

**State Plan for Pandemic EBT
Children in School and Child Care, 2020-2021**

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Summary:	(1) This document is a template to assist States in the development of State plans to operate Pandemic EBT for school children during school year (SY) 2020-2021 and for children in child care during federal fiscal year 2021. (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) and the Consolidated Appropriations Act, 2021 (P.L. 116-260).
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Additional context and background for this document can be found at:
<https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>

The P-EBT Assistance for Children in Schools and Child Care should be covered under an Emergency Information Collection Request for the Pandemic EBT (Schools), to be adjusted as appropriate, which is currently under review at OMB. Once OMB has approved the request and assigned the OMB# Control Number, FNS will include the necessary information on the State Plan.

State Plan for Pandemic EBT
Children in School and Child Care, 2020-2021

1. **State:** New York

2. **Primary Citations:** Families First Coronavirus Response Act (FFCRA);
Continuing Appropriations Act, 2021 and Other Extensions Act;
Consolidated Appropriations Act, 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).

Note that P-EBT benefits for school children are available from the start of school year 2020-2021. P-EBT benefits for children in child care are only available from the start of federal fiscal year 2021, or October 1, 2020.

- 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. Estimated total amount of administrative funds the State needs to complete the work described in this State plan/amendment.²
- e. 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

¹ The date range covered by P-EBT State plan or amendment. For example: a State's initial plan could cover August 31 through September 30, 2020; and a later amendment could cover October 1, 2020 through December 31, 2020.

² Note that States may only claim 100% reimbursement for P-EBT administrative expenses incurred from October 1, 2020 forward.

Response:

New York State's responses below pertaining to the next phase of P-EBT rely heavily upon data and processes used to implement the P-EBT plan and issue P-EBT benefits for the 2019-20 school year. Unlike P-EBT for the 2019-20 school year, which had set benefit amounts for a set number of days and for which – since all schools were closed – all children receiving free school lunches were in fully remote learning situations and therefore eligible for the P-EBT benefit, determining the eligibility and cumulative benefit amounts due to students for P-EBT for the 2020-21 school year is far more dynamic and uncertain.

- a. This plan will cover the entire 2020-21 school year, all months from the beginning of school in September 2020 through the end of school in June 2021. New York State education law requires that children have a **minimum** of 180 days of instruction. Currently, the typical New York State school schedule has 194 days of scheduled instruction. That is an average of 19.4 school days per month.
- b. Because the actual number of children who are eligible for P-EBT benefits and who have had attendance at school reduced for five or more consecutive days currently is unknown, the following are derived from simplifying assumptions, based on the learning modalities reported in school re-opening plans augmented by data on school closings since September. The New York State Education Department (SED) reviewed school re-opening plans for the 2020-21 school year for 30 percent (312) of all school food authorities (SFAs) in New York State participating in the National School Lunch Program (NSLP). The SFAs reviewed include SFAs in all New York State counties and include the states five largest school districts (New York City, Buffalo, Rochester, Syracuse and Yonkers). The review included large and small city, suburban and rural public districts representing over 1.6 million of the state's approximately 2.5 million eligible students. The majority of hybrid plans consist of 3 days per week of remote learning, equating to approximately 12 days per month, not including holiday and vacation days, of remote learning. From such reports and from accounts and data that currently are available, it appears that schools moving from a hybrid learning modality to in-person learning is and has been an exponentially less common occurrence than schools moving either from hybrid or in-person to fully remote, further supporting the 12-day remote learning average. For example, although according to its re-opening plan all New York City public schools are in hybrid learning modality, the reality is that many, if not all, of its middle and high schools have been in fully remote learning for much of the period for which schools have been open.

