child would be eligible for free or reduced-price meals if the National School Lunch Program and School Breakfast Program were operating normally. This includes children who are:
  - a. directly certified or determined “other source categorically eligible” for SY 2021-2022, **or**
  - b. certified through submission of a household application processed by the child’s school district for SY 2021-2022, **or**
  - c. enrolled in a Community Eligibility Provision school or a school operating under Provisions 2 or 3, **or**
  - d. on the school’s most current prior year list of directly certified children, children determined other source categorically eligible, or children certified by application **and** the school district has not made a new school meal eligibility determination for the child in SY 2021-2022.
2. The child does not receive free or reduced-price meals at the school because the school is closed or has been operating with reduced attendance or hours for at least 5 consecutive days in the current school year. Once the minimum 5 consecutive day threshold is met, children are eligible to receive P-EBT benefits for closures or reductions in hours due to COVID-19.

<sup>2</sup> The burden associated with National School Lunch Program applications is covered under OMB Control # 0584- 0026, 7 CFR Part 245 - *Determining Eligibility for Free & Reduced Price Meals and Free Milk in Schools*, expiration date 7/31/23.

- *Describe how the state will identify eligible school children for P-EBT. Please describe separately for the subset of children enrolled in non-NSLP-participating fully virtual institutions or homeschooling who may be eligible for P-EBT (see Q&As #16 and #25). Also describe what measures the state will take to prevent the issuance of benefits to school year 2021-2022 graduates and other non-students.*

**Response:** *N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.*

- *How will the state determine and/or confirm each child’s eligibility for free or reduced-price meals?<sup>2</sup> Please describe separately for SNAP-recipient and non-SNAP- recipient children, children in public and non-public schools, new students (such as kindergarteners and transfer students), children who become eligible during the school year, and the subset of children enrolled in non-NSLP-participating fully virtual institutions or homeschooling who may be eligible for P-EBT.*

**Response:** *N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.*

- *How will the state confirm each child’s lack of access to meals at school? Please describe separately for children in public and non-public schools.*

**Response:** *N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.*

- *If the state's schools will continue to impose temporary virtual or hybrid schedules, describe the process that the state will use to update each child's in-person and virtual schedules (see Q&A #12). How frequently will that information be updated? (Note that this information must be updated no less frequently than every other month.).*

**Response:** *N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.*

- *Describe the process that the state will use to identify individual students' COVID-related absences or virtual learning days, including the process to identify, confirm and monitor the enrollment status of children in non-NSLP-participating fully virtual institutions or homeschooling.*

**Response:** *N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.*

- *Describe the roles and responsibilities of each state agency or other partners involved in P-EBT (e.g., which agency is responsible for confirming eligibility).*

**Response:** *N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.*

- *Describe any simplifying assumptions the state proposes to use and the justification for using those simplifying assumptions. **Please address both in detail.** In addition, please describe any proposed measures that the state will take to address program integrity when using the proposed simplifying assumptions. (Please review Q&A #25 on simplifying assumptions regarding fully virtual schools and homeschooling.)*

**Response:** *N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.*

## B. School Status

### *Standard for P-EBT Eligible School Status*

Children are eligible for P-EBT benefits if they are eligible for free or reduced price meals, but are unable to receive those meals at school due to the operating status of their schools as outlined below:

1. The school is closed (including any delayed start or early closure to the school year), or the school is operating with reduced attendance or hours.
2. School closures do not include weekends, or days when the school is closed due to a holiday or regularly scheduled break (Thanksgiving, New Year's Day, Spring Break, etc.).
3. The period of closure or reduced attendance or hours must meet the current school year minimum 5 consecutive day threshold before any child is eligible for P-EBT benefits. Once the minimum 5 consecutive day threshold is met, children are eligible to receive P-EBT benefits for closures or reductions in hours and/or attendance due to COVID-19.

