

**State Plan for Pandemic EBT
Children in Child Care, 2021-2022**

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Summary:	(1) This document is a template to assist States in the development of State plans to operate Pandemic EBT for children in schools or child care during school year (SY) 2021-2022. (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:
<https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>

The P-EBT Assistance for Children in Schools and Child Care is covered under OMB Control # 0584-0660, Pandemic EBT (Schools) which expires on August 31, 2021. The collection covers the burden associated with States submitting school year plans and the submission of the FNS-366a and SF-425 reporting forms. FNS has submitted a renewal request for OMB # 0584-0660, Pandemic EBT (Schools) which accounts for the information collection burden associated with the increased complexity of determining benefit levels under the Schools portion of P-EBT, administrative cost grants, and submitting plans for the Child Care and Summer portions of P-EBT which are not currently approved under OMB #0584-0660

State Plan for Pandemic EBT
Children in Child Care, 2021-2022

1. State: Colorado

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

3. Executive Summary:

Please provide the following data. In addition, please include a statement indicating that you commit to informing USDA of any significant increase or decrease in these data points during the *date range*¹ covered by this initial plan (or subsequent amendment).

- a. The *date range* covered by this State plan or amendment
- for children in school
 - for children in child care

Proposed date range covered by this plan is September 1, 2021 – May 31, 2022

- 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

Colorado estimates 69,050 children will be eligible for a \$31 monthly benefit (estimated based on analysis of Fall semester months), multiplied by up to 9 months of eligibility, for an estimated maximum total issuance of approximately \$19,264,950. Colorado commits to inform FNS of any significant changes in expected P-EBT benefits issuance following analysis of child care access and benefit amounts for the Spring semester.

- c. Estimated total *number* of children to which the State will issue P-EBT benefits.
- Estimated number of non-school children in child care:

69,050 children under age 6 enrolled in SNAP (average caseload from September - December 2021). Colorado commits to inform FNS of any significant changes in expected P-EBT benefits issuance.

- d. Tentative P-EBT issuance schedule (the dates on which you will issue P-EBT benefits).
- School children in SNAP households
 - School children in non-SNAP households

¹ The date range covered by P-EBT State plan or amendment. A State's plan will typically cover the instructional months in the State's school year (September 2021 through June 2022, for example).

- Children in child care
 - P-EBT benefits for Fall 2021 (September - December 2021) are tentatively scheduled for July 2022
 - P-EBT benefits for Spring 2022 (January - May 2022) are tentatively scheduled for August 2022
 - P-EBT benefits for Summer 2022 (if later approved by FNS) will be tentatively scheduled for October 2022
 - Contingency / Corrections issuance for SY 2021-2022 is slated for Late November 2022

4. P-EBT for Children in Child Care (see Q&As #25-33)

Standard for P-EBT Eligibility

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

The child is a member of a household that is enrolled in SNAP in the benefit month.

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.)

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.

- Describe how the State will identify eligible children and confirm their eligibility consistent with the above standard.

Colorado will conduct two semester-long assessments of statewide eligibility for issuing P-EBT benefits to this population, looking at Child and Adult Care Food Program (CACFP) Lunch Claim data (explained below) as an indicator of access to meals/child care for the SNAP Under 6 population. If the majority of SNAP Under 6 caseload (children receiving SNAP between September 2021 - May 2022 and under the age of 6 as of August 1, 2021) is found to have reduced access during each period, Colorado will proceed to the next step of monthly child-level benefit eligibility for that period.

From analysis of the CACFP Lunch Claim data (detailed on page 6), CDHS determined that Colorado's child care system continues to operate during the Fall 2021 semester at significantly reduced capacity due to the COVID-19 pandemic. The most recently-available data shows a 22% reduction in CACFP lunches served between September through December 2021, compared against pre-pandemic levels.

Informed by the data that shows reduced child care access, Colorado proposes to determine all children enrolled in SNAP and under age 6 (as of August 1, 2021) eligible for P-EBT child care benefits throughout the state. Colorado will conduct an additional statewide analysis of P-EBT

eligibility for Spring semester months of January - May 2022. If this analysis shows that there is no longer reduced access to child care for a month within the period in question, Colorado will not assign benefits for that month.

Once it has been determined that statewide child care access remains reduced for that semester, Colorado will identify all children in Colorado's eligibility system (CBMS) who were under age 6 as of August 1, 2021, and will issue P-EBT benefits only for the months the child was enrolled in SNAP between September 2021 - May 2022. This age cutoff date is in alignment with state regulation that requires children turning age 6 on or before August 1 to attend school. A child who turns 6 after August 1, 2021, and did not receive P-EBT under the 2021-2022 School Enrollment plan for the months they received SNAP benefits will be eligible under the P-EBT Child Care plan through May 31, 2022, under a proposed simplifying assumption that the child will continue to participate in Child Care for the remainder of the school year.

