

**P-EBT Q&A – August 26, 2021**  
**P-EBT Assistance for Children in Schools and Child Care**  
**School Year 2021-2022**

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| <b>Summary:</b>               | (1) This document provides information to States to assist in the development of State plans to operate Pandemic EBT for school children and children in child care. (2) This document relates to 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 (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>

## School Year 2021 – 2022 P-EBT Basics

### 1. Will P-EBT for school year (SY) 2021-2022 operate in the same way as P-EBT during SY 2020-2021? What, if anything, has changed?

P-EBT requirements for SY 2021-2022 will be the same as P-EBT requirements during SY 2020-2021. For example:

- P-EBT may be available to eligible children and children who attend covered child care facilities; and
- States must submit P-EBT plans to USDA for review and approval. USDA has provided an updated template for States to use for their SY 2021-2022 plans<sup>1</sup>.

Although P-EBT program rules and the process of plan review and approval have not changed, the conditions on the ground have changed since last school year. More schools will return to full-time in-person learning during SY 2021-2022. These changes will impact the administration of P-EBT during SY 2021-2022. For example:

- USDA anticipates fewer children will be eligible for P-EBT benefits during SY 2021-2022.
- States and schools need to carefully consider the different methods of virtual instruction and their respective P-EBT eligibility or non-eligibility (see Q&As #16-19)
- States may want to modify their approach to identifying children eligible for P-EBT child care benefits (see Q&As #25-33).

### 2. Must States submit new plans to operate P-EBT during SY 2021-2022?

Yes, States must submit new plans for USDA review and approval before they can issue P-EBT benefits in SY 2021-2022. Although some States may anticipate having no need for P-EBT during the school year, USDA encourages all States to have updated plans on file in case conditions change.

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<sup>1</sup> 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.

**3. Some States and localities have lifted health mandates related to SARS-CoV-19. Does this mean that P-EBT is no longer available?**

No. P-EBT eligibility is based on the federal public health emergency declaration in response to an outbreak of SARS-CoV-2, the virus that causes COVID-19. The U.S. Secretary of Health and Human Services issues public health emergency declarations related to SARS-CoV-2. They can be found here:

<https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>

State and/or local mandates or declarations do not govern the availability of P-EBT benefits, although they can form the basis for simplified assumptions for child care P-EBT. See Q&As #31-33, below, for more information on the potential impact of State or local health mandates.

**4. May States issue benefits to children who were covered by their approved SY 2020-2021 P- EBT plans but were missed or issued too small a benefit due to State error?**

Yes, States with approved P-EBT plans for SY 2020-2021, including the covered summer period, can issue new or corrected P-EBT benefits for SY 2020-2021 to children who were covered by the States' approved plans but did not receive benefits or received too small a benefit due to a State error.

**5. Will USDA approve P-EBT plan amendments for SY 2020-2021 or the summer of 2021?**

Consistent with previous guidance, USDA will approve limited amendments to SY 2020-2021 or summer 2021 P-EBT plans under certain circumstances. For example, USDA will consider amendments that provide households with additional time to provide the address, head of household, and other contact information necessary for the State to create an EBT case file. Similarly, USDA will consider amendments to extend or modify the State's process of matching children's names to school district lists of children who were already determined eligible for free or reduced price benefits. USDA will not consider amendments to open or re-open an application process to establish the income eligibility of households for SY 2020-2021 or for the summer of 2021.

## P-EBT Assistance for Schoolchildren

### 6. What are the P-EBT eligibility criteria for school children in SY 2021-2022?<sup>2</sup>

The criteria are the following:

- i. There is a Federal Public Health Emergency designation based on SARS-CoV-2 in place;
- ii. the child would have received free or reduced price school meals under the NSLP and SBP if not for the COVID health emergency. This includes children who are directly certified or certified by application. It also includes children enrolled in a Community Eligibility Provision school or a school operating under Provisions 2 or 3, and
- iii. 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 due to the COVID emergency in the current school year.

### 7. Do schools need to be closed or operating at reduced attendance or hours for 5 consecutive days for a student to receive P-EBT benefits?

Yes. A school must be closed or operating at reduced attendance or hours for 5 consecutive days during SY 2021-2022 for a student to receive P-EBT benefits. Once a school meets the minimum 5 consecutive day threshold, during SY 2021-2022, then that school does not need to meet that threshold again for the duration of the current federal SARS-CoV-2 Public Health Emergency. After the threshold is met, free or reduced-price eligible children may receive P-EBT benefits on days that they do not attend school in person and do not have access to a meal service at the school due to COVID-19, including the five initial days.

### 8. If a school has returned to in-person instruction, but the school continues to provide virtual instruction for COVID-related reasons at the election of the student or the student's family, is that school operating at reduced attendance?