- Describe how the state will identify, confirm and monitor the status of individual schools. Also describe how the state will identify the period of duration of the closure, reduced hours, or reduced attendance of the state's schools.
- How will the state confirm that the child's school has been closed or is operating with reduced attendance or hours for a minimum of 5 consecutive days?
- Describe how this information will be obtained and how often the state will collect updated information from schools. (Note that this information must be updated no less frequently than every other month.)

**Response:** N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.

- Describe any simplifying assumptions the state proposes to use and the justification for using those simplifying assumptions. Please address both in detail. In addition, please describe any proposed measures that ensure program integrity when using the proposed simplifying assumptions.

**Response:** N/A – NM is submitting the FY 22 -23 PEBT plan for Child Care PEBT. The availability of data for school aged kids is still under review. If the data becomes available NM will amend this plan to include school aged children.

### 5. P-EBT for Children in Child Care (see Q&As #26-33)

#### *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 childcare from SY 2021-2022. USDA

encourages states to refer to their **approved** SY 2021-2022 childcare 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 childcare using the CACFP data method, we recommend that the state respond to all points as described in their **approved** SY 2021-2022 childcare plan, such as:

- The state will confirm that there has been a statewide reduction in access to childcare 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 childcare centers and family day care homes as reported by the state on the FNS-44<sup>3</sup>. The state will exclude at-risk lunches and adult lunches.
- The state will set an average monthly P-EBT childcare 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 childcare 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 childcare facility is closed or is operating with reduced attendance or hours, or
  - the child's childcare 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 childcare 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 childcare 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.)

**Response:** NM will establish a reduction in access to childcare using the CACFP data method. New Mexico utilizes the standard for P-EBT eligibility for issuing P-EBT benefits to this population, looking at the Child and Adult Care Food Program (CACFP) Lunch Claim data, as an indicator of a reduction in access to meals/childcare for active SNAP children under age 6 to determine the P-EBT benefit level. If it is determined for August 2022 - May 2023 that the identified children are found to have reduced access to meals, New Mexico will proceed to determine and issue the monthly child-level benefit to each child for that period. For each month, the child's SNAP eligibility is verified as only those children active on SNAP are eligible for P-EBT. The state will review the most current lunch claims data before issuing benefits, if there is not a reduction in lunch claims, P-EBT benefits will not be issued for those months. New Mexico will apply this standard to all children statewide. To determine if the child is enrolled in a covered childcare facility, the following will be applied:

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 childcare facility. (Note that under the FFCRA, USDA deems all children under the age of 6 to be enrolled in a covered childcare facility.)
3. During a public health emergency designation, the child's childcare 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.

If the CACFP Lunch Claim data *shows reduced childcare attendance*, New Mexico proposes to determine all children enrolled in SNAP, under age 6, as of August 1, 2022, as eligible for P-EBT childcare benefits throughout the state.

The ECECD will confirm that there has been a statewide reduction in access to childcare 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 prior to issuing benefits for any months. The sum of CACFP lunch claims for childcare centers and family day care homes as reported by the state on the FNS-443 will be used; the at-risk lunches and adult lunches will be excluded. The average monthly P-EBT childcare benefit will be determined using the reduction in aggregate lunch claims over a designated period, 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. An average monthly benefit will be set for the Fall 2022 and then again for Spring 2023.

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<sup>3</sup> 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.



The ECECD will monitor CACFP lunch claims through the end of the school year (or through the end of the public health emergency, as applicable) and only issue benefits for months where lunch claims remain below claims for the most recent same month prior to the pandemic.

New Mexico will retroactively issue P-EBT benefits to children eligible for Child Care P-EBT, therefore prospective eligibility determinations are not necessary. New Mexico proposes to assess historical CACFP lunch data as a proxy for childcare/meal access to compare to current access. The State will utilize the best available data and USDA-approved simplifying assumptions to issue benefits in amounts that are tied as closely as possible to the number of days the identified eligible children do not receive a meal service through their covered childcare facility. At a minimum, the State identifies all children under age 6 who are enrolled in SNAP for each month P-EBT is issued; if the child is not active on SNAP the child will not receive the P-EBT benefit. Prior to any issuance of P-EBT the state will verify using the CACFP data that there was a reduction in meal claims and will verify the SNAP eligibility, if neither of these are true, the child will not receive the P-EBT benefit for those months. Finally, the State ensures that the children do not receive a duplicate issuance; if they received through the School Aged children P-EBT they would not be eligible for the childcare P-EBT benefit and vice versa.