The estimates provided within this plan are based on an estimate of 2.5 million New York State school children receiving free or reduced-prices meals (FRPMs) at school, a monthly benefit of \$132 for children in fully-remote learning situations, and a monthly benefit of \$82 for children in either hybrid or in-person learning modalities where in-person attendance has been reduced for five or more consecutive days. The \$132 benefit is based on an average of 20 school days per month (not including vacation days or holidays) over the 10 months of the school year multiplied by the daily benefit

amount of \$6.82 (19.4 days x \$6.82 = \$132.31). The \$82 benefit is based on typical reduction of in-person attendance of 12 days per month (12 days x \$6.82 = \$81.84, rounded to \$82) for students in hybrid learning modalities. Students in hybrid learning modalities receiving issuances based on school level data will receive \$82 whether a school’s hybrid schedule includes fewer than 3 virtual days per week or more than 3 virtual days per week.

New York State will provide a reconsideration process, based on student-specific data, for children whose schedule does not align with that of their school. For example, if the school is operating predominantly in a fully in-person or hybrid learning modality, but a student is in a fully virtual learning model, and student-specific data shows that the student’s in-person attendance was reduced for more than 12 days in a given month would be eligible for a fully remote benefit for that month.

Based on these numbers, an upper bound estimate of benefit costs would be \$3,300,000,000. Monthly estimate would be \$330,000,000, ten percent of the total amount.

- \$132 x 10 months = \$1,320/student
- 2.5 million students x \$1,320 = \$3,300,000,000

Below is a table from the New York State school opening modality survey.

	Hybrid	In-Person	Remote	Totals
Rest of State	2299	1282	1076	4657
NYCDOE	1617	0	0	1617
Statewide Totals (#)	3916	1282	1076	6274
Statewide Totals (%)	62.42%	20.43%	17.15%	100.00%

When schools opened in September, all 1.1 million New York City Public School students were in hybrid learning modalities. In the 4657 schools in districts outside of New York City, 2299 (49.4%) were in hybrid learning modalities, 1282 (27.5%) were in-person and 1076 (23.1%) were fully remote. As noted above, a survey of 30% of the SFAs participating in the NSLP showed that the predominant hybrid learning modality was 2 days of in-person instruction and 3 days of remote instruction weekly.

Assuming stability in these learning modalities and an even distribution across the Rest-of-State student population, a lower bound estimate of benefit costs would be \$820,000,000 for New York City public school students, and \$1,065,000,000 for the Rest-of-State student population, **for a total statewide lower bound estimate of \$1,885,000,000. Monthly estimate would be \$188,500,000, ten percent of the total amount.**

- **NYC:** 1.1 million students x \$82/month x 10 months = \$820,000,000
- **ROS:**
 - **Hybrid** = 49.4% x 1.5 million students = 741,000 students

- 741,000 x \$82 x 10 months = \$607,620,000
- **Fully Remote** = 23.1% x 1.5 million students = 346,500 students
346,500 x \$132 x 10 months = \$457,380,000
- **In-Person** = 27.5% x 1.5 million students = 412,500 students
412,500 x \$0 x 10 months = \$0

Since schools opened in September, 961 schools (18.5%) out of the 5198 schools that were **not** fully remote, have had to shut down, due to COVID-19, for a period of five or more consecutive days since schools opened. The average period of closure for these schools has been 11.7 days. 628 of the 961 schools were closed for periods of 5 to 12 consecutive days, and 333 of the 961 schools had to close for periods of more than 12 days. As a simplifying assumption for calculating a mid-range estimate, we assume that the pattern of school closures that has applied through the first four months of the school year will continue for the remainder of the school year and will affect both New York City and Rest of State schools equally. Therefore, for this estimate, we will assume that 18.5% of students in schools in hybrid learning modalities have been and will be pushed into fully remote learning situations for periods lasting longer than 12 days due to school closures, thereby qualifying for a fully remote benefit for the month, and 18.5% of students of students in in-person learning situations also have been and will be pushed into fully remote learning situations for periods of 12 days or less due to school closures, thereby qualifying for a hybrid benefit.