If the school is providing its own virtual instruction to students on an exception basis for COVID-related reasons, and virtual instruction will be provided by school or school district staff or contract staff hired by the school, then the school is considered to be operating at reduced attendance. Please see Q&As #16-19 for additional detail.

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<sup>2</sup> Families First Coronavirus Response Act (P.L. 116-127, as amended)

**9. May children who are attending schools that provide meals through NSLP's SSO during SY 2021-2022 rather than the traditional NSLP and SBP receive P-EBT benefits?**

Yes, children attending schools that are closed or have reduced attendance or hours for at least 5 consecutive days and that provide meals to students through SSO instead of the traditional NSLP and SBP may be eligible for P-EBT if they could have received free or reduced-price meals under the NSLP and SBP if not for the school's closure or reduced attendance or hours.

**10. Since all children are eligible for free meals in schools that provide meals through the SSO, are all of these children eligible for P-EBT on days that they do not attend school?**

No. Children must be eligible for free or reduced-price meals under the eligibility criteria for the NSLP and SBP, or attend a school participating in Provision 2, Provision 3, or the Community Eligibility Provision (CEP) in order to be eligible for P-EBT benefits.

**11. May States use school children's most recent prior year free or reduced price eligibility to establish P-EBT eligibility in SY 2021-2022?**

Yes, if the school districts are providing school meals through the Seamless Summer Option in SY 2021-2022 rather than through the NSLP and SBP and did not collect school meal applications at the start of the current school year<sup>3</sup>. In this case, the State may issue P- EBT benefits based on free and reduced-price eligibility data from the most recent prior year for which such data is available. However, States and school districts using free or reduced price eligibility data from the most recent prior year must not issue P-EBT benefits to students who graduated or are no longer enrolled in school.

If, however, a school or school district collects applications at the start of this school year for purposes of returning to normal NSLP operations, those applications – and *not* a prior year's applications – must be used to determine P-EBT eligibility.

Lastly, States must provide an opportunity for newly income-eligible students to establish their eligibility in SY 2021-2022. Similarly, States must certify eligible children who are newly enrolled in school (kindergarten, transfers, etc.). States and school districts should use their established application processes and direct certification systems to determine these children's eligibility.

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<sup>3</sup> 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.

**12. If a child is determined eligible for free or reduced price meals after the State begins its SY 2021-2022 P-EBT program, would the child’s P-EBT eligibility begin at the time of application approval or will it apply back to the beginning of the current school year?**

During SY 2020-2021, States and school districts could generally assume eligibility back to the start of the school year if a child confirmed they would be otherwise eligible for NSLP during the school year. This was based in part on the fact that the SY 2020-2021 P-EBT process was not implemented until after the school year started and most schools had closed or reduced hours since the beginning of SY 2020-2021, and it would have been problematic to deny the retroactive P-EBT benefits simply because the P-EBT process was not yet in place at the start of the school year. For SY 2021-2022, the P-EBT process has already been established. Therefore, FNS does not consider issuing benefits retroactive to the beginning of SY 2021-2022 as necessary or appropriate. States may continue to assume eligibility as it did in SY 2020-2021 or limit eligibility to begin at the time of application. USDA believes the submission date of an application is the best indicator of the start of a child’s eligibility for P-EBT in SY 2021-2022.

**13. Are children who are no longer attending an NSLP/SBP eligible school and are being homeschooled because of COVID-19 eligible to receive P-EBT?**

No. Children who are being homeschooled are not attending an NSLP/SBP eligible school and are not eligible to receive P-EBT.

**14. If a child takes a grab n’ go meal, is the child eligible for P-EBT benefits?**

States have used the term “grab n’ go” to mean different things. For purposes of P-EBT, if a child is attending school in-person, and the child picks up a meal somewhere on the school campus and consumes the meal somewhere else on the school campus then that child has received a meal at school and is not eligible for P-EBT benefits on that day. If a student is not attending school in-person, they may be P-EBT eligible on that day even if the child’s parent picks up a meal in a parking lot from a school that has taken advantage of USDA’s non-congregate waiver<sup>4</sup>.

A child who receives an NSLP (or NSLP-SSO) meal at school is ineligible for P-EBT benefits on that day.

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<sup>4</sup> All burden associated with the nationwide waivers, including the election to participate, will be included in an upcoming change request to FNS Information Collection Needs due to COVID-19, OMB Control #0584-0654, expiration date 01/31/2022

- 15. Some children attending NSLP participating schools that are otherwise fully virtual attend school in person for a couple of hours per day; others attend for half a day. May these children receive P-EBT benefits on those days?**

Children who are eligible for free or reduced-price NSLP meals are eligible for P-EBT benefits on days that they do not receive a meal service at school as a result of the school's closure or reduced attendance or hours due to the COVID health emergency. If a child receives a school meal at the school while they are attending in-person, they are ineligible for P-EBT benefits on that day. USDA cannot provide specific instruction to States to cover all possible situations. States must explain how they will address these cases consistent with FFCRA requirements and under what circumstances they propose issuing P-EBT benefits to these children.

