

**State Plan for Pandemic EBT
Children in School and Child Care, 2022-2023**

Issuing Agency/Office:	FNS / Child Nutrition Programs, Supplemental Nutrition Assistance Program
Title of Document:	State Plan for Pandemic EBT: Children in School and Child Care, 2022-2023
Document ID:	
Z-RIN:	
Date of Issuance:	September 8, 2022
Replaces:	N/A
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) 2022-2023. (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 State Guidance on Coronavirus P-EBT: [Click Here](#)

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

State Plan for Pandemic EBT
Children in School and Child Care, 2022-2023

1. State: VIRGINIA

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
- 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 school children in SNAP households.
 - Estimated amount issued to school children in non-SNAP households
 - Estimated amount issued to non-school children in child care
- c. Estimated total *number* of children to which the state will issue P-EBT benefits.
 - Estimated number of school children in SNAP households
 - Estimated number of school children in non-SNAP households
 - Estimated number of non-school children in child care
- 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
 - Children in child care
- e. Names of state agencies involved in administering this plan.

Response:

The Commonwealth is committed to informing the USDA of any significant changes in the data during the period covered by this plan. The children identified under this plan include non-school age SNAP children deemed eligible for childcare services. Virginia will only issue P-EBT benefits to children who are deemed enrolled in a covered child care facility².

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 2022 through June 2023, for example).

For School Aged Children

The Virginia Department of Education (VDOE) has not made a decision to participate in issuance of school year 2022-2023 School Aged P-EBT benefits at this time. VDSS will file an amended plan if they decide to participate.

P-EBT for Children in Child Care

For School Year 2022-2023, Virginia will issue P-EBT benefits to children under the age of 6 that do not attend school and are part of an eligible household that receives SNAP.

- a. The **date range** covered by this plan for children in child care is **September 1, 2022 – June 30, 2023***
**Dependent upon expiration of the PHE on May, 11, 2023*
- b. The estimated **monthly** and total amount of P-EBT benefits Virginia will issue within this plan date range for children in child care is based on CACFP meal reimbursement claims for the state.
 - i. Estimated **monthly** amount to be issued to non-school children in child care for September 2022 – December 2022 is **3,594,496** per month, and **14,377,990 for all four months.**
 - ii. Estimated monthly amount to be issued to non-school children in child care for January 2023 – April 2023 is **3,594,496** per month, and **14,377,990 for all four months***
**This is an estimate and will be recalculated using the recent 3 months of CACFP data.*
 - iii. Estimated total amount to be issued to non-school children in child care for May 2023 is **1,797,248*** for the 11 days in May. The PHE will end on May 11, 2023. Consequently there will be no benefits from May 12, 2023 - June 30, 2023.
**This is an estimate and will be recalculated using the recent 3 months of CACFP data.*

School Year 2022 – 2023	Estimated Number on SNAP-Recipient Children in Child Care	Total Estimated Benefit Amount
September – December 2022	533,704	14,377,990
January – May* 2023	667,130	16,175,238

**Dependent upon expiration of the PHE on May 11, 2023*

- c. Estimated number of non-school children in child care: **133,426**
- d. Estimated total amount of administrative funds the State needs to complete the work described in this state plan amendment: **\$5,000.00**

Virginia understands that an administrative cost estimate in this plan does not serve as a substitute for the P-EBT Budget Plan that Virginia is required to submit prior to USDA releasing the grant for administrative funding. Prior to USDA releasing the grant for administrative funding, Virginia will submit a P-EBT Budget Plan using the FNS-366(a) Program and Budget Summary Statement.

e. The tentative P-EBT issuance schedule to issue to children in child care is as follows:

Benefit Month	Tentative Benefit Issuance Date
September – November 2022	March 18, 2023
December – February 2023*	April 22, 2023
March – April 2023*	May 20, 2023
May (1 – 11) 2023**	June 17, 2023
Clean-Up Run for All Issuance Months	July 22, 2023
Clean-Up Run for All Issuance Months	August 19, 2023
Final Clean-Up Run for All Issuance Months	September 16, 2023

*January 23 - May 23 issuance amounts will be based on the most recent 3 months of available CACFP data.