- How will the State determine and confirm the child's receipt of SNAP benefits in accordance with relevant SNAP privacy requirements?

CDHS (SNAP agency) will determine P-EBT eligibility using its existing SNAP eligibility system, CBMS.

- 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 #29)

Colorado is not basing child care eligibility on proximity to area schools in this plan.

- 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 that child's eligibility? Specifically, how will the State determine that:
 - the child's child care facility is closed or is operating with reduced attendance or hours, or
 - the child's child care facility is in the area of one or more schools that are closed or operating with reduced attendance or hours?

See explanation above.

- Are there any State or local public health ordinances that limit the capacity of child care facilities in response to COVID-19 in your State? If yes, describe how you will use those to find that all SNAP-participant children under age 6 are eligible for P-EBT in those areas?

No.

- Describe the process that the State will use to update and re-establish each child's continued P-EBT eligibility and benefit level consistent with changes in the operating status of the child care facility or area schools? How frequently will that information

be updated? (Note that this information must be updated no less frequently than every other month.)

Colorado anticipates retroactively issuing P-EBT benefits to children eligible under this Child Care plan, so no prospective eligibility determinations will be necessary. As stated above, Colorado proposes to assess historical CACFP lunch data as a proxy for child care access on a semester-long basis.

- Describe how the State will set benefit levels for children once they have been determined eligible for some level of benefit? (See Q&A #29.)

Colorado proposes to set a standard monthly P-EBT child care benefit at **22%** fully virtual benefit for school age children (set at 20 days = \$142 per month) for the months of September - December 2021. This equates to **\$31 per month**, when rounded to the nearest whole dollar. This benefit level is based on CDHS' most recent analysis of CACFP data that shows participation is 22% below pre-pandemic levels in a year-over-year comparison (2019 vs. 2021) of Fall semester months. To determine the benefit level for the Spring semester months, CDHS will compare CACFP lunch data for the months of January - May 2022 to the pre-pandemic months of January - May 2019 and set the benefit in the same manner as described for Fall semester. See page 6 for additional details on this calculation.

- 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).

CDHS, with the help of its eligibility system vendor (Deloitte), will identify the eligible SNAP Under 6 population based on age requirements and monthly SNAP participation described above. This list will then be compared to the school-age population to minimize the chance of double issuance under both school-age and SNAP Under 6 eligibility paths.

CDHS is utilizing data that the Colorado Department of Public Health and Environment (CDPHE) submits to FNS on CACFP lunch reimbursement claims.

CDPHE will play a support role in communicating SNAP Under 6 P-EBT program information to the early childhood community.

- What simplifying assumptions does the State propose? Why must the State make those simplifying assumptions? Please address both of these questions in detail.

As stated above, Colorado proposes two simplifying assumptions.

First, Colorado proposes the simplifying assumption that a child who turns 6 after August 1, 2021, and who is not enrolled in school at the start of this plan will remain in Child Care for the remainder of the school year.

Second, Colorado proposes a simplifying assumption to determine all children under age 6 and enrolled in SNAP to be eligible for P-EBT benefits statewide, based on a CDHS' analysis

showing that Colorado’s child care system continues to operate at significantly reduced capacity across the state due to the COVID-19 pandemic.

CDHS is utilizing data that CDPHE submits to FNS on CACFP. As shown in Table 1 below, the count of lunches served statewide in Fall of 2021 was well below pre-pandemic levels of 2019. This is largely due to child care programs being forced to close in response to the pandemic, as well as concern about the transmissibility of the highly contagious Delta and Omicron variants that began circulating among children not yet eligible for vaccines in Fall 2021.

Table 1: CACFP Lunches Served - Homes & Centers Excluding At-Risk Center Lunches in Colorado, 2019 and 2021

	2019	2021	% Change
September	432,210	347,170	-20%
October	473,815	338,500	-29%
November	382,062	308,076	-19%
December	386,826	308,698	-20%
Grand Total	1,674,913	1,302,444	-22%

5. Benefit Levels

Standard for Benefit Levels

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 2021-2022. The benefit is multiplied by the number of days that the eligible child’s status makes them eligible for P-EBT benefits.

SY 2021-2022 July 1, 2021 - June 30, 2022	Free Reimbursements USDA School Meal Programs			
	Lunch	Breakfast	Snack	Daily Total
Contiguous U.S.	\$3.75	\$2.35	\$1.00	\$7.10
Alaska	6.03	3.78	1.63	11.44
Hawaii, Guam, Virgin Islands, Puerto Rico	4.37	2.74	1.17	8.28

Notes:

1. Lunch rates include the 7 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
- Source: <https://www.govinfo.gov/content/pkg/FR-2021-07-16/pdf/2021-15107.pdf>

- 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.

