



Food and Nutrition  
Service

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January 3, 2023

**SUBJECT:** Pandemic Electronic Benefits Transfer Program (P-EBT)  
Approval of Vermont's State Plan for Children in Schools  
and Child Care, School Year 2022-2023

**TO:** Christine Ruggieri  
Acting Regional Administrator  
Northeast 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 Vermont's enclosed plan to operate P-EBT for children in schools and child care.

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

The Vermont Agency of Human Services, Department for Children and Families, Economic Services Division, and the Vermont Agency of Education 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 covers the months of September 2022 through June 2023.

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 facilities.

### **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 eligibility data from the most recent prior year will have a means to address that they do not issue benefits to school year 2021-2022 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. The state will also provide a path for households with eligible homeschooled children and children in fully virtual schools to receive benefits; these children may be eligible if they began homeschooling or enrolled in fully virtual school due to concerns about the COVID health emergency.

In addition, Vermont has or will:

**(for children currently enrolled in NSLP-participating schools)**

- adopted a state-funded universal free program at the start of school year 2022-2023 that includes all NSLP-participating public schools:
  - because all public schools and some independent (private) schools now participate in the Community Eligibility Provision or Provision 2 as part of the state's universal free program, students currently enrolled in these schools meet the free or reduced price eligibility requirement for P-EBT,
  - NSLP-participating independent (private) schools that have not adopted CEP or Provision 2 continue to certify children individually through application or direct certification; after the expiration of carryforward eligibility, if applicable for individual children, only those children newly certified for free or reduced price meals in school year 2022-2023 meet the free or reduced price eligibility requirement for P-EBT,
- prepared schools prior to the start of the current school year to track COVID-related absence and virtual learning days for purposes of administering P-EBT and providing benefits to students:
  - all NSLP-participating schools are using these attendance codes or an alternative tracking list,
  - school districts will use these COVID attendance codes to report a list of students and their P-EBT eligible days to the state in February and May or June,
- instructed public schools that offer virtual instruction to their students through the Vermont Virtual Learning Cooperative (VTVLC) to submit a monthly list of children to the state who have been approved for full-time virtual instruction due to concerns about COVID:
  - these children remain formally enrolled in their public schools,
  - schools that participate in the VTVLC have information from households, upon their children's enrollment in VTVLC, confirming that their children opted for virtual instruction due to COVID:
    - schools have this information for children who left in-person instruction at some point since the start of the COVID health emergency, **and** for children who began school (or transferred into the state) after the start of the COVID emergency and have always been full-time virtual through VTVLC,
- issue benefits to children enrolled in NSLP-participating schools as follows:
  - the state will issue benefits for the months of September through January in early April,
  - issue benefits for the months of February through June in August.

**(for eligible children attending non-NSLP virtual schools and eligible homeschooled children)**

- use the state’s list of enrolled home study students to identify P-EBT-eligible homeschooled students:
  - Vermont law requires all children between the ages of 6 and 16 who are not enrolled in an in-person school to formally enroll in a home study program,
  - the subset of home study children who were previously enrolled in a traditional school will have a student ID (“Perm ID”) number; the state will issue P-EBT benefits for SY 2022-2023 to home study children with a Perm ID number who began home study since the January 2020 start of the pandemic:
    - given the continued presence of COVID-19 throughout Vermont at the start of SY 2022-2023, the state finds that it is reasonable to conclude that these children remain in home study due to concerns about COVID,
  - the state will contact the subset of home study children who were not enrolled in home study prior to January 2020 and who do not have a Perm ID:
    - this group is limited to children in grades K-2 who have always been in home study and children whose families moved into Vermont since January 2020 and have always been enrolled in home study,
    - Vermont will issue P-EBT benefits to these children if their parents or guardians attest that their reason for enrolling their children in home study is due to concerns about COVID,
  - because all Vermont public schools participate in CEP or Provision 2, all home study students satisfy the P-EBT requirement that they would have been eligible to receive free NSLP meals in their local public schools if they were not in home study,
- issue benefits to home study children for the entire school year in May:
  - unless the state receives information to the contrary from parents, guardians, or school officials, the state will assume that children in home study in May remain in home study in June.

**Children in Child Care**

At a minimum, the state will identify all children under age 6 who are enrolled in SNAP in the benefit month. 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, Vermont has or will:

- identify SNAP-enrolled children under age 6,

- for each month from September through June, determine if there has been a statewide reduction in access to child care by comparing Child and Adult Care Food Program (CACFP) lunch claims since the start of SY 2022-2023 to the same months prior to the pandemic,
- issue an average benefit to all eligible children statewide for the months Vermont experienced a reduction in child care access:
  - determine the reduction in CACFP lunch claims for September-December 2022 compared to September-December 2019 to issue benefits for September 2022-January 2023,
  - determine the reduction in CACFP lunch claims for December 2022 through February 2023 compared to December 2019 through February 2020 to issue benefits for February-June 2023:
    - the state will use more recent CACFP claim data, if available, when the state prepares its file for benefit issuance,
  - apply the calculated reduction in CACFP claims to the average number of instructional days for school children in the same months (17.5 days) and the daily benefit amount to determine the P-EBT benefit,
- provide USDA with the state’s tentative average benefit for confirmation prior to issuing benefits,
- confirm that lunch claims, for the most current months in spring 2023 where complete data are available, have not returned to pre-pandemic levels before issuing benefits for those months or subsequent months,
- tentatively issue benefits for the months of September through January in a single issuance in April,
- tentatively issue benefits for the months of February through June in a single issuance in early September.

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.

- Vermont estimates that it will issue \$9.4 million to an average monthly 18,000 school children for school closures and reductions in attendance and hours extending from September 2022 through June 2023.
- Vermont estimates that it will issue \$3.1 million to approximately 9,000 SNAP-enrolled children in child care from September 2022 through June 2023.

### **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 Vermont. 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**

Vermont 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**

Vermont 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.

### **Administrative Funds**

The Vermont Agency of Human Services, Department for Children and Families, Economic Services Division 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 Vermont Agency of Human Services, Department for Children and Families, Economic Services Division will complete the FNS-292B, the FNS-46, the FNS-388, and the FNS-778 reports in accordance with existing requirements.

FNS values Vermont’s partnership in the administration of Pandemic EBT. FNS stands ready to provide additional support as needed. If you have questions, please contact the FNS Northeast Regional Office.

Sincerely,

Cindy Long  
Administrator