***Dependent upon expiration of the PHE on May 11, 2023*

4. P-EBT for School Children (see Q&As #7-25)

A. Eligible Children

Standard for P-EBT Eligibility

A child is eligible for P-EBT benefits if two conditions are met:

1. The child would be eligible for free or reduced-price meals if the National School Lunch Program and School Breakfast Program were operating normally. This includes children who are:
 - a. directly certified or determined “other source categorically eligible” for SY 2021-2022, *or*
 - b. certified through submission of a household application processed by the child’s school district for SY 2021-2022, *or*
 - c. enrolled in a Community Eligibility Provision school or a school operating under Provisions 2 or 3, *or*
 - d. on the school’s most current prior year list of directly certified children, children determined other source categorically eligible, or children certified by application *and* the school district has not made a new school meal eligibility determination for the child in SY 2021-2022.
2. The child does not receive free or reduced-price meals at the school because the school is closed or has been operating with reduced attendance or hours for at least 5 consecutive days in the current school year. Once the minimum 5 consecutive day threshold is met, children are eligible to receive P-EBT benefits for closures or reductions in hours due to COVID-19.

- Describe how the state will identify eligible school children for P-EBT. Please describe separately for the subset of children enrolled in non-NSLP-participating fully virtual institutions or homeschooling who may be eligible for P-EBT (see Q&As #16 and #25). Also describe what measures the state will take to prevent the issuance of benefits to school year 2021-2022 graduates and other non-students.

- How will the state determine and/or confirm each child’s eligibility for free or reduced-price meals?² Please describe separately for SNAP-recipient and non-SNAP-recipient children, children in public and non-public schools, new students (such as kindergarteners and transfer students), children who become eligible during the school year, and the subset of children enrolled in non-NSLP-participating fully virtual institutions or homeschooling who may be eligible for P-EBT.
- How will the state confirm each child’s lack of access to meals at school? Please describe separately for children in public and non-public schools.
- If the state’s schools will continue to impose temporary virtual or hybrid schedules, describe the process that the state will use to update each child’s in-person and virtual schedules (see Q&A #12). How frequently will that information be updated? (Note that this information must be updated no less frequently than every other month.).
- Describe the process that the state will use to identify individual students’ COVID-related absences or virtual learning days, including the process to identify, confirm and monitor the enrollment status of children in non-NSLP-participating fully virtual institutions or homeschooling.
- 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).
- Describe any simplifying assumptions the state proposes to use and the justification for using those simplifying assumptions. **Please address both in detail.** In addition, please describe any proposed measures that the state will take to address program integrity when using the proposed simplifying assumptions. *(Please review Q&A #25 on simplifying assumptions regarding fully virtual schools and homeschooling.)*

Response: [please use as much space as needed]

For School Aged Children

The Virginia Department of Education (VDOE) has not made a decision to participate in issuance of school year 2022-2023 School Aged P-EBT benefits at this time. VDSS will file an amended plan if they decide to participate.

B. School Status

Standard for P-EBT Eligible School Status

Children are eligible for P-EBT benefits if they are eligible for free or reduced price meals, but are unable to receive those meals at school due to the operating status of their schools as outlined below:

1. The school is closed (including any delayed start or early closure to the school year), or the school is operating with reduced attendance or hours.
2. School closures do not include weekends, or days when the school is closed due to a holiday or regularly scheduled break (Thanksgiving, New Year’s Day, Spring Break, etc.).
3. The period of closure or reduced attendance or hours must meet the current school year minimum 5 consecutive day threshold before any child is eligible for P-EBT benefits. Once the minimum 5 consecutive day threshold is met, children are eligible to receive P-EBT benefits for closures or reductions in hours and/or attendance due to COVID-19.

² The burden associated with National School Lunch Program applications is covered under OMB Control # 0584-0026, 7 CFR Part 245 - *Determining Eligibility for Free & Reduced Price Meals and Free Milk in Schools*, expiration date 7/31/23.

- Describe how the state will identify, confirm and monitor the status of individual schools. Also describe how the state will identify the period of duration of the closure, reduced hours, or reduced attendance of the state’s schools.
- How will the state confirm that the child’s school has been closed or is operating with reduced attendance or hours for a minimum of 5 consecutive days?
- Describe how this information will be obtained and how often the state will collect updated information from schools. (Note that this information must be updated no less frequently than every other month.)
- Describe any simplifying assumptions the state proposes to use and the justification for using those simplifying assumptions. Please address both in detail. In addition, please describe any proposed measures that ensure program integrity when using the proposed simplifying assumptions.