A mid-level estimate of benefit costs would be \$1,003,750,000 for New York City public school students, and \$1,196,619,360 for the Rest-of-State student population, **for a total statewide mid-range estimate of \$2,200,369,360.** The **monthly estimate would be \$220,036,936 ten percent of the total amount.** **This mid-level estimate is New York State’s best estimate of what actual costs will be.**

- **NYC:**
 - **Hybrid** = 896,500 students x \$82 x 10 months = \$735,130,000
 - **Fully Remote** = 203,500 students x \$132 x 10 months = \$268,620,000
- **ROS:**
 - **Hybrid** = 741,000 students - 137,085 students (18.5% of ROS hybrid) + 76,312 (18.5% of in-person) students = 680,227 students
680,227 x \$82 x 10 months = \$557,786,140
 - **Fully Remote** = 346,500 students + 137,085 students (18.5% of ROS hybrid) = 483,585 students
483,585 x \$132 x 10 months = \$638,833,220
 - **In-Person** = 412,500 students – 76,312 (18.5% of in-person) students = 336,188 students
336,188 x \$0 x 10 months = \$0

During the first phase of P-EBT, 28.7% of students to whom P-EBT benefits were issued were SNAP recipients. Applying this percentage to our estimates for this next phase of P-EBT, produces the following results. **Monthly estimates are 10% of the amounts listed below.**

- **Upper Bound Estimate**

- Total Issuance = **\$3,300,000,000**
- Estimated Issuance to children in SNAP households = \$947,100,000
- Estimated Issuance to children in non-SNAP households = \$2,352,900,000

- **Lower Bound Estimate**

- Total Issuance = **\$1,885,000,000**
- Estimated Issuance to children in SNAP households = \$540,995,000
- Estimated Issuance to children in non-SNAP households = \$1,344,005,000

- **Mid-Range Estimate (New York State’s best estimate of anticipated costs)**

- Total Issuance = **\$2,200,369,360**
- Estimated Issuance to children in SNAP households = \$631,506,006
- Estimated Issuance to children in non-SNAP households = \$1,568,863,354

- c. For the 2019-20 school year, New York State issued P-EBT benefits to almost 2.5 million children, and 28.7% of those children were in SNAP households. For the 2020-21 school year, we expect to issue benefits to approximately 2.5 million children with a similar percentage being in SNAP households. Therefore, we estimate that 717,500 of the 2.5 million children will be in SNAP households and 1,782,500 children will **not** be in SNAP households.
- d. We wish to note here that the New York State Office of Temporary and Disability Assistance (OTDA) has questioned why USDA’s interpretation of the Continuing Appropriations Act of 2021 (the CR) precludes 100% reimbursement of P-EBT expenses incurred during federal fiscal year (FFY) 2020. OTDA has received a response from FNS, but the response did not satisfactorily address OTDA’s question or the points OTDA provided supporting its contention that it was the intent of the CR to provide reimbursement of P-EBT expenses incurred during FFY2020.

OTDA’s projected P-EBT administrative costs for FFY 2021 are still being developed and are subject to further updating. Currently, OTDA is projecting \$32.1 million in P-EBT costs for FFY 2021, as detailed below. Additional costs for NYS Education Department staff and related expenses, as well as increases related to the expansion of benefits to children missing meals due to the closure of childcare centers, are anticipated.

NYS OTDA Estimated FY 2021 Administrative Expenses	
EBT Issuance Contract	\$20,700,000
Benefit Card Issuance	\$1,600,000
Call Center Operations	\$3,200,000
Client Notices (mail and electronic)	\$700,000
P-EBT IT System	\$3,100,000

NYS Staff	\$2,800,000
Printing and Translation Services	\$20,000
Total	\$32,120,000

- e. Currently, New York State expects to be able to begin issuing P-EBT benefits for the 2020-21 school year in late March 2021.