To determine eligibility for a specific P-EBT issuance, the Department will identify the children under 6 that were actively receiving SNAP benefits for the specified months of issuance and the data from the monthly CACFP meal count report will be utilized to determine the P-EBT benefit level; from analysis of the CACFP Lunch Claim data.

New Mexico has determined that the childcare facilities within the state operated at a reduced capacity due to the COVID-19 pandemic during the late summer and fall months of 2022.

New Mexico will use a set standard monthly P-EBT childcare benefit at X% (TBD) of the fully virtual benefit for school age children for the months of August 2022 - December 2022.

To determine the benefit level for the Spring months, ECECD will compare the CACFP lunch data for the months of January 2023 - March 2023 to the pre-pandemic months of January – March 2019 and set the benefit in the same manner as described for the Fall months.

For the benefit determination the following months were used as comparisons of lunch counts for the following months to determine the benefit amount for the period August 2022 to Dec 2022.

<b>Pre COVID Month</b>	<b>Benefit Month</b>
August 2019	August 2022
September 2019	September 2022
October 2019	October 2022
November 2019	November 2022
December 2019	December 2022

As an example, NM may use the following months to compare against each other to determine if there was a decline in lunch participation that would translate into SNAP preschool participants being eligible for P-EBT benefits. NM ensure that the process for benefit amount determination is consistent with USDA guidance and that the three constraints to ensure data reliability and/or program integrity are followed, specifically that the Public website data is used to calculate benefits, that at least 2 months of benefits will be calculated and issued together, and that New Mexico will use the most recent months of CACFP claims data available to calculate the benefits for pre-school age children in New Mexico.

Pre COVID Month	Benefit Month
January 2020	January 2023
February 2020	February 2023
March 2019	March 2023
April 2019	April 2023

**Roles and Responsibilities:**

NMHS D, along with its eligibility system vendor, Deloitte, identify eligible SNAP children under age 6 based on age requirements and monthly SNAP participation consistent with the childcare P-EBT rules. Any identified child in this category will be compared to the school-age population to minimize the chance of double issuance under both school-age and childcare P-EBT.

To determine the P-EBT benefit level, the ECECD provides the CACFP lunch reimbursement claim report data for the months that P-EBT benefits will be issued. NMHS D utilizes this data to determine P-EBT benefit levels to be issued to each child (see above).

Both NMHS D and the ECECD play a support role in communicating childcare P-EBT program information to the early childhood community, to the SNAP households and to New Mexicans statewide so that all are aware of the benefit. Both departments also collaborate to develop the P-EBT plan to ensure that benefits are determined accurately, issued appropriately and timely.

**Simplifying Assumptions:**

A summary of the simplifying assumptions in determining P-EBT benefit level are as follows:

- First, New Mexico proposes the simplifying assumption that a child who turns 6 after August 1, 2022, and who is *not* enrolled in school at the start of this plan will remain in childcare for the remainder of the school year.
- Second, New Mexico intends to use the simplifying assumption that all children under age 6 who are enrolled in SNAP are eligible for P-EBT benefits, statewide. Since the lunch meal count data shows reduced childcare attendance, New Mexico proposes to determine all children enrolled in SNAP and under age 6 (as of August 1, 2022) as eligible for P-EBT childcare benefits throughout the state.
- Thirdly, New Mexico proposes to utilize the data found in the monthly CACFP meal count report to determine P-EBT benefit levels.