Response: [please use as much space as needed]

For School Aged Children

The Virginia Department of Education (VDOE) has not made a decision to participate in issuance of school year 2022-2023 School Aged P-EBT benefits at this time. VDSS will file an amended plan if they decide to participate.

5. P-EBT for Children in Child Care (see Q&As #26-33)

Standard for P-EBT Eligibility

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

1. The child is a member of a household that is enrolled in SNAP in the benefit month.
2. 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.)
3. 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.

There are no changes for P-EBT for children in child care from SY 2021-2022. USDA encourages states to refer to their **approved** SY 2021-2022 child care plan to complete this section. Please describe:

- how the state will identify eligible children and confirm their eligibility consistent with the above standard,
- how the state will set benefit levels for children,
- the roles and responsibilities of each state agency or other partners involved in P-EBT and
- any simplifying assumptions the state proposes to use and the justification for using those simplifying assumptions.

If the state will establish a reduction in access to child care using the CACFP data method, we recommend that the state respond to all points as described in their **approved** SY 2021-2022 child care plan, such as:

- The state will confirm that there has been a statewide reduction in access to child care for each of the months of the current school year relative to the same months immediately prior to the pandemic and will share this data and calculations with USDA before issuing benefits for any months.
- The state will use the sum of CACFP lunch claims for child care centers and family day care homes as reported by the state on the FNS-44³. The state will exclude at-risk lunches and adult lunches.
- The state will set an average monthly P-EBT child care benefit using the reduction in aggregate lunch claims over a designated period of time, the average number of school instructional days over the course of the current school year, and the SY 2022-2023 P-EBT benefit per day.
- The designated period over which the state will set the average monthly benefit (e.g., a separate average monthly benefit for the fall semester and the spring semester).
- The state will monitor CACFP lunch claims through the end of the school year (or through the end of the public health emergency, as applicable) and will only issue benefits for months where lunch claims remain below claims for the most recent same month prior to the pandemic.

USDA will continue to support states with their calculations for the above approach.

If the state will establish a reduction in access to child care using a different approach, such as individual children's eligibility or proximity to area schools, then please describe below what the state will do and how this approach will be consistent with the above standard, such as:

- 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 #30)
- 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 those children's eligibility? (See Q&A #32-33). 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?
- 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?
- 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.)

³ The burden associated with state reporting of CACFP meal claims via the FNS-44 form is covered under OMB Control number 0584-0594, *Food Programs Reporting System (FPRS)*, expiration date July 31, 2023.

Response: [please use as much space as needed]

The Virginia Department of Social Services (VDSS) is responsible for issuing benefits for both the SNAP and P-EBT programs. VDSS will leverage its enterprise case management system, VACMS, to identify all children under 6 who have been active on SNAP since September 1, 2022.

Identifying SNAP Enrolled Children

- Virginia will identify non-school children who began school year 2022-2023 under the age of 6 and were part of a household that receives SNAP.
- Consistent with P-EBT's authorizing statute, all children under the age of 6 are deemed enrolled in a covered childcare facility.
- Virginia understands that a child's eligibility for P-EBT child care benefits ends when a child's SNAP enrollment ends.
- Virginia will ensure that children who receive P-EBT benefits under the state's approved plan for school children will not also receive P-EBT child care benefits.
- Virginia will identify children under the age of 6 who reside in households that applied for SNAP from May 1 through May 11 and are found eligible for SNAP benefits during that time. These children will receive the pro-rated benefit for May.

The State will make the reasonable simplifying assumption that non-school children who began receiving benefits as a 5-year-old earlier in school year 2022-2023 remain enrolled in a covered child care facility through the end of the school year as long as the household continues to receive SNAP.

Establishing a Reduction in Access to Child Care Using the CACFP Data Method

The Child and Adult Care Food Program (CACFP) is a federal program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating child care centers, day care homes, and adult day care centers.