Unlike for P-EBT benefits issued for the 2019-20 school year, simple SNAP eligibility cannot be used as a proxy for actual eligibility for P-EBT benefits. (Under OTDA’s plan for 2019-20 P-EBT benefits, we issued P-EBT benefits to all children ages 5-18 who were in receipt of SNAP.) That is not the case with the 2020-21 phase of P-EBT. In addition to receipt of FRPMs, the determination of eligibility for P-EBT benefits for the 2020-21 is predicated on knowing how each potentially eligible student’s school in-person attendance has been affected by the COVID-19 pandemic. The more salient distinction and driver of when benefits may be delivered is whether a student received P-EBT benefits for the 2019-20 school year or is newly eligible for 2020-21. Students who receive SNAP and are newly eligible for P-EBT obviously will be more quickly served than newly eligible students who are not SNAP recipients. However, in general the primary determinant of when an eligible student will receive P-EBT benefits for the 2020-21 school year will be when school enrollment data and data regarding the predominant learning modality in use at the school district or school can be obtained.

Currently, New York State expects that there will be two phases of P-EBT benefits for the 2020-21 school year, likely one for the months of the first half of the school year, and one for the months of the second half of the school year.

4. P-EBT for School Children

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 2020-2021, **or**
 - b. certified through submission of a household application processed by the child’s school district for SY 2020-2021, **or**
 - c. enrolled in a Community Eligibility Provision school or a school operating under Provisions 2 or 3, **or**
 - d. directly certified, determined other source categorically eligible, or certified by application in SY 2019-2020 **and** the school district has not made a new school meal eligibility determination for the child in SY 2020-2021.
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. Also describe what measures the State will take to prevent the issuance of benefits to school year 2019-2020 graduates and other non-students.
- How will the State determine and/or confirm each child's eligibility for free or reduced-price meals? 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), and children who become eligible during the school year.
- How will the State confirm each child's lack of access to meals at school? Please describe separately for SNAP-recipient and non-SNAP-recipient children, and children in public and non-public schools.
- Describe the process that the State will use to update and re-establish each child's in-person and virtual schedules. How frequently will that information be updated? (Note that this information must be updated no less frequently than every other month.)
- 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.

Response: [please use as much space as needed]

- **Describe how the State will identify eligible school children and confirm their eligibility for P-EBT.** It is important to note that during the 2019-20 school year, approximately 88% of children receiving FRPMs in New York State were students in Community Eligibility Provision (CEP) districts, meaning that all children in those districts receive FRPMs, regardless of family economic circumstances. Because all students in CEPs are eligible for FRPMs, it will not be necessary to match against 2019-20 P-EBT benefit files, or current direct certification and FRPM application records to determine eligibility for FRPMs and, hence, potential eligibility for P-EBT benefits for students in CEP schools. These matches will be done only to determine the best method of paying the P-EBT benefits to the student and to prevent duplicate payments.

For non-CEP schools and districts, the matches against data for students who received P-EBT benefits for 2019-20 school year, who currently are direct certification eligible for FRPMs based on receipt of SNAP, Public Assistance or Medicaid, or who have been certified via the FRPM application process will be used to identify and confirm current eligibility for FRPMs and potential eligibility for P-EBT benefits.

For all schools that report to the SED enrollment database, New York State will use the following process to identify and confirm the eligibility of students:

- Enrollment data from SED’s database will be matched against the students who received P-EBT benefits for the school year 2019-2020 to ensure that benefits are not issued to students who graduated at the end of the 2019-20 school year, and other students no longer enrolled in NSLP-participating schools.
- All schools will provide rosters by school building for all newly enrolled and newly FRPM-eligible students attending the school or the district’s schools.
- The rosters of FRPM-eligible students from each school will be paired with daily reporting data from the New York State Department of Health (NYSDOH) about the predominant learning modality – i.e., fully remote, hybrid, or in-person -- employed by each school. For New York City public schools New York City Department of Education (NYC DOE) data may be used. The NYSDOH data will be used to identify schools that have had reduced in-person attendance for five or more consecutive days at any point since schools re-opened, and to determine the benefit amount that students from each school are eligible for. For each month, eligible students attending schools for which the predominant learning modality is fully remote for more than 12 days will receive a fully remote benefit (\$136). Eligible students attending schools for which the predominant learning modality is fully remote for 12-days or fewer, or for which the predominant learning modality is hybrid for any number of days, will receive a hybrid benefit (\$82)
- Students newly identified as eligible for P-EBT benefits will be matched against OTDA databases of current SNAP and Public Assistance and Medicaid recipients and of students who received P-EBT benefits for the 2019-20 school year, using the data elements available – e.g., name, date-of-birth, address, etc. This match will determine the best method of payment – e.g., benefits can be issued to a previously-issued card, or a new card issuance is required.
- If the student is known to OTDA databases, students in households that currently are in receipt of SNAP or Public Assistance will have their P-EBT benefits issued into their household’s currently existing SNAP EBT account. Students who are not currently in receipt of SNAP or Public Assistance, but who have an existing P-EBT account for 2019-20 benefits, will have benefits issued into the student’s existing P-EBT. Student’s households will be notified of the availability of the P-EBT benefits either by either individual notice, text message, public and social media or a combination of these messaging methods.
- Newly eligible students not known to OTDA databases and students without a currently active SNAP EBT or P-EBT account will have a new EBT account created for them. P-EBT benefits will be issued into the new account and a card and a notice will be sent to the household, along with the card, notifying them of the availability of the benefit and providing them with instructions on how to “PIN” the card and use the benefits. This will be highly similar to the process New York State used to issue P-EBT

benefits to non-SNAP/Public Assistance/Medicaid students for the 2019-20 school year.

For schools that do not report in the SED enrollment database, the process will be similar to the process described immediately above, but schools will be required to specifically identify children certified to receive FRPMs:

- Schools will provide rosters for all FRPM-eligible students enrolled at the school.
- The rosters of FRPM-eligible students from each school will be paired with daily reporting data from the NYSDOH about the predominant learning modality – i.e., fully remote, hybrid, or in-person -- employed by each school. The NYSDOH data will be used to identify schools that have had reduced in-person attendance for five or more consecutive days at any point since schools re-opened, and to determine the benefit amount that students from each school are eligible for. For each month, eligible students attending schools for which the predominant learning modality is fully remote for more than 12 days will receive a fully remote benefit (\$132). Eligible students attending schools for which the predominant learning modality is fully remote for 12-days or fewer, or for which the predominant learning modality is hybrid for any number of days, will receive a hybrid benefit (\$82)
- Students newly identified as eligible for P-EBT benefits will be matched against OTDA databases of current SNAP and Public Assistance and Medicaid recipients and of students who received P-EBT benefits for the 2019-20 school year, using the data elements available – e.g., name, date-of-birth, address, etc. This match will determine the best method of payment – e.g., benefits can be issued to a previously-issued card, or a new card issuance is required.
- If the student is known to OTDA databases, students in households that currently are in receipt of SNAP or Public Assistance will have their P-EBT benefits issued into their household’s currently existing SNAP EBT account. Students who are not currently in receipt of SNAP or Public Assistance, but who have an existing P-EBT account for 2019-20 benefits, will have benefits issued into the student’s existing P-EBT. Student’s households will be notified of the availability of the P-EBT benefits either by either individual notice, text message, public and social media or a combination of these messaging methods.
- Newly eligible students not known to OTDA databases and students without a currently active SNAP EBT or P-EBT account will have a new EBT account created for them. P-EBT benefits will be issued into the new account and a card and a notice will be sent to the household, along with the card, notifying them of the availability of the benefit and providing them with instructions on how to “PIN” the card and use the benefits. This will be highly similar to the process New York State used to issue P-EBT benefits to non-SNAP/Public Assistance/Medicaid students for the 2019-20

school year.

