

State Plan for Pandemic EBT
Summer 2023
February 16, 2023

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Summary:	(1) This document is a template to assist states in the development of an approved state plan to operate Pandemic EBT for school children and for children in child care during summer 2023. (2) This document relates to Section 1101 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), the American Rescue Plan Act, 2021 (P.L. 117-2), and the Consolidated Appropriations Act, 2023 (P.L. 117-328).
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Additional context and background for this document can be found at:
<https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>

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

**State Plan for Pandemic EBT
Summer 2023¹
February 16, 2023**

*Please note that due to the FY 2023 Consolidated Appropriations Act, states can submit a P-EBT Plan for Summer 2023 **without** a School Year 2022-2023 P-EBT Plan for School Children or Children in Child Care.*

1. State: North Dakota

2. Primary Citation: Families First Coronavirus Response Act (FFCRA), as amended.

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 summer period covered by this initial plan (or subsequent amendment).

- a. Estimated total amount of P-EBT benefits the state will issue to school children within this amendment's date range.² (Consult the appropriate table in Section 4, "Benefit Levels.")
- b. Estimated total number of school children to which the state will issue P-EBT benefits.
- c. Tentative P-EBT issuance schedule (the date(s) on which Summer P-EBT benefits will be issued). Assuming that the public health emergency ends on May 11 as anticipated, P-EBT funds will not be available beyond the end of fiscal year 2023. **As a result, states must issue all P-EBT benefits by September 30, 2023.** This applies to P-EBT benefits for school year 2022-2023 and summer 2023. Benefits issued by the states for the summer and school year after this date may result in liability to the state.
- d. Names of state agencies involved in administering this plan.

North Dakota's Response:

- a. **North Dakota estimates that the state will issue \$5,400,000 in 2023 Summer P-EBT benefits to school children.**
- b. **Approximately 45,000 school children will be issued 2023 Summer P-EBT benefits.**
- c. **First Issuance – July 12, 2023**
Second Issuance – August 18, 2023
Third (Final) Issuance – September 15, 2023
- d. **The state agencies that will be involved in administering this plan:**
North Dakota Department of Health and Human Services (NDHHS)
North Dakota Department of Public Instruction (NDDPI)

¹ Changes to the Summer P-EBT program contained in the Consolidated Appropriations Act, 2023 are highlighted in yellow throughout this document.

² The Biden Administration recently announced that, at present, it intends to end the COVID-19 public health emergency declaration on May 11, 2023. In the event that the public health emergency does end on May 11, prior to the start of P-EBT's covered summer period, states may not issue P-EBT summer benefits to children in child care in 2023.

4. Summer P-EBT for school children:

- Describe how the state will identify school children who attended an NSLP-participating school at the end of school year 2022-2023 who qualified to receive free or reduced price school meals under the NSLP or SBP. This group includes:
 - School children who attended a school that participated in the Community Eligibility Provision or Special Provisions 2 or 3 in school year 2022-2023.
 - Children who were directly certified for free school meals or who were certified by application for free or reduced price school meals during school year 2022-2023, or children who are determined newly eligible for free or reduced-price meals.

States may not issue summer 2023 P-EBT benefits to children who did not attend an NSLP-participating school at the end of the school year immediately preceding the summer (i.e. at the end of SY 22-23). All children must have attended school during the last month of the school year.

North Dakota's Response:

- i. **North Dakota will utilize an application process for 2023 Summer P-EBT. An online portal housed on the ND Department of Health and Human Services website, will be available for applications. A paper version of the application will also be made available to households in lieu of using the application portal. The application process will help ensure the accuracy of student address and household contact information.**
- ii. **The State has a statewide Student Enrollment System (STARS) that collects and reports the Free/Reduced Price eligibility status by individual student. System identifies students by school site, including enrollment in schools participating in the Community Eligibility Provision and Provision 2 or 3. STARS also identifies students that are Directly Certified for free meals. The State will use end-of-school year data to determine school children eligible for Summer P-EBT.**
- iii. **For schools that don't report enrollment in STARS, the State will collect a spreadsheet listing the names of students eligible for free or reduced-price meals at the end of the school year.**
- iv. **NDDPI will verify P-EBT benefit eligibility of students listed on applications. Eligible students are those that attended an NSLP-participating school at the end of school year 2022-2023 who qualified to receive free or reduced-price school meals under the NSLP or SBP.**
- v. **North Dakota will use the income eligibility guidelines (IEGS) for SY 23-24 for all applications submitted on or after July 1, 2023. And will use the SY 22-23 IEGS for the applications submitted before that date.**

Summer 2023 P-EBT benefits will not be issued to children who did not attend an NSLP-participating school at the end of the school year immediately preceding the summer (i.e. at the end of SY 22-23).