### **Additional Notes on Virtual Instruction in SY 2021-2022**

- 16. As schools return to in-person instruction, virtual options in many states and school districts will be structured differently than they were in SY 2020-2021. Under what conditions will virtual learning at a school attended by the child confer eligibility for P-EBT?**

Under the Families First Coronavirus Response Act (FFCRA), P-EBT's authorizing legislation, some virtual learning options confer eligibility for P-EBT and some do not. A virtual day may count for P-EBT eligibility when the school attended by the child is closed (completely virtual) or operates at reduced attendance or hours (partially virtual) **due to COVID-19**, and the student **could have received free or reduced price meals at the school** except for the school closure or reduced operations. Virtual days are not eligible for P-EBT if the school attended by the child is a distinct, fully virtual institution that is not eligible to participate in the NSLP or the SBP.

Q&As #17-19 provide additional detail on P-EBT eligibility under a handful of basic virtual learning models. Each is guided by these legislative requirements.

- 17. Some schools will continue to impose virtual or hybrid schedules on their students in direct response to the COVID-19 health emergency. In those schools, virtual instruction will be provided by school or school district staff or contract staff hired by the school. Are students in those schools eligible for P-EBT?**

Yes. This is how most schools provided virtual or hybrid instruction in response to the COVID-19 Public Health Emergency in SY 2020-2021. And it was under this model that States issued P-EBT benefits in SY 2020-2021. Students who attend these schools and are NSLP eligible would have received free or reduced price meals at the school except for their school's closure or reduced operations. To the extent these schools

continue this model of virtual instruction in response to COVID-19, NSLP-eligible children attending those schools are P-EBT eligible on virtual learning days in SY 2021-2022.

- 18. Many schools will resume full-time in-person instruction, but will continue to approve virtual learning on an exception basis for COVID-related reasons. As in the previous example, virtual instruction is provided by school or school district staff, or contract staff hired by the school. Are virtual students attending those schools eligible for P-EBT on their virtual learning days?**

Yes. As in the previous example, the school attended by the child provides virtual instruction in response to COVID. The school's virtual instruction is provided by school or school-district staff or contract staff hired by the school. The only difference, and it is not relevant for purposes of P-EBT eligibility, is that virtual learning is elected by the student or parent rather than imposed by the school. Since the school is operating at reduced attendance in response to COVID, these virtual students who are NSLP-eligible are eligible for P-EBT benefits.

- 19. Some States offer virtual learning through state-administered virtual academies. In other States, school districts operate their own fully virtual schools or academies. Under both of these models, students attend virtual institutions that are distinct from their home districts' traditional schools. In the case of state-administered virtual academies, the relationship between the students' home school districts and the virtual academy differs across States. (In some States, for example, students retain dual-enrollment with their home school districts.) Are students eligible for P-EBT on days that they attend state-administered or district-administered virtual schools or academies?**

No. A virtual academy, whether administered by the State or the school district, is not eligible to participate in the NSLP or the SBP. Students attending a State-administered or school district-administered virtual academy could not receive free or reduced price NSLP meals from the school in the absence of the COVID emergency. The NSLP status of the virtual school, rather than its relationship to the students' home district, is the critical factor for purposes of P-EBT.

### **Simplifying Assumptions and Best Feasibly Available Data**

- 20. The Families First Coronavirus Response Act (FFCRA), as amended, authorizes States to make simplifying assumptions and use the best feasibly available data to identify eligible school children, determine the operating status of schools, and establish State or regionally based benefit levels. How can States apply this flexibility to their P-EBT plans for school children?**



USDA understands that the collection of school and student level information to support the calculation and issuance of P-EBT benefits is a challenge that varies across States and depends on the structure and capability of State and local administrative data systems, resource availability, and rules governing the transfer of data across government agencies. FFCRA, as amended, authorizes States to make simplifying assumptions and use the best feasibly available data to accommodate these challenges, to limit administrative burden, and to facilitate the delivery of program benefits to eligible children.

The fundamental intent of the program is to provide P-EBT benefits to children for days that they do not receive a meal service at school. To that end, States should tie P-EBT benefit levels *as closely as possible* to children's circumstances. But FFCRA recognizes that issuing benefits that precisely match each child's number of virtual learning days may not be possible or administratively feasible.

