



Food and Nutrition
Service

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February 28, 2022

SUBJECT: Pandemic Electronic Benefits Transfer Program (P-EBT)
Approval of Texas' State Plan for School Children,
School Year 2021-2022

TO: Bill Ludwig
Regional Administrator
Southwest Regional Office

The Families First Coronavirus Response Act (P.L. 116-127; the Act), as amended, 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 school children.

Summary of State's Plan

The Texas Health and Human Services Commission, Texas Education Agency, and 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 2021 through June 2022.

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. 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 eligibility data from the most recent prior year will have a means to address that they do not issue benefits to school year 2020-2021 graduates and other 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:

- tentatively issue benefits for the months of August through December in a single distribution in late April,
- tentatively issue benefits for the months of January through June in a single distribution in early August,

- rely entirely on new free or reduced price school meal eligibility determinations in SY 2021-2022; school districts are collecting new applications and conducting direct certification and are not relying on SY 2019-2020 or SY 2020-2021 eligibility,
 - newly income-eligible students will be eligible for benefits starting from the beginning of the school year,
- receive information from LEAs and private schools twice during the school year, once beginning in April and a second time beginning in May that contains:
 - the names of students with approved fully virtual schedules for the previous months who attend NSLP eligible schools and sites,
 - the names of all other students with COVID-related absences or virtual learning days in the previous months:
 - for schools that are tracking COVID-related absences or virtual learning days, the school will provide the actual count of those days for each month,
 - for schools that cannot track COVID-related absences, any excused absence of 5 consecutive days or more will be a presumed COVID-related absence:
 - for families attending schools using the 5 consecutive day threshold as a proxy for a COVID-related absence, the family may make a claim with the state through its call center for any COVID-related absence that is less than 5 consecutive days,
 - the family will verbally attest that the absence days are COVID-related and the state will retain a record of the parent or guardian's attestation, and
 - the state will verify with the school that the absence was excused prior to issuing benefits for those days,
- calculate benefits for each income-eligible student based on the student's actual number of eligible virtual learning days and COVID-related absences each month,
- require households that are newly receiving P-EBT and do not have an EBT case file on record with the state to submit missing information necessary to issue benefits through an online portal or the call center,
- provide guidance to schools detailing the requirements for:
 - determining school eligibility based on school closures or reductions in attendance and hours,
 - determining what is a COVID-related absence and,
 - determining the number of benefit days for individual students.

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 \$573.2 million to approximately 1.44 million children for school closures and reductions in attendance and hours extending from August 2021 through June 2022.

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' exceptional efforts to maintain children's access to nutritious meals, and understands that even as the nation recovers from this difficult time, State

agencies and local program operators will still face any number of challenges. FNS stands ready to provide additional support as needed. If you have questions, please contact the FNS Southwest Regional Office.

Sincerely,

Cindy Long
Administrator