- Describe how the state will ensure that households with children eligible for free or reduced price school meals will have an opportunity to establish their eligibility by application through the end of SY 22-23 and into the summer of 2023 (*to the extent possible*). USDA understands that states that elect to keep their school meal application process open beyond the end of the school year will set a summer application deadline that allows the states to process these applications and issue benefits by September 30, 2023.

North Dakota’s Response:

- i. **SFAs will accept and process new Free and Reduced Price Meal applications during the summer. The State will compile data from the districts that have reported their new eligibility data for SY 23-24 on newly eligible school children in August and September and will retroactively issue PEBT benefits during the second and third issuances in August and September to eligible students that have applied for benefits.**
- ii. **Children starting kindergarten in the fall of 2023 are not eligible for P-EBT summer benefits unless they attended an NSLP-participating school at the end of school year 2022-2023 and had access to NSLP or SBP meals while attending school.**
- iii. **The State will collect spreadsheets with information on newly eligible school children from schools that don’t report enrollment in STARS and will retroactively issue PEBT benefits to households that have applied for benefits during the final issuance in September.**

5. Benefit Levels

Summer 2023 P-EBT Benefit

Please note that this new benefit from the Consolidated Appropriations Act, 2023 has changed from the level for Summer 2022 P-EBT benefits.

Summer 2023 P-EBT Benefit	
Contiguous U.S.	\$120
Alaska	188
Hawaii, Guam, Virgin Islands, Puerto Rico, American Samoa, Commonwealth of the Northern Mariana Islands	139

6. Implementation Timeline, EBT Processing, and Benefit Issuance

Please provide an implementation timeline for summer 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.
- If the PHE ends on or before September 30, 2023, states must issue all P-EBT benefits by September 30, 2023.
- 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.

North Dakota’s Response:

North Dakota plans to issue a lump sum of P-EBT benefits to school age children. Since North Dakota anticipates that the 2023 Summer P-EBT plan will be approved prior to program activities beginning, the timeline below lists the estimated dates for planned events.

Estimated Timeline of Events	
March 15, 2023	Submit Summer 2023 School-Age Children Plan to FNS
April 15, 2023	Approval of P-EBT plan by FNS
April 17, 2023	Communications sent to schools – including a template of a message to send to households
April 28, 2023	Public Information campaign and customer service processes will be updated to reflect 2023 Summer P-EBT requirements and benefit amount
May 1, 2023	Press Release and Social Media Posts
May 1, 2023	Online Application Portal open
May 15, 2023	Deadline for schools to send out household message
June 12, 2023	First application file provided to NDDPI for eligibility verification
June 23, 2023	First issuance file provided to NDHHS
July 12, 2023	First Summer P-EBT issuance
July 24, 2023	Second application file provided to NDDPI for eligibility verification
August 4, 2023	Second issuance file provided to NDHHS
August 18, 2023	Second Summer P-EBT issuance
August 21, 2023	Deadline for households to submit P-EBT applications
August 23, 2023	Third and final application file provided to NDDPI for eligibility verification
August 25, 2023	Deadline for households to submit free /reduced-price applications to be used in determining P-EBT eligibility
September 1, 2023	Deadline for schools to process free/reduced-price applications and submit data to NDDPI for determining P-EBT eligibility.
September 8, 2023	Third and final issuance file provided to NDHHS

September 15, 2023	Third and final Summer P-EBT issuance

Each issuance will only include benefits for eligible children that were not included in a prior issuance of 2023 Summer P-EBT. No eligible child will be issued more than one \$120 benefit of 2023 Summer P-EBT. An eligible child will receive one full issuance of \$120 during one of the issuances. Benefits will not be split evenly between the three issuances.

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?

North Dakota’s Response:

North Dakota will issue P-EBT benefits on a unique P-EBT card. Both SNAP and non-SNAP households will receive benefits on the same unique 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.

North Dakota’s Response:

North Dakota will use the sub-benefit type FSPEBT to distinguish between P-EBT from SNAP and DSNAP issuances. This is the same sub-benefit type used in previous issuances of P-EBT.

- 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.

North Dakota’s Response:

North Dakotas will have P-EBT benefits be the first spend/draw priority of benefits.