In all cases, State P-EBT plans must describe how their approach makes use of best *feasibly available* data, and describe any simplifying assumptions proposed and why they are needed, including why alternative approaches supported by more precise data are not administratively feasible. ***The next few questions offer States several options for simplifying the calculation of P-EBT benefit levels.***

**21. May States issue a fixed P-EBT benefit amount across months to children receiving 100% virtual instruction?**

If a child is learning virtually consistent with the learning models described in Q&As #17-#19 above, then, yes, States may calculate a fixed benefit amount for fully virtual children by taking the number of scheduled instructional days in the state's school calendar (a number that excludes school breaks and holidays) and dividing that by the number of months in the school year. This allows States to issue a fixed benefit to children receiving 100% virtual instruction each month for as long as students remain in that virtual status. If the student's virtual status changes and they begin receiving meals at school, the P-EBT benefit must be reduced or ended, as appropriate to the circumstances.

**22. May a State calculate a uniform P-EBT benefit for eligible children with hybrid schedules based on an average hybrid schedule or an otherwise representative number of children's virtual learning days in a school, school district, county, or State?**

Yes, the State may calculate a uniform P-EBT benefit for eligible children with hybrid schedules based on average hybrid schedules or the most common hybrid schedule in the State or in a local area. In all cases, the State must demonstrate in its P-EBT plan that its uniform hybrid benefit is a ***reasonable reflection*** of scheduled virtual days for eligible children in a school, a school district, a county, or the State.

Note that calculating a uniform benefit for hybrid students does not require collecting schedule information from every student where that data is not feasibly available. For example, the State could calculate an average hybrid benefit by collecting the hybrid schedules in use in each school and the aggregate number of students with each schedule.

If gathering information from **every** school is not feasible, States may propose alternative methods to calculate an average hybrid benefit. For example, States could collect schedule information from a representative sample of schools or from a subset of schools covering the majority of students. States may collect this information directly from schools or from other reliable sources. As discussed below, USDA is sensitive to the risk that students with fully virtual schedules in schools with default in-person or hybrid models will receive benefits inconsistent with their virtual status. USDA strongly encourages States to include in their plans a process for families with students in this circumstance to identify themselves and request additional benefits consistent with their status.

If a State proposes to issue a uniform hybrid benefit (whether based on average schedules, the most common schedules, or any other method) the State must describe in its P-EBT plan why the use of more precise data is not feasible, and why the proposed approach is a reasonable reflection of virtual schedules for most children in a given area. States should demonstrate in their plans that the uniform hybrid benefit will be provided to children who meet the eligibility requirements for P-EBT consistent with any simplified assumptions used by the State and based on the best feasibly available data. Finally, the State must outline how it will reassess its uniform hybrid benefit levels, with updated school schedule information collected no less frequently than every other month.

**23. The previous Q&A outlines a process for a two-tiered benefit structure: one benefit for children with hybrid schedules, and a second for children with fully virtual schedules (children with fully in-person schedules would not receive benefits). If separating children into these broad groups is not possible or feasible, may a State set a uniform benefit for all eligible children in a given school based on the default or predominate learning model (in-person, virtual or hybrid)? How might the State determine such a benefit?**

Yes. In some States, it may not be possible or feasible to collect or monitor the in-person, virtual, or hybrid status of individual students. Instead, the best feasibly available data may be the default or predominate learning model. In those States, it may be appropriate to set a single uniform P-EBT benefit at the school level.

For example, in a school where the default model is 100% virtual instruction, the State may issue a P-EBT benefit for each instructional day to all of the school's eligible children, even if some children attend class in-person on an exception basis. Similarly,

in schools where the default instructional model includes a mix of in-person and virtual days, the State may issue an average hybrid benefit to all eligible children, despite the fact that some children attend in-person every day and others elect a fully virtual schedule.

In SY 2020-2021, many States elected to set common benefits at the school level. However, in recognition that conditions are different in SY 2021-2022, a school-level predominate model may no longer be workable. Where schools have returned to full-time in-person instruction, a school-level predominate model may be insufficiently sensitive to limited closures at the class or grade level. Instead of denying benefits to the minority of students affected by a limited school closure, States should consider developing P-EBT plans that issue common benefits for limited closures at the grade or class level.

The State must explain in its P-EBT plan why a uniform benefit for all children in the same school is a necessary simplification, and why the State cannot collect the student-level data necessary to issue separate hybrid and fully virtual benefits. In addition, the State must clearly outline the standards that it will use to determine its schools' default or predominate learning models. The State should explain why these standards are reasonable given the available data. States should demonstrate in their plans that the uniform benefit will be provided to children who meet the eligibility requirements for P-EBT consistent with any simplified assumptions used by the State and based on the bestfeasibly available data. And as with all other approaches, the State must outline how it will reassess P-EBT benefit levels, with school schedule information updated monthly.