SED's 2020-21 school year enrollment database will be compared to the P-EBT benefit issuance files for 2019-20 to identify students on the 2019-20 P-EBT payment files who have graduated or are no longer attending a school participating in the NSLP. Students who are not on the SED enrollment database for the current school year will not receive any P-EBT benefits during this next phase of P-EBT.

- **How will the State determine and/or confirm each child's eligibility for free or reduced-price meals?** Eligibility for FRPMs will be determined by inclusion on a school's current eligibility roster and identification by the school or school district as having been certified by the school or school district as eligible for FRPMs for the 2020-21 school year. Eligibility for FRPMs also will be determined by inclusion in the SED enrollment database and inclusion in the database of students who received P-EBT benefits for the 2019-20 school year.
- **How will the State confirm each child's lack of access to meals at school? Please describe separately for SNAP-recipient and non-SNAP-recipient children, and children in public and non-public schools.** As noted in the response to section 3.e above, for purposes of P-EBT benefits for the 2020-21 school year, the distinction that FNS is drawing between children receiving SNAP and those who do not is neither a particularly useful nor meaningful one for this phase of P-EBT benefits. Receipt of SNAP confers eligibility for direct certification for FRPMs, nothing more. Access or lack thereof to meals at schools will be predicated on the learning modality in place at a student's school as provided on the aforementioned NYSDOH daily reports on school learning modalities. (For New York City public schools, NYC DOE data may be used.) Students in fully remote and hybrid learning situations are deemed to have reduced access to school meals. There is no difference between children on SNAP and children not on SNAP, or between children in public or non-public schools.
- **Describe the process that the State will use to update and re-establish each child's in-person and virtual schedules. How frequently will that information be updated?** The State will use NYSDOH daily reports on school closings and learning modalities to identify and track changes in school learning modalities. (For New York City public schools, NYC DOE data may be used.) The primary pattern noted during the first five months of the school year has been of schools moving from in-person or hybrid to fully remote, not from fully remote to another modality. There will be a particular focus on identifying schools identified as having in-person learning as their predominant modality that have had reductions in in-person attendance for a period of five or more consecutive days at any time since the 2020-21 school year began.
- **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).

- As noted above, schools and school districts participating in the National School Lunch Program (NSLP) will be responsible for compiling, maintaining and submitting attendance data/rosters to the New York State Education Department (SED). Schools and school districts also will be responsible for tracking, providing and updating data on the learning modalities they are employing and how it affects their students' in-person attendance. Non-CEP schools and school districts also will be responsible for certifying students as eligible for participation in the NSLP, and, for resolving disputes of eligibility for P-EBT benefits that are contingent on either the determination of NSLP eligibility or the number of days for which a student's in-person attendance at school was reduced.
- SED is the State agency responsible for overseeing the administration of school and summer Child Nutrition Programs in New York State. SED collects and provides direct certification data, based on receipt of SNAP, Public Assistance and/or Medicaid to schools and school districts participating in the NSLP. The New York State Education Department (SED) will provide information and direction to schools and school districts about data collection, provision and maintenance requirements, and any other requirements necessary for the successful issuance of P-EBT benefits for the 2020-21 school year. SED will collect data/rosters from all New York State schools and school districts participating in the NSLP, and will review the data submissions, as necessary, for correctness and completeness, and will prep files for transmission to OTDA and the New York State Office of Information Technology Services (OITS) for further processing. SED will work with schools or school districts to resolve and correct deficient data/rosters.
- OTDA is the SNAP State agency and is responsible for overseeing the local administration of the SNAP and Public Assistance programs in the state. OTDA also is the agency that "owns" the Welfare Management System which is the system of record for SNAP, Public Assistance and certain Medicaid case data. OTDA also is the contracting state agency for Electronic Benefits Transfer (EBT) services and for the provision of Common Benefit Identification Cards (CBICs), the card that serves as the EBT card for households receiving SNAP and/or Public Assistance benefits and also as the state's Medicaid card. During the initial phase of P-EBT for the 2019-20 school year, OTDA served as the lead and coordinating agency for the design, implementation and overall management of P-EBT. OTDA will perform a similar role in this next phase of P-EBT but has engaged the resources of other state agencies to provide services provided by OTDA during the initial phase of P-EBT. Most notably, the operation of the P-EBT helpline that was set up to

respond to customer questions and to investigate and resolve customer complaints will be transferred to New York State’s Human Services Call Center (HSCC) hosted by the New York State Office of Children and Family Services (OCFS), and the operation and maintenance of the P-EBT helpline database will be transferred entirely to the OITS.