- 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.

North Dakota’s Response:

North Dakotas will use the same expungement process used for regular SNAP benefits.

- 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?

North Dakota’s Response:

P-EBT cards that are returned in the mail will be handled as follows:

- 1. Return mail will be received at the NDHHS SNAP state office.**
- 2. If a forwarding address is provided by the postal service, NDHHS temporary P-EBT**

- administrative support staff will mail the card to the forwarding address.
3. If a forwarding address is not provided by the postal service, a list of the returned mail will be provided each week to NDDPI to determine if another address exists.
 4. If an alternate address is identified by NDDPI, the address will be provided to NDHHS and the card will be mailed to that address.
 5. If no alternate address is available, the card will be destroyed.

Replacement Cards:

NDHHS anticipates that replacement cards will be requested due to households misplacing or losing their P-EBT card. Households will need to request a replacement card by utilizing one of three methods available:

1. Call the FIS Customer Service Helpline telephone number 1-800-630-4655.
2. EBT Edge – create a login/account.
3. EBT Edge mobile app.

A replacement card will be mailed the first business day after the request is made for a replacement card.

7. Customer Service

To complete Section 7, we encourage states to use language from their previously approved SY 22-23 plans, if applicable.

- 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.

North Dakota's Response:

North Dakota will utilize a P-EBT Hotline for all phone calls and a P-EBT email for all questions, disputes, or issuance errors. This is the same process used during previous P-EBT issuances. A temporary staff employed by HHS as well as staff employed by DPI, will assist with phone calls and emails. Disputes will be tracked on a spreadsheet and research done to resolve all disputes.

The state will not issue additional benefits after September 30 to a household that initially received the wrong amount. If the state initially issues a benefit to the wrong parent/guardian prior to September 30, it will not obligate new funds to send the benefit to the correct parent/guardian after September 30, 2023.

- 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.

North Dakota's Response:

North Dakota continues to be committed to equal access for all families regardless of their circumstances. North Dakota will work with all community partners, vendors, and families, as needed, to ensure that all eligible children receive P-EBT. Social Security numbers will not be required for any P-EBT eligible children.

- 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).

North Dakota’s Response:

North Dakota will do a press release as well as social media notifications regarding the Summer P-EBT to explain who is eligible, how to apply and how the benefits can be used. Information will also be posted on the NDHHS and NDDPI websites.

North Dakota School Districts will be notified about the upcoming P-EBT benefit program. They will be asked to send out communications to households regarding P-EBT along with the link to the online application portal.

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

North Dakota’s Response:

Households that receive a P-EBT benefit but wish not to use the benefit, will be informed that they do not need to use the benefit and can inactivate and destroy the EBT card.

- 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)

North Dakota's Response:

Information will be provided as insert that will be mailed with the household's P-EBT cards. The following information will be included:

- **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 or need assistance with their card.**
- 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?

North Dakota's Response:

The same P-EBT information will be provided to non-SNAP and SNAP households. The information will be provided via an insert that will be mailed with the household's P-EBT card. The same information will be provided via email or text upon inquiry of households.

8. Over-issuance of P-EBT benefits

To complete Section 8, we encourage states to use language from their previously approved SY 22-23 plans, if applicable.

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.

North Dakota's Response:

North Dakota will track all issuance errors via spreadsheet as per previous P-EBT plans. Any issuance errors resulting in an issuance to an incorrect household and requiring a new issuance to be completed to the correct household will be discussed with USDA-FNS for further guidance on reclaiming any incorrectly issued benefits.

The State will not issue any corrections after September 30 and will not issue any corrections before consulting with USDA.

9. 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.

10. 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. 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 10 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.

North Dakota's Response

North Dakota's Response:

NDHHS and NDDPI choose to manage their own agency's P-EBT administrative expenses and funding independently. They will be requesting separate FY 2023 PEBT Administrative Cost Grant Awards.

11. 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."

12. 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.

13. Administration of State P-EBT Plan

The state will administer P-EBT according to the terms of its approved state plan. In general, conditions related to benefit issuance reporting, administrative funding, and release of information remain in effect for the covered summer period. 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.

Reminder

If the state needs to make any significant changes to its Summer 2023 plan after approval, the state needs to submit an amendment to USDA that describes the change and its impact on operating summer P-EBT. USDA will review the amendment and approve allowable amendments.

Signatures and Titles of Requesting SNAP and Child Nutrition State Agency Officials:

Signature

Signature

Date of Request: _____