USDA is sensitive to the risk that students with fully virtual schedules in schools with default in-person or hybrid models will receive benefits inconsistent with their virtual status. USDA strongly encourages States to include in their plans a process for families with students in this circumstance to identify themselves and request additional benefits consistent with their status. States will not be able to issue additional benefits to these families if the States' P-EBT plans do not outline the process for handling and reviewing their requests. States are encouraged to establish procedures which minimize burden on families, such as allowing them to make such requests through their schools.

**24. Are States required to revise their benefit levels after plan approval if school/student schedules change?**

Yes. A State that elects to issue a standard benefit for children with hybrid schedules is committing to a process for setting benefit levels – a process that the State describes in detail in its P-EBT plan. Any plan to set a standard hybrid or uniform benefit must include a reassessment of school/student schedules across the State no less frequently than every other month. If as a result of such a reassessment, the State finds that school/student schedules no longer support the benefit levels established at the time of

the original plan's approval, the State will update benefit levels accordingly. USDA and the States are partners in ensuring the delivery of P-EBT benefits to eligible children at appropriate levels, and in ensuring the greatest care in the management of taxpayer funds.

### **P-EBT Assistance for Children in Covered Child Care Facilities**

#### **25. What are the P-EBT eligibility criteria for children enrolled in child care?<sup>5</sup>**

P-EBT eligibility criteria for SY 2021-2022 are the following:

- i. There is a Public Health Emergency designation based on SAR-CoV-2 in place,
- ii. the child is a member of a household that is enrolled in SNAP,
- iii. the child is enrolled in a covered child care facility (under the December 2020 amendment to the FFCRA, all children under the age of 6 will be considered enrolled in a covered child care facility),
- iv. the child's covered child care facility is closed or has 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 child care facility, or in the area of the child's residence, is closed or has reduced attendance or hours for at least 5 consecutive days.

#### **26. Are all children under age 6 who receive SNAP benefits automatically eligible for P-EBT?**

No. As noted in Q&A #25, the latest amendment to FFCRA considers all children under the age of 6 to be enrolled in a covered child care facility. However, the State must still confirm that the child's home address or child care facility is "in the area" of a closed school or a school operating with reduced attendance or hours or the child care facility the child is attending is closed or has reduced hours before providing P-EBT benefits.

#### **27. Are SNAP-enrolled children who turn 6 before schools return to session, but are not enrolled in school in SY 2021-2022, ineligible for P-EBT child care benefits?**

No, these children are not necessarily ineligible for P-EBT child care benefits. However, because these children are not under age 6, they are not deemed enrolled by the FFCRA in a covered child care facility. In order to issue benefits to these children, the State may use the best feasibly available data to verify their enrollment in a covered child care facility. The facility must be closed or operating at reduced attendance or hours, or located in the area of a school operating at reduced attendance or hours.

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<sup>5</sup> Families First Coronavirus Response Act (P.L. 116-127, as amended)

**28. States will issue P-EBT child care benefits to some SNAP-enrolled children who are age 5 at the start of the school year. At some point during the school year, most of these children will reach their 6th birthday. May States continue to automatically issue P-EBT child care benefits to these children once they turn 6?**

No. When a child turns 6, the child is no longer “deemed” enrolled in a covered child care facility. As noted in the previous Q&A, however, many of these children are enrolled in a covered facility. USDA understands the challenge associated with contacting the families of these children once they turn 6 to confirm their enrollment in a covered facility as a condition of continued receipt of P-EBT benefits. In these cases, States *may* make the reasonable simplifying assumption that children who began receiving benefits as a 5-year-old earlier in the school year remain enrolled in a covered child care facility through the end of the school year. This will allow the uninterrupted issuance of benefits to these children. ***It is important to note, however, that this assumption only applies to the child’s continued enrollment in child care; the State may not assume continued SNAP enrollment through the end of the school year. P-EBT child care benefits end when SNAP enrollment ends.***

**29. Under the FFCRA, States may issue P-EBT child care benefits to any child where “1 or more” schools in the area of the child’s residence are “closed” or operating at “reduced attendance or hours.” In SY 2020-2021, schools in most parts of the country operated virtually or with hybrid schedules for much of the year. As a result, this provision ensured broad access to P-EBT child care benefits that aligned reasonably well with the benefits received by most area school children. As schools return to in-person instruction, how can States use school operating status to set P-EBT child care benefits in SY 2021-2022?**

The purpose of the FFCRA’s child care component is to provide assistance to children whose access to child care, and child care meals, is compromised by the COVID health emergency. In recognition of the challenge of gathering data on the operating status of local child care providers, the FFCRA allows States to use the operating status of local schools as a proxy for the availability of child care in a local area.