- CACFP lunch claims confirm that there has been a statewide reduction in access to child care for each of the months of the current school year relative to the same months immediately prior to the pandemic
 - For purposes of this plan, Virginia will use the sum of CACFP lunch claims for child care centers and family day care homes as reported by the state on the FNS-44. The state will exclude at-risk lunches and adult lunches.
- Virginia will monitor CACFP lunch claims through the end of the school year and will only issue benefits for months where lunch claims (to the extent that preliminary data are available) remain below claims for the most recent same month prior to the pandemic

Setting Benefit Levels Using the CACFP Data Method

- Virginia will set an average monthly P-EBT child care benefit for the fall semester and a separate average monthly benefit for the spring semester. The averages are calculated using **the following three factors:**

Fall semester benefit:

1. The reduction in aggregate lunch claims over the Fall semester relative to the same months from the fall of 2019. Based on Virginia’s anticipated distribution of fall semester P-EBT child care benefits will begin in **March 2023**, the state will use the combined value of CACFP claims data from September through October or November (depending on what’s available at the time of issuance) to calculate benefits for the Fall semester.
2. The average number of school instructional days over the course of the current school year. This is equal to the number of instructional days in the year divided by the number of school months: $180 \div 10 \text{ months} = 18 \text{ days per month}$.
3. The school year 2022-2023 P-EBT benefit per day of: **\$8.18**
4. **All Fall semesters (Sept, Oct, Nov & Dec 22) will use the calculation of \$26.94/month.**

Table 1: Reduction in CACFP lunch claims – Fall Semester

The state will also confirm that CACFP claims for all available months of the Fall semester remain below CACFP claims for the same months immediately prior to the pandemic before issuing benefits for any of those months.

Before calculating its monthly Fall P-EBT benefit, **Virginia** commits to sharing its data and calculations with USDA.

Fall Semester				
CACFP lunch claims pre-pandemic months		CACFP lunch claims current school year months		Percent Change, Fall Semester:
September 2019	650,684	September 2022	561,730	To be applied to daily rate and number of school instructional days per month.
October 2019	740,768	October 2022	548,976	
November 2019	616,741	November 2022	529,781	
December 2019		December 2022		
Total	2,008,193	Total	1,640,487	-18.3%

Note:

CACFP Lunch Claims: Free, reduced price, and paid lunches for CACFP child care centers (excluding at-risk lunches) and family day care homes. The figures above are total lunches reported to USDA on FNS-44, Part E, column D, *minus columns A2 and C*, for lines 33, 36, and 39.

Spring semester benefit:

1. The spring semester benefit will be calculated as above, but will use the aggregate reduction in lunch claims over the available months of the spring semester relative to the same months immediately prior to the pandemic to calculate the first factor. See Table 2. At the time of drafting this plan, this data is only available through November 2022. Virginia will use the combined value of CACFP claims data for the most recent 3 months available. For the purpose of estimation, this plan has used the data currently available.
2. The average number of virtual school instructional days over the course of the current school year. This is equal to the number of instructional days in the year divided by the number of school months: $180 \div 10 \text{ months} = 18 \text{ days per month}$.
3. Due to the ending of the PHE on May 11, 2023, there are 9 virtual school days from May 1 to 11. The pro-rated amount for the month of May will be $\$26.94/18 \times 9 = \13.47 .
4. The school year 2022-2023 P-EBT benefit per day of: **\$8.18**

Virginia CACFP claims data for January and February is currently unavailable; therefore, we are unable to calculate a benefit amount for the spring semester.

Table 2: Reduction in CACFP lunch claims – Spring Semester

Spring Semester				
CACFP lunch claims pre-pandemic months		CACFP lunch claims current school year months		Percent Change, Spring Semester: To be applied to daily rate and number of school instructional days per month.
January 2020		January 2023		
February 2020		February 2023		
March 2019		March 2023		
April 2019		April 2023		
May 2019		May 2023		
Total	0	Total	0	

Note:

CACFP Lunch Claims: Free, reduced price, and paid lunches for CACFP child care centers (excluding at-risk lunches) and family day care homes. The figures above are total lunches reported to USDA on FNS-44, Part E, column D, *minus columns A2 and C*, for lines 33, 36, and 39.

Virginia will confirm that our state's data for January and February 2023 reflect complete reporting by the state's CACFP sponsors and independent centers before using these numbers in your P-EBT calculations.

Before calculating its monthly spring P-EBT benefit, **Virginia** commits to sharing its data and calculations with USDA. The state will also confirm that CACFP claims for all available months of the spring semester remain below CACFP claims for the same months immediately prior to the pandemic before issuing benefits for any of those months.

6. Benefit Levels

Standard for Benefit Levels

1. 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 2022-2023. The benefit is multiplied by the number of days that the eligible child's status makes them eligible for P-EBT benefits.

