



Food and Nutrition  
Service

1320 Braddock Place  
Alexandria, VA  
22314

March 22, 2021

**SUBJECT:** Pandemic Electronic Benefits Transfer Program (P-EBT)  
Approval of Texas' State Plan for Children in Schools and Child Care

**TO:** Bill Ludwig  
Regional Administrator  
Southwest 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 a temporary assistance program for households with children without access to meals in school and to certain SNAP-enrolled children in child care during the public health emergency declared on January 27, 2020. Pursuant to the authority granted under Section 1101 of the Act, FNS approves Texas' enclosed plan to operate P-EBT for children in schools and child care.

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

The Texas Health and Human Services Commission, the Texas Education Agency, and the Texas Department of Agriculture will issue P-EBT benefits through the State's Supplemental Nutrition Assistance Program (SNAP) EBT card system to households with eligible children. The State's plan for school children covers the months of August 2020 through June 2021. The State's plan for SNAP-enrolled children in child care covers the months of October 2020 through June 2021.

School children are eligible for benefits if they would have received free or reduced price meals at their schools through the National School Lunch Program (NSLP) if not for the closure or reduced attendance or hours of their schools for a period of at least 5 consecutive days. Children in child care are eligible if they are enrolled in SNAP and their child care facility is closed or operating with reduced attendance or hours, or if they live in the area of a school that is closed or operating with reduced attendance or hours. The State will use the best feasibly available data and USDA-approved simplifying assumptions to issue benefits in amounts that are tied as closely as possible to the number of days that eligible children do not receive a meal service through their schools or child care providers.

### **Children in Schools**

The State and its school districts will identify children eligible for free or reduced price NSLP meals using the most current available data. All school districts that rely on 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, Texas will:

- issue all benefits in a lump sum on a staggered basis at the end of May; this will include:
  - retroactive issuances for August through May based on actual school-level learning models reported by the schools, and
  - a prospective issuance for June based on the anticipated school-level learning models reported by the schools,
- issue benefits to SNAP households automatically,
- require non-SNAP households to fill out an online application to establish an EBT case file,
- schools will report a “virtual attendance percentage” (VAP) to the State for each month based on students’ average number of virtual days per week; this will generate 5 benefit levels; all students in the school will receive the same benefit based on the VAP:
  - no virtual days: no P-EBT benefit,
  - 1 virtual day per week:  $20\% \times$  operating days in the month  $\times$  \$6.82,
  - 2 virtual days per week:  $40\% \times$  operating days in the month  $\times$  \$6.82,
  - 3 virtual days per week:  $60\% \times$  operating days in the month  $\times$  \$6.82,
  - 4 virtual days per week:  $80\% \times$  operating days in the month  $\times$  \$6.82,
  - 5 virtual days per week:  $100\% \times$  operating days in the month  $\times$  \$6.82,
- set the maximum monthly benefit based on the average number of instructional days each month in the State’s 10 largest school districts:
  - 9 instructional days in August,
  - 18 instructional days from September through May, and
  - 5 instructional days in June,

### **Children in Child Care**

At a minimum, the State will identify all children under age 6 who are enrolled in SNAP at any time since October 1, 2020. The State will not issue child care benefits to any child for months after their SNAP enrollment ends. Finally, the State will ensure that children who receive a benefit through P-EBT’s child care component do not also receive a benefit through P-EBT’s school component for the same month.

In addition, Texas will:

- only issue benefits for months that children were enrolled in SNAP,
- issue all benefits in a lump sum on a staggered basis at the end of May; this will include:
  - retroactive issuances for October through May, and
  - a prospective issuance for June,
- set benefit amounts at the county level:
  - children will receive a child care benefit equal to benefit issued to school children in their ZIP code with the highest VAP.

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.

- Texas estimates that it will issue \$1.9 billion to approximately 2.9 million school children for school closures and reductions in attendance and hours extending from August 2020 through June 2021.
- Texas estimates that it will issue \$626.0 million to approximately 800,000 SNAP-enrolled children in child care from October, 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 Texas. 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**

Texas 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**

Texas 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 Texas Health and Human Services Commission 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 Texas Health and Human Services Commission will complete the FNS-292B, the FNS-46, the FNS-388, and the FNS-778 reports in accordance with existing requirements.

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

Sincerely,

Cindy Long  
Deputy Administrator  
Child Nutrition Programs