As schools return to full-time in-person instruction, children will regain regular access to school meals and fewer children will qualify for P-EBT school benefits. However, some schools will allow parents to elect a virtual option on an exception basis for COVID-related need. Note that even if just a few students in a school are approved for virtual or hybrid learning, USDA recognizes that the school may be viewed as operating at “reduced attendance” – a necessary condition for States to issue P-EBT school benefits to those students.

While technically permissible, USDA believes it would be counter to PEBT's purpose to issue a broad P-EBT child care benefit to the area's SNAP-enrolled preschool children if all but a few students in the area have returned to school for full-time in-person instruction.

If States elect to issue P-EBT child care benefits under minimal reduced attendance at schools, USDA encourages them to target benefits consistent with the best available data on local access to child care and school operating status. For example, States might consider limiting child care benefits to children who live in the reasonably narrow attendance area of the school rather than a broader area.

USDA also encourages States to set benefit levels at an amount that is consistent with the return of near-normal access to schools and child care. For example, if most students in area schools have returned to in-person instruction, then the number of virtual days in a month, **averaged across all virtual and in-person students**, may be quite low. States might consider issuing a child care benefit for area children based on that average number of student virtual days. Similarly, States might look to CACFP meals claims to set P-EBT benefit levels. If, for example, CACFP meal claims indicate that attendance has returned to 80 percent of normal for a particular area in a given month, States might calculate a P-EBT child care benefit equal to 20% of a fully virtual P-EBT school benefit. Finally, States may consider issuing P-EBT child care benefits on a case by case basis only, in the same manner that schools approve virtual learning for individual children.

**30. What criteria should a State use to determine whether a child's home address or child care facility is "in the area" of a closed school or a school operating with reduced attendance or hours?**

States should propose a reasonable method, based on best feasibly available data, to establish that a child's home address or child care facility is "in the area" of a closed school or a school operating with reduced attendance or hours. A State may satisfy this eligibility requirement by confirming that the child care facility or the child's residence is located in a school district, county, or other limited local region where the State has established that one or more schools is closed or operating with reduced attendance or hours. In SY 2020-2021, most States used counties. Children under age 6 are automatically deemed enrolled in a child care facility. Accordingly, if supported with data presented in its State plan, a State may conclude that all SNAP-participant children Statewide under age 6 reside in the area of an eligible school.

**31. If a State or local public health ordinance *mandates* a reduction in the capacity of child care facilities in response to COVID-19, may the State consider all SNAP-recipient children under age 6 who live in the area covered by that ordinance eligible for P-EBT benefits?**

Yes, because in this case the local public health ordinance “has reduced [the] attendance or hours” of the child care facilities in the designated area. The State must still confirm all other conditions of P-EBT eligibility are met, including that a Public Health Emergency designation due to an outbreak of SARS-Cov-2 is in effect. If the local public health ordinance is lifted or amended, the State must reevaluate the operating status of child care facilities in that area. (See Q&As #32-33 for additional detail on the use of State or local ordinances to establish eligibility for child care benefits when schools have largely resumed in-person instruction.)

**32. Some SNAP-participant children under age 6 are enrolled in a child care facility that is closed or operating at reduced attendance or hours, but neither the facility nor the child’s residence is in the area of a school that is closed or operating at reduced attendance or hours. How might States confirm the P-EBT eligibility of these children?**

If a SNAP-participant child under age 6 is enrolled in a child care facility that is closed or operating at reduced attendance or hours, that child may be eligible for P-EBT. In this case, States should work to confirm the status of the covered child care facility. If a State believes this is not feasible, some specific simplifying assumptions are available, such as using a State or local public health ordinance, developed in response to COVID-19, to determine the status of a covered child care facility. States may propose other available information sources in their State plans such as data on child care access, participation, or meal claims from State child care licensing or CACFP agencies to draw reasonable conclusions about the operation of child care facilities in a given locality. Finally, States may consider contacting and collecting information directly from these households.

**33. In some States, counties, and school districts, schools have resumed normal in-person instruction but child care providers continue to operate with reduced attendance or hours. How should States identify the children who remain eligible for P-EBT child care benefits in those States and localities?**

As discussed elsewhere in this document, States need not rely on school operating status to confirm the eligibility of children for P-EBT child care benefits. States may use data from individual facilities or they may use other evidence to establish eligibility for an entire locality or region. At the same time, the FFCRA recognizes that school operating status is a reasonable proxy for the status of child care facilities. For this reason, in areas where schools have returned to normal operation, States should use the best feasibly available data, as provided for in the State plan, to support a finding

of reduced access to child care and justify the issuance of P-EBT child care benefits. While States may point to the continued existence of State or local ordinances that establish standards for safe operation, those ordinances are only appropriate if they mandate, rather than recommend, a reduction in capacity or hours. States may also point to administrative data on child care enrollment or CACFP meal claims to support a claim that access to child care remains compromised. However, that data must show a reduction in attendance. Finally, the State must provide evidence that the data reflects a lack of access to child care tied to the COVID health emergency.