SY 2022-2023 July 1, 2022 - June 30, 2023	Free Reimbursements USDA School Meal Programs			
	Lunch	Breakfast	Snack	Daily Total
Contiguous U.S.	\$4.43	\$2.67	\$1.08	\$8.18
Alaska	6.87	4.21	1.75	12.83
Hawaii, Guam, Virgin Islands, Puerto Rico	5.10	3.09	1.26	9.45

Notes:

1. Lunch rates include the 8 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
4. The figures include the temporary additional funding for school lunch and school breakfast authorized under Section 2 of the Keep Kids Fed Act of 2022.

Source: <https://www.federalregister.gov/documents/2022/07/26/2022-15892/national-school-lunch-special-milk-and-school-breakfast-programs-national-average-paymentsmaximum>

- 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.

Response: [please use as much space as needed]

For Children in Child Care

Average monthly P-EBT child care benefits, fall and spring semesters:

Child Care Calculation	Percent Change in CACFP Lunch Claims	Average # of Virtual Days per Month in Schools Plan	Number of Months in Semester	Daily Benefit Amount	Average Monthly Benefit
Fall Semester (Sept – Dec)	18.3%	18	4	\$8.18	26.94
Spring Semester (Jan – April)	18.3%*	18	4	\$8.18	26.94
Spring Semester (May 1 – 11)**	18.3%*	9	1	\$8.18	13.47

*Jan - May 23 % CACFP lunch claims is estimated and will be adjusted based on the available last 3 months of available CACFP data at the time of issuance.

***Dependent upon expiration of the PHE on May 11, 2023*

Notes:

1. **Percent Change in CACFP Lunch Claims:** These are the figures in the lower right-hand corners of Tables 1 and 2.
2. **Average Number of Virtual Days per Month:** This is the number of school instructional days in the state's school year divided by the number of benefit months in the state's P-EBT plan. Typically, this is 180 instructional days ÷ 10 benefit months (September through June or August through May).

3. **Average Monthly Benefit:** This is the outcome of multiplying the figures in the three preceding columns.
4. **Number of Months in Semester:** For the fall semester, the number of benefit months in the plan is four (Sept-Dec). For the spring semester, the number of benefit months in the plan is five (Jan-May).

For School Aged Children

The Virginia Department of Education (VDOE) has not made a decision to participate in issuance of school year 2022-2023 School Aged P-EBT benefits at this time. VDSS will file an amended plan if they decide to participate.

7. Implementation Timeline, EBT Processing, and Benefit Issuance

Please provide an implementation timeline for SY 2022-2023 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.
- 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.

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?
- 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.
- 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.
- 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.
- 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?
- 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?

Response: [please use as much space as needed]

For School Aged Children

The Virginia Department of Education (VDOE) has not made a decision to participate in issuance of school year 2022-2023 School Aged P-EBT benefits at this time. VDSS will file an amended plan if they decide to participate.

For Children in Child Care-Timeline

Day 0: Plan Approval from USDA-FNS

Day 1: Communicate plan approval to relevant stakeholders

Day 10: Dry Run/Data ready for issuance approval
Press Release
Websites and Social Media updated
Begin targeted communication campaign for SNAP under 6 children

Day 30: First File transfer to P-EBT processor

Day 33: Benefits available on cards for benefit months September 2022 -
December 2023

Day 63 Onward: P-EBT benefits will be issued on the 18th of each month following the
eligible benefit months beginning with January-*Dependent on plan approval*

Distribution of Benefits:

Benefits will be distributed on the household's existing SNAP EBT card. If an eligible child is on a closed SNAP case, then a new case will be established and P-EBT benefits will be issued on a unique P-EBT card.

EBT Benefit Type:

The P-EBT benefit type will be used for P-EBT child care cases. This is the same benefit type used for school age SNAP recipients receiving P-EBT.

Benefit Spend Priority:

P-EBT benefits will have the first spend priority.

Expungements:

Expungements will occur according to the current SNAP expungement rules.

Returned Mail:

Virginia's contract with Conduent requires them to process returned mail specific to P-EBT. Undelivered cards will be returned directly to Conduent who will deactivate the cards. A report will be created and provided to the state.

Replacement Cards:

P-EBT child care recipients may replace their benefit card according to normal SNAP card replacement procedures. Fall 2022 P-EBT benefits will be issued retroactively for SY 2022 – 2023, as a result, a household’s SNAP case may be closed at the time of issuance. These households are entitled to their P-EBT benefits and will be provided access to their benefits with the creation of a new P-EBT case and benefit card.

8. 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.