- Since schools opened in September, the NYSDOH has been compiling a daily report of school closings due to COVID-19. The report captures each school’s predominant learning modality – fully remote, hybrid, in-person – for each day. NYSDOH will be providing these daily reports to OTDA.
- As noted immediately above, the New York State’s Human Services Call Center (HSCC) hosted by the New York State Office of Children and Family Services (OCFS) will assume the responsibility of operating the P-EBT helpline and responding to P-EBT customers’ questions and working collaboratively with OTDA and SED to investigate and resolve customer complaints.
- As noted above, OITS will take over the hosting, maintenance and support of the P-EBT helpline database. As during the initial phase of P-EBT, OITS will work collaboratively with OTDA and SED to receive, prepare and process files of eligible student data, constructing and prepping files for payment via the EBT system.
- Conduent is New York State’s EBT services contractor.
- Gemalto (a subsidiary of Thales) is New York State’s CBIC/P-EBT card contractor. Gemalto subcontracts with FIS for certain EBT card production services.

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.

- 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 the State’s plan for monitoring changes in eligible school status between the State’s bi-monthly (or more frequent) collection of updated school data. Describe how the State will use this updated school information to revise issuance amounts.
- 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]

- **How will the State identify, confirm and monitor the status of individual schools? How will the state identify the period of duration of the closure, reduced hours, or reduced attendance of the State’s schools? How will the State identify, confirm and monitor the status of individual schools? How will the state identify the period of duration of the closure, reduced hours, or reduced attendance of the State’s schools?**
As noted above, New York State will use NYSDOH daily school learning modality data to determine whether a school building was predominantly remote, hybrid or in-person during each month of the school year. (For New York City public schools, NYC DOE data may be used.)
- **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?** By definition schools in fully remote or hybrid learning modalities meet the definition of having in-person attendance reduced for five or more consecutive days. For schools for which the predominant learning modality is in-person, we will be using the NYSDOH daily school closing and learning modality reports to identify schools that have shifted from an in-person to a fully remote (or, rarely, a hybrid) learning modality. At the close of the 2020/2021 school year, full year attendance data by modality must be reported by public schools to SED. This data will be used to determine students in in-person instructional modality who have missed 5 or more school days due to quarantine and those students who were 100% remote in a school building that was determined to be predominantly hybrid. (For New York City public schools, NYC DOE data may be used.)
- **Describe how this information will be obtained and how often the State will collect updated information from schools.** The information will be

obtained from NYSDOH daily school learning modality reports. For the initial payment of P-EBT benefits data for the 2020-21 school year, all the data will be retroactive, covering at least the first four months of the school year. (For New York City public schools, NYC DOE data may be used.)

- **Describe the State’s plan for monitoring changes in eligible school status between the State’s bi-monthly (or more frequent) collection of updated school data. Describe how the State will use this updated school information to revise issuance amounts.** Unless broad simplifying assumptions are approved, either through further P-EBT legislation or by the new administration, that would greatly facilitate the timely and prospective payment of P-EBT benefits, New York State’s intent is to pay P-EBT benefits retroactively. Any significant and widespread shift in learning modalities – for example, from fully remote to in-person in response to widespread vaccination efforts – will be reflected in eligibility for the “fully remote” level of benefits through the daily modality reporting to NYSDOH. (For New York City public schools, NYC DOE data may be used.) In other words, by the time we construct benefit payment files