As noted on page 5, Colorado proposes to set a standard monthly P-EBT Child Care benefit for the Fall 2021 semester months at 22% of the fully-virtual benefit for school age children (set at 20 days = \$142 per month). This equates to \$31 per month for each of the Fall semester months. This benefit level is based on CDHS’ most recent analysis of CACFP data that shows participation 22% below pre-pandemic levels throughout Fall semester months (2019 vs. 2021). To determine the benefit level for the Spring semester months, CDHS will compare CACFP lunch data for the months of January - May 2022 to the pre-pandemic months of January - May 2019 and set the benefit in the same manner as described.

6. Implementation Timeline, EBT Processing, and Benefit Issuance

Please provide an implementation timeline for SY 2021-2022 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 SY 2020-2021, 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.

Colorado plans to align the Child Care issuance timeline with the state’s approved plan for school age children. This will allow for CDHS to only issue P-EBT Child Care benefits to children who did not receive a benefit under the school age plan. The below dates are tentative and contingent upon other factors.

- Late April: First deadline for schools/districts to submit data for Fall 21-22 semesters
- Early May: CDE data team inputs second P-EBT data collection into production for Spring 21-22 semesters
- Mid May: CDE / Crocus delivers Fall 21-22 file to CDHS / Deloitte
- July: P-EBT benefits issued for Fall 21-22 (e.g. September - December 2021) to School Age AND Child Care children
- Mid-July: Second deadline for schools/districts to submit data for Spring 21-22
- Late July: CDE / Crocus delivers second file for Spring 21-22 benefits to CDHS / Deloitte
- August: P-EBT benefits issued for Spring 21-22 (e.g. January - May 2022) to School Age AND Child Care children
- Contingency Issuance for SY 21-22 corrections (including to Child Care children): Late November 2022

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?

As was done for the 20-21 school year, all SNAP Under 6 P-EBT eligible children will be issued P-EBT benefits to the SNAP case/card they were actively receiving benefits on during a particular month within the covered period. There is no new SNAP card design.

- 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 SY 2020-2021. This will greatly facilitate the States’ ability to report and USDA to maintain accountability for P-EBT.

Same as Colorado’s SY21-22 school age plan.

- 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.

Colorado will continue to set P-EBT benefits to spend-first.

- 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.

Same as Colorado’s SY21-22 school age plan.

- During SY 2020-2021, large numbers of P-EBT cards were returned to EBT processors via mail, due to incorrect addresses. 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?

Same as Colorado’s SY21-22 school age plan.

- 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?

As was done for the 20-21 school year, all SNAP Under 6 P-EBT eligible children will be issued P-EBT benefits to the SNAP case they were actively receiving benefits on during a particular month within the covered period.

7. 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.

USDA strongly encourages States to provide a means to resolve disputes and answer from actual or potential P-EBT households.

USDA strongly encourages States to provide relevant program information to actual and potential P-EBT households.

- How will the State resolve disputes or issuance errors (incorrect benefit amount, denied benefits, etc.)? Based on the large number of such inquiries received by USDA, the States, and EBT processors, USDA suggests a phone number (hotline) staffed by personnel empowered to research and address such cases.
- 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.

- 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).
- 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.
- 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?

P-EBT benefit noticing will be consistent with Colorado’s SY21-22 school age plan, with the understanding that SNAP families have been informed of many of the card-related components previously.

8. Over-issuance of P-EBT benefits

States should outline a process to recover or adjust P-EBT payments to correct errors on previous issuances. States cannot simply apply their existing SNAP benefit claim process to

P-EBT. Accordingly, States should develop P-EBT-specific rules and procedures and include those in their State plans. States must also consider the capability of their SNAP systems to distinguish P-EBT from SNAP benefits.

The process should take into consideration that many households received their benefits, without application, through an automated match process that relied on the State's own administrative data. Reclaiming benefits under those circumstances calls for a process that weighs the equity of the claim, the burden on affected households, and the likelihood and costs of recovery. Given those considerations, a State's P-EBT plan should consider reasonable thresholds for taking action to recover over-issued benefits. States that establish a process for benefit recovery must provide clear notice to beneficiaries of the circumstances under which the State may attempt to recover benefits or reduce a future issuance. Under no circumstances may the State reduce a SNAP benefit to settle a P-EBT claim.

Finally, the States recognize that USDA is responsible for ensuring accountability of funds for P-EBT purposes. As part of its oversight responsibilities, USDA may hold State agencies liable for aggregate over-issuances or improper payments. USDA's course of action is to pursue P-EBT over-issuance claims in the aggregate where USDA believes such action is merited, based on the nature of the error that gave rise to the over-issuance, the size of the error, and whether such action would advance program purposes.

Please describe how your State will manage P-EBT payment errors.

Same as Colorado's SY21-22 school age plan.

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, for the period of performance October 1, 2021 through September 30 2022. 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.

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 ground of race, color, or national origin, by providing meaningful access to its programs and activities for individuals who are limited English proficient, and by providing 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. 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 Official:



Karla Maraccini, Division Director, Food & Energy Assistance
Colorado Department of Human Services

Date of Request March 23, 2022