1. USDA strongly encourages states to provide a means to resolve disputes and answer questions from actual or potential P-EBT households.
2. USDA strongly encourages states to provide relevant program information to actual and potential P-EBT households.

To complete Section 8, we encourage states to use language from their approved plan from SY 2021-2022 with all necessary updates. -

- How will the state resolve dispute 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 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?

Response: [please use as much space as needed]

The Commonwealth commits to ensuring that a comprehensive communication is in place that addresses common questions and ensures no eligible child is inadvertently excluded from receipt of benefits. Virginia received a substantial number of inquiries from previous issuances of P-EBT, and lessons learned from this resulted in the decision to procure a vendor skilled in handling/resolving disputes of this nature.

The customer service vendor maintains a dedicated P-EBT hotline to provide customer service to participants to resolve concerns included but not limited to answering general questions, address verification/error correction, collecting missing or updated information and data matching/validation. VDSS will work with the vendor to increase the number of call center employees to handle the increase in calls once the P-EBT plan is approved and benefits are issued.

Ensuring that vulnerable populations have equitable access to the program is a top priority. VDSS will work collaboratively with partners and advocates to ensure that homeless children are not adversely impacted due to their circumstances. The VDSS Division of Family Services (DFS) provides oversight and administration over the Foster Care Program. VDSS will work internally with DFS to develop outreach strategies to ensure children in foster care do not have access barriers.

VDSS will provide public information and certify that all materials are compliant with language access and ADA rules. All informational materials for this program are translated in the following languages: Spanish, Swahili, Arabic, Russian, Kurdish, and Tigrinya. Virginia's participation and information campaign will consist of press releases, social media posts, and broadcasting messaging.

Virginia will provide program participants information in the form of digital flyers, online submission of P-EBT inquiries, a public website to address eligibility, frequently asked questions, additional resources, and a Customer Service Helpdesk number of participants can use to resolve issues.

Virginia will leverage current informational material to continue to inform P-EBT participants of important information regarding the use and security of their benefits. Information describing the program, instructions to PIN or replace their benefit card as well as other important information about the program will be readily accessible. Participant inquiries regarding P-EBT may be directed to the P-EBT Inquiry Line at (866) 513-1414.

9. Over-issuance of P-EBT benefits

To complete Section 9, we encourage states to use language from their approved plan from SY 2021-2022 with all necessary updates.

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.

Response: [please use as much space as needed]

Virginia recognizes that the USDA is responsible for ensuring accountability of funds for P-EBT purposes. As part of its oversight responsibilities, the 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 the 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. VDSS will ensure that all payments are made to those children that are determined eligible.

VDSS will ensure there is no duplication of issuance between existing P-EBT school age children and child care P-EBT children by cross-referencing issuance records for the retroactive benefit months. The VDSS P-EBT Batch Process will identify if an eligible child is on a closed SNAP case. If the SNAP case is Closed and the SNAP recipient child under 6 on the case is eligible for P-EBT benefits, the P-EBT batch process will generate a new P-EBT case and benefits will be issued on a new P-EBT card.

VDSS will notify USDA of any improper payments and the amount of the overpayment or under issuance utilizing the Over-issuance Tracker Spreadsheet provided by the USDA. A claim benefit for a given month can range from \$25.00 - \$40.00 per child.

The following rules apply for the claim recovery process and procedures:

- VDSS will attempt to rectify any questions and concerns that parents have regarding their P-EBT benefits
- When eligibility questions arise, VDSS will research P-EBT claims on a case-by-case basis when a P-EBT error may have occurred
- When investigating errors, VDSS will consider the efforts to reclaim benefits, weigh the equity of the claim, the burden on affected households, and the likelihood and costs of recovery
- VDSS recognizes that these benefits were provided without an application and provided to households through an automated match process with data provided by VDSS case management vendor
- If VDSS decides to proceed with the recovery of a P-EBT claim, under no circumstances will VDSS reduce a SNAP benefit to settle the P-EBT claim
- In recovering a P-EBT claim, VDSS will provide clear notice to the household regarding the circumstances and that VDSS will attempt to recover the benefits
- A full month claim per child ranges from \$33.34 - \$37.91 per child.
- P-EBT households represent less than 4% of households that carry a high account balance.
 - Therefore, VDSS will not attempt to recover claims unless the benefits exceed \$300 and were not used within a nine-month period or are a duplicate of benefits that were previously issued.