### **Issues Common to P-EBT's School and Child Care Components**

**34. Many States will take advantage of simplifying assumptions or best feasibly available data to determine P-EBT benefit levels for children in schools or child care. What should States communicate to parents regarding the value of their P-EBT benefits? And how should States handle that communication?**

Every State is responsible for communicating to parents/guardians how the State's P-EBT program works and how the State sets benefit levels. This explanation must be transparent, easily accessible on the State's P-EBT website and in any communication distributed directly to parents, and communicated in a manner accessible to parents with disabilities and parents with limited English proficiency. For P-EBT school benefits, this is especially important when the State issues average benefits that are not tied directly to individual children's schedules. And for P-EBT child care benefits, the State should describe how benefit levels are linked to the average P-EBT benefits issued to children in area schools.

As discussed elsewhere in this document, USDA encourages States to set benefit levels as closely as possible to children's individual circumstances. The States' use of simplifying assumptions and best feasibly available data to set benefit levels is ultimately a matter of State discretion. The State should explain to parents how it exercised that discretion, if at all, and how it impacts their children's benefit levels.

USDA encourages States to point to the very reasonable need to limit State and local administrative cost, overcome data challenges, and facilitate the timely issuance of benefits.

**35. What are the maximum P-EBT benefits for children in school and for children in child care?**

**For schools:**

- States may issue benefits for weekdays during the regular school year. States may not issue benefits for weekends, school breaks, or holidays.



**For child care:**

- USDA expects that most States will set P-EBT benefits for children in child care that mirror P-EBT benefits for children in area schools. USDA will not approve an average child care benefit that exceeds 5 days of free meals per week, and will approve a benefit equal to that maximum level if one or more schools in the area is operating entirely virtually

**36. May a child receive P-EBT benefits under both the school and child care components?**

No, the maximum P-EBT daily benefit for any child is equal to the value of the free reimbursement for one breakfast, one lunch, and one snack. States must describe in their State plans how they will ensure that no child receives P-EBT benefits in excess of the maximum amount.

**37. Some children who are under 6 are also enrolled in school. How should the State determine the child's benefit?**

States must use their discretion to determine whether school or child care P-EBT benefits should be issued to the child. The State should consider factors such as whether the pre-school age children attend school all day, whether the State's P-EBT school benefit is an average benefit or a school-wide common benefit, or whether the school benefit is tied directly to the child's number of virtual learning days. USDA also recognizes that the sequence in which states process child care and school benefits is a relevant factor, and that states may consider the efficiency or cost of administration in deciding how to proceed.

**38. How frequently must States reassess the operating status of schools or child care facilities to determine if children remain eligible for P-EBT and to determine benefit amounts?**

Given the uncertainty around the continuation of the public health emergency based on SARS-CoV-2, States that propose to issue benefits prospectively must reassess school operating status no less frequently than every two months, and FNS encourages states to do so every month (which most states are already doing). For States that issue benefits retrospectively, States should use the actual operating status of schools or child care facilities to set benefit levels.

**39. States will issue P-EBT benefits to most or all households unsolicited. What should States communicate to households who wish to decline the benefit?**

States should instruct all P-EBT recipient households on how to decline their benefits. States should provide this instruction on their P-EBT websites and in any communication delivered directly to recipients. The State should also communicate to P-EBT recipients that their benefits are not transferrable and cannot be gifted or donated. States should instruct non-SNAP households who wish to decline their benefits to destroy their P-EBT cards. States should ensure that each of these communications is accessible to parents with disabilities and parents with limited English proficiency.

For current SNAP recipients, States will typically add P-EBT benefits to the households' existing SNAP EBT accounts. States should instruct those households who wish to decline their P-EBT benefit to contact the State Agency. If administratively feasible, States may consider offering those households an option to request that future P-EBT issuances not be loaded to their EBT accounts.

**40. Should States issue replacement P-EBT cards if they were lost or misplaced?**

States should issue replacement P-EBT cards, but cannot replace the value of any benefits which have already been redeemed.

**41. May States recover over-issued benefits from P-EBT recipient households?**

Yes. States that are approved to operate P-EBT are responsible for ensuring that P-EBT benefits are provided to eligible children in accordance with the FFCRA, as amended, and the State's approved P-EBT plan. USDA is legally obligated to account for aggregate over-issuances or improper payments.

States that recover or adjust P-EBT payments to correct errors on previous issuances 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. Under no circumstances may the State reduce a SNAP benefit to settle a P-EBT claim.

States should address a variety of considerations with respect to any potential recovery activities. As a practical matter, most or all P-EBT beneficiaries receive their payments unsolicited, based on existing State and school district records. 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. Finally, 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.

