



Food and Nutrition  
Service

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April 9, 2021

**SUBJECT:** Pandemic Electronic Benefits Transfer Program (P-EBT)  
Approval of New York's State Plan for School Children

**TO:** Christine Ruggieri  
Acting Regional Administrator  
Northeast Regional Office

The Families First Coronavirus Response Act (P.L. 116-127; the Act) as amended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) and the Consolidated Appropriations Act, 2021 (P.L. 116-260) authorized the continuation of a temporary assistance program for households with children affected by school closures during the public health emergency that was declared on January 27, 2020. Pursuant to the authority granted under Section 1101 of the Act, FNS approves New York's enclosed plan to operate P-EBT for school children.

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

The New York State Office of Temporary and Disability Assistance and the New York State Education Department will issue P-EBT benefits through the State's Supplemental Nutrition Assistance Program (SNAP) EBT card system to current SNAP households and non-SNAP households with eligible children. The State's plan covers the months of September 2020 through June 2021

Children are eligible 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. 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 at school.

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 SY 2019-2020 eligibility data will have a means to address that they do not issue benefits to last year's graduates and 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.

In addition, New York has or will:

- issue benefits for the months of September through March in a single distribution, likely in June,
- issue benefits for April through June in July through September,
- **for New York City public schools:** use counts of in-person and virtual learning days for each month, provided by the New York Department of

Education for New York City public schools, to set P-EBT benefits at the student level,

- **for schools other than New York City public schools:** issue a common benefit at the school building level based on daily learning methods reported to the New York State Department of Health:
  - schools will be classified as fully in-person, fully remote, or hybrid in a given month based on the predominant model used during the month,
  - the State will conduct an automated process to increase benefits, where appropriate, using student-level counts of in-person and virtual learning days when data from the State’s Attendance Tracking System becomes available (tentatively in late summer),
- reviewed schedule data from schools in every county and in the state’s 5 largest districts and found that 3 virtual days per week is the most common hybrid schedule; the state will use that information to set a 12 day per month benefit for children in schools with predominantly hybrid schedules for the months of September through the date of plan approval:
  - the state commits to reassessing the appropriateness of its average hybrid benefit for the remaining months of the school year,
- set a constant monthly benefit for children with fully virtual schedules by averaging the state’s number of instructional days (194) across the number of months in the school year (10).

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.

New York estimates that it will issue \$2.2 billion to approximately 2.2 million children for school closures and reductions in attendance and hours extending from September 2020 through June 2021.

### **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 New York. 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**

New York 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**

New York will continue to comply with civil rights requirements, to include providing equal access to individuals with disabilities and individuals who are limited English proficient.

**Administrative Funds**

The New York State Office of Temporary and Disability Assistance 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 New York State Office of Temporary and Disability Assistance will complete the FNS-292B, the FNS-46, the FNS-388, and the FNS-778 reports in accordance with existing requirements.

FNS appreciates New York's commitment to meet the nutritional needs of children during a challenging time. If you have questions, please contact the FNS Northeast Regional Office.

Sincerely,

Cindy Long  
Deputy Administrator  
Child Nutrition Programs