Since the childcare system statewide, continues to operate at reduced capacity due to the COVID-19 pandemic, New Mexico can use the meal count data for lunches claimed, in the CACFP, which is submitted to FNS monthly, (as FNS 44) to determine the benefit level issued because of the reduction in attendance. Based on the analysis of the CACFP Lunch Claim data, New Mexico has determined that the childcare facilities within the state operated at a reduced capacity due to the COVID-19

pandemic during the late summer and fall months of 2022.

The data will be reviewed to determine if a reduction in CACFP lunches served from August 2022 through December 2022 exists. If so, the number of meals served in 2022 will be compared to pre-pandemic levels in 2019 to determine the average decrease (X%). If the lunch meal count data shows reduced childcare attendance, New Mexico proposes to determine all children enrolled in SNAP and under age 6 (as of August 1, 2022) as eligible for P-EBT childcare benefits throughout the state.

The state has determined that utilizing the stated simplifying assumptions that it is applying the most accurate and most feasible data to determine P-EBT eligibility and benefit levels. Since individual child attendance is not reported to the state agency, it would require a significant change in IT systems and reporting requirements to be able to collect attendance information on an individual basis and create a significant delay in being able to issue benefits. Requiring attendance data to be reported on an individual child basis for the 22-23 school year would also pose an undue hardship and excessive administrative burden on the organizations that participate in CACFP in New Mexico. Using the average reduction in participation in lunch claims per month multiplied by the number of eligible days of service in a month provides an equitable and simplified method of determining the number of benefit days that the families of childcare children are eligible for P-EBT benefits for a given month.

The count of lunches served statewide during the fall months of 2022 was well below pre-pandemic levels of lunches served in the corresponding month in 2019. This is largely due to childcare programs having to close in response to the pandemic, as well as concern about the transmissibility of the highly contagious variants that began circulating among children not yet eligible for vaccines in 2022.

## 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	<b>\$8.18</b>
Alaska	6.87	4.21	1.75	<b>12.83</b>
Hawaii, Guam, Virgin Islands, Puerto Rico	5.10	3.09	1.26	<b>9.45</b>

**Notes:**

1. 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.
2. Breakfast rates are those received by "severe need" schools.
3. Snack rates are those for afterschool snacks served in afterschool care programs
4. 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:** Given that there are only 9 week days in May that will occur prior to the expiration of the PHE, the State will take the full monthly benefit amount divided by 18 days (# of week days in a normal month) to get the daily amount and then multiply that amount by 9 to get the full amount to be issued as a pro-rated amount for May.

## 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:**

- NM anticipates the first issuance to occur in FFY 2023, potentially 2<sup>nd</sup> quarter and then issuing every two months with a staggered issuance of benefits.
- NM milestones include, but are not limited to:

**Ongoing Efforts**-NM continues to implement best practices and lessons learned from all previous issuances. This effort is done in collaboration with HSD and ECECD as well as NMHSD’s communications team.

- **Team Meetings** – All three entities have staff that come together to participate in reoccurring scheduled meetings to document and ensure that all milestones are met. These meetings are to:
  - Discuss upcoming activities and set specific dates as well as owners of all action items.
  - Discuss and address all concerns.
  - Review and document progress.

- ***P-EBT hotline-***
  - This hotline accepts incoming calls and has a voicemail/email box.
- ***Public Notice Campaign-***
  - Press releases are issued for all P-EBT benefit issuances.
  - Social Media platforms are kept updated and all questions received via social media are addressed.
  - The banner on YesNM is kept updated - provides useful information to constituents when they log into their account through YesNM.
  - NMHSD website is kept updated.
  - Information is delivered via email and through the HSD QuiKGuide to staff.
  - P-EBT FAQs updated regularly for internal staff and customers to utilize.

### **Implementation**

#### **Timeline Day**

##### ***#0-***

- HSD in collaboration with ECECD submit the P-EBT SFY 2022 – 2023 to FNS for review and approval.

##### ***Day #1-***

- USDA approves P-EBT plan for the specified timeframe of SY 2022-2023.
- HSD and ECECD distribute FNS approval to all necessary bureaus and individuals for development of agreed upon issuance timeframe.
- Notify EBT staff to ensure enough P-EBT cards in stock for the specific issuance; if determined additional cards are needed, begin request. State will then submit P-EBT Implementation Approval Form requesting additional card stock to P-EBT card vendor to secure adequate P-EBT card stock inventory.

##### ***Three weeks prior to any issuance-***

- NMHSD works to determine eligible children under 6 and communicates with ECECD.
- NMHSD will work with Deloitte for development and testing.
- NMHSD to lead the communications-
  - Develop Press Releases and provide final to ECECD.
  - Work in collaboration with the department's Communications Director and staff to ensure all social media platforms are updated before any issuance.
  - Announcement to NMHSD ISD Field Staff through QuiKGuide for HSD staff and email notifications for ECECD staff.
  - Update all websites.

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:** Every household/child that is eligible for the P-EBT benefit will receive a unique P-EBT card, regardless of the receipt or non-receipt of SNAP. If the household/child previously received a P-EBT card the benefits will be deposited onto that specific card. There are checks and balances to ensure that if a guardian or address has changed, that the P-EBT benefits get issued correctly to that child even if it means that a new P-EBT card is requested and issued.

- *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:** HSD issues P-EBT benefits as a sub-benefit type, to distinguish between SNAP and D-SNAP cases. The P-EBT benefit is identified with a unique program code (FSEH5) to distinguish the P-EBT program category from all other assistance categories.

- *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:** HSD issues all P-EBT benefits on a unique P-EBT card so there is no need to prioritize the draw/spend among other benefits. P-EBT follows spend priority 1 process, first in first out within a month; this will be the priority if ever issued to an existing SNAP EBT card.

- *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:** NM applies the same expungement rules that applies to SNAP cases to the P-EBT benefits. This is being built into ASPEN with the system modifications.

- *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:** FIS (New Mexico's EBT Processor) will receive the P-EBT returned cards, code the cards as undeliverable and destroy them. Customers can request an address update and a new P-EBT card by logging into the P-EBT portal through YesNM. They can also update their address and request a new card by calling the P-EBT hotline (1-833-843-8303).

- 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:** HSD will not issue new P-EBT cards to existing P-EBT households. If the household no longer has their P-EBT card, they can request a new card by logging onto the P-

EBT portal through YesNM, if they need to update their address, call FIS (P-EBT card vendor) directly to request a replacement card or contact the P-EBT hotline to request a replacement card. If additional children get added to a household with an existing P-EBT card, the benefits will automatically be added to the card.

## 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.

***To complete Section 8, we encourage states to use language from their approved plan from SY 2021-2022 with all necessary updates. –***

- *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:** The ECECD and HSD have a dedicated hotline to handle P-EBT calls; this has been utilized since the Spring 2020 P-EBT issuance. This hotline accepts voicemails and is handled by a dedicated manager and staff. These staff are empowered to research and address such cases. An online P-EBT portal was developed through the HSD's YesNM online application for customers to update addresses and check eligibility. All address updates that are completed through the online portal are sent to dedicated staff that evaluates the address change to make any necessary changes and order new P-EBT cards as necessary. Address updates are sent frequently to ensure that staff can perform updates and request card replacements timely. The P-EBT manager along with managers from the Policy and Program Development Bureau work in collaboration to resolve disputes and/ or issuance errors. When necessary, the HSD works with appropriate school food directors to validate information that is disputed by the client. Once validated, HSD works with FNS approval. If approved, student info is sent to the contractor Deloitte, to correct and or issue corrected benefits; this is on a case-by-case basis.