**42. May States issue P-EBT benefits to households to correct a previous erroneous issuance?**

Yes, when a State confirms the original issuance was made in error. Errors in State or local records may result in P-EBT issuances to the wrong household. For example, a State may erroneously issue a P-EBT card to a child's previous guardian rather than to his or her current guardian. A State might also issue a benefit based on an outdated address.

USDA's P-EBT plan template asks States to describe how they will resolve errors of the type described above: wrong household, wrong address, etc. USDA expects that States will research those cases individually and issue benefits only when the State confirms that its original issuance was made in error. States should not issue duplicate benefits in cases of disputed guardianship if the State believes the original issuance was correct.

**43. How will States be held accountable for problems with program implementation?**

Each State must operate P-EBT in accordance with the statutory requirements and its approved P-EBT plan. USDA is responsible for oversight of States' management of P-EBT and may hold a State agency liable for overall program operations that do not conform to FFCRA requirements and the State's approved P-EBT plan. For example, USDA may hold State agencies liable for aggregate over-issuances or improper payments in situations where USDA determines 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. This is the same standard that applies to all other State agency administered USDA nutrition assistance programs. USDA's oversight activities will focus on systemic issues, rather than individual eligibility determinations or benefit issuances.

### **Administrative Funding**

**44. How will USDA administer P-EBT's administrative funding provision?**

The FFCRA provides for the full reimbursement of costs incurred to administer P-EBT from October 1, 2020, through the end of the current pandemic. This includes P-EBT administrative costs incurred by the States' SNAP and Child Nutrition agencies, as well as the P-EBT administrative costs incurred by local agencies and cooperators such as local educational agencies and school food authorities. It also includes P-EBT administrative costs incurred by third parties, including non-profit organizations, *under contract with the States, local agencies, or cooperators to perform P-EBT administrative work.*

FNS anticipates awarding new grants for both state and local P-EBT administrative costs in FY 2022. FNS hopes to have funding available in the first quarter of the fiscal year.

**45. What administrative costs may States claim for reimbursement?**

The grants will be available for the necessary, allowable, and reasonable State and local agency costs associated with the administration of P-EBT. The award will follow general Government-wide grant rules under 2 C.F.R. Part 200 unless otherwise provided for in the terms and conditions which will accompany the award.

**46. What must the States report to USDA? When must they report?**

States will be expected to submit a P-EBT administrative cost plan for both grants for the intended period of operations for USDA approval. The approved level of this plan will serve as a limit on State and local expenditures. Should costs be higher than expected, a State may amend their plan and seek USDA approval for a higher level of administrative funding. During the period of performance of the grant, the SNAP State agency will be expected to aggregate obligation and outlay data from all State agencies utilizing the award and report quarterly to USDA using a P-EBT specific instance of the FNS-778.

Further guidance, including specific reporting timeframes, will be included in the terms and conditions to accompany the award.

**47. Will USDA provide any funds for the up-front costs of developing States' P-EBT operations?**

Yes. USDA will work with the States, at their request and on approval of their P-EBT operational plans, to provide a small increment of initial funding. This initial funding will allow States to help defray their administrative costs while the ultimate level of the administrative cost grant is determined. This initial funding may be extended while the SNAP State Agency works with their Child Nutrition State agencies to develop the more detailed FNS-366(a).

## P-EBT Benefit Amounts

### 48. What is the daily value of P-EBT benefits for SY 2021-2022?

The daily P-EBT benefit, for both school children and children in child care is shown in the chart below:

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

**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>

## Summer 2022 – Initial Guidance

### 49. Must States have an approved P-EBT plan in place for SY 2021-2022 in order to issue P-EBT benefits in the summer of 2022?

Yes, States must have a USDA-approved SY 2021-2022 P-EBT plan in place for school children or children in child care (or both) in order to issue P-EBT benefits in the summer of 2022. In addition, States must put their approved SY 2021-2022 plans into effect. While it is possible that some States will end up issuing no P-EBT benefits during the school year, States must be prepared to issue benefits in the event of a COVID-related school closure or reduced school attendance or school hours consistent with the terms of their approved plans.

### 50. Must States submit P-EBT plans to USDA for review and approval prior to issuing benefits in the summer of 2022?

Yes, States will have to submit summer 2022 plans for USDA review and approval. At this time, USDA anticipates offering a simplified plan template for the summer of 2022 comparable to the template used for the summer of 2021. However, this guidance may change if any new laws are enacted that impact summer P-EBT.

**51. Will USDA issue more guidance about P-EBT summer 2022?**

Yes. The purpose of these questions is to address some basic points about P-EBT during the summer of 2022. To clarify more challenging questions, USDA will issue a more complete set of Q&As about summer P-EBT later in the school year.