In cases where Virginia has consulted with FNS and has chosen to seek repayment, we propose the following steps:

- A letter will be sent to the individual who received the overpayment informing them of the error and the amount of the error
- The individual will have 30 days to respond to the notification
- The individual will be provided with three options for repayment

Repayment Options

For SNAP recipients that receive P-EBT on their SNAP EBT account, Virginia has a hierarchy of spending on each account. P-EBT is spent first. If payment is not received by the due date and the debt becomes delinquent and the recipient may be subject to other collection actions and processing charges.

Option 1- If the full P-EBT amount of the overpayment is still available, the recipient can elect to have the full amount recouped.

- If the customer elects this option, then the local agency must ensure there are P-EBT funds to cover the overpayment before any action can take place.

Option 2- If any amount of P-EBT remains on the account the recipient may elect to use the entire remaining P-EBT balance, or part of the remaining P-EBT balance to pay the claim.

- If the customer elects this option, then the local agency must ensure there are P-EBT funds to cover the designated amount before any action can take place.
 - If the amount does not pay the claim in full, the recipient must set up a monthly payment plan for the remaining balance
 - Balance must be paid in full within thirty-six (36) months. Payment plans must be no less than five dollars a month
 - Payments will be due each month by the last day of the month

Option 3- The recipient may choose to set up a payment plan to pay the full amount of the claim.

- Balance must be paid in full within thirty-six (36) months
- Payment plans must be no less than five dollars a month
- Payments will be due each month by the last day of the month

Improper Payment Issues

- **Benefits issued to an incorrect child or guardian-** In the event of an issuance to a guardian of a child not eligible for P-EBT or an issuance to the incorrect guardian of an eligible child, VDSS will research the issue. If an incorrect payment is located before issuance, VDSS will stop the benefits to the incorrect guardian and reissue benefits to the correct guardian for the child. If benefit is issued to the incorrect guardian, VDSS will record any improper payment or over-issuance and report the information and resolution to USDA utilizing the Over-issuance Tracker Spreadsheet provided by the USDA.
- **Duplicate Benefits** – VDSS will research any duplication of benefits issued to a household. If the benefits have not been spent, VDSS will attempt to recover the benefits that were provided in error. VDSS will contact USDA to report this payment issue.

Claims Letter Content

- Notice to a household deemed responsible for repayment
- Repayment amount and payment options
- Appeals and Fair Hearings Insert included

Claims Letter

Commonwealth of Virginia Department of Social
Services Supplemental Nutrition Assistance
Program (SNAP/P-EBT)

REPAYMENT AGREEMENT

Date:

Case Number:

Your household received more P-EBT benefits than you were eligible to receive. Please indicate below which method(s) of repayment you prefer. Please sign and date the Repayment Agreement and return it to the address located at the top right of this letter not later than 30 days from the date of this letter.

By signing this agreement, you agree to pay back the debt you owe. If payment is not received by the due date and the debt becomes delinquent, you may be subject to other collection actions and processing charges. Please note, you may **NOT** use SNAP benefits to repay your P-EBT claim.

Please Select a Payment Option(s)

() **LUMP SUM PAYMENT (FULL):** I agree to pay the full amount owed in one payment. I will make this payment no later than 30 days from the date of this letter.

() **LUMP SUM PAYMENT (PARTIAL):** I agree to pay a lump sum partial payment in the amount of \$ _____ no later than 30 days from the date of this letter. I will pay the balance due no later than 36 months from the date of this letter.

() **INSTALLMENT PAYMENTS:** I agree to pay \$ _____ each month by check or money order, until the amount owed is paid in full or 36 months, whichever comes first. I will make the first payment on (Specify Date) _____ and will make each additional payment after that, no later than the last day of each month.

() **ALLOTMENT REDUCTION:** I agree that the amount of P-EBT benefits my household received may be reduced by:

_____ The entire remaining P-EBT balance to cover the amount listed on the enclosed letter.

_____ A portion of the remaining P-EBT balance in the amount of \$ _____.

I will pay the balance due no later than 36 months from the date of this letter.

If your financial situation changes and you want to change the method of repayment or the monthly amount of repayment, please contact us immediately. You may change options at any time.

Signature _____ Date _____

10. 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.

11. 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, 2022 through September 30 2023. 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.

12. 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.”

13. 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.

14. 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.

Signatures and Titles of Requesting SNAP State Agency Official:



Signature
Danny TK Avula, Commissioner
Virginia Department of Social Services

Date of Request: 02/27/2023