- *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:** The ECECD and HSD collaboratively work to identify all eligible children. The department focuses on all groups of potential customers that may have access problems or

barriers to access and reach out to them in multiple forms. Both departments work closely with different advocates to address all the stated barriers. NM provides translation services on guidance that we provide families for Programs we provide under USDA. NMHSD has a communications team that is frequently relied on to reach many of the identified populations. Any information provided to customers about PEBT is provided in English and in Spanish, this includes information on websites, in office lobbies, on social media, etc.

The data utilized for each issuance is the most current data to ensure that the P-EBT cards and benefits are issued to the correct addresses and all eligible children receive the benefit. NM offers a P-EBT hotline that customers can call for assistance.

- *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:** The ECECD in collaboration with the NMHSD are diligent in getting information to the public regarding the P-EBT benefits and the eligibility. Both Departments post information on the Departments websites and different social media platforms, such as Facebook and Twitter. Both Departments post and issue Press Releases to issue current and updated information regarding the P-EBT benefits. On different occasions, different advocacy groups have requested information to provide mailers and complete various media campaigns of their own. Text messages are also frequently sent with this information.

- *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:** Guidance has been provided to households on the proper disposal process of cards if the family or household does not want the P-EBT. Recipients are also advised that they are not to give the card to anyone else and is only for students that qualify for the P-EBT benefit.

- *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:** The ECECD and NMHSD recognize the importance of providing clear and concise information to the P-EBT participants. Currently, the recipients receive a flyer with the P- EBT card. It explains the purpose of the P-EBT benefits, how and where the P-EBT card can be used, what to do if they do not wish to accept the P-EBT benefits, how to activate the card, that a PIN must be selected, and what to do if the card that is received is a replacement card. It also provides information on how to check the balance and to obtain other account information. The flyer provides a QR code that can be scanned to utilize the mobile App. Information regarding violations and penalties and that the P-EBT benefits cannot be transferred or given to someone else will also be provided. The same information is distributed to SNAP and non-SNAP households as all receive a P-EBT card.

The HSD keeps the banner on YesNM updated for constituents to receive updated information when they log onto their account through YesNM. The NMHSD website has a dedicated areas for P-EBT information that is kept current.

## **9. Over-issuance of P-EBT benefits**

***To complete Section 9, we encourage states to use language from their approved plan from SY 2021-2022 with all necessary updates.***

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:** The NMHSD commits to informing USDA of any overpayment before taking any action to recover benefits from households. To determine any overpayment, the state looks at each instance of over-issuance or under-issuance on a case-by-case basis. In doing research to determine validity of either over or under issuance, ECECD and NMHSD work together to review the child's living situation and the information that was reported to all departments, to include addresses, etc. The NMHSD evaluates the need for system changes to accomplish this requirement; until changes are implemented, this process will occur manually. NMHSD and ECECD all accept that there is an obligation to ensure that PEBT benefits are provided to only those eligible children in accordance with FFCRA and the approved plan. In determining the appropriate response to over issuances, the State will address each case individually with the understanding that the PEBT were unsolicited and based on existing state data. When reviewing the practicality of the claim the state will determine the amount of the claim versus the administrative effort, the costs of recovery as well as the burden on the affected household. If it is determined that the recoupment exceeds the cost of recovery as well as the burden that will be placed on the household, the household will be notified. The state understands that a household's SNAP benefits cannot be reduced to repay erroneous PEBT benefits. NM will utilize the Over-Issuance spreadsheet that USDA has provided to document any over-issuance. The state will ensure that all eliminates are captured and reported. The NMHSD will document the amount of the overpayment, the number of children affected, the reason for the error, and will provide a thorough explanation of the corrective action that the state will take or has taken to prevent a recurrence of the error.

#### **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:**



Digitally signed by Karmela  
Martinez  
Date: 2023.03.06 10:19:02 -07'00'

Signature Karmela Martinez, Director; Income Support Division- HSD

Sandy Trujillo-Medina



Digitally signed by Sandy Trujillo-Medina  
Date: 2023.03.03 12:08:45 -07'00'

Signature: Sandy Trujillo-Medina – Director Early Care, Education and Nutrition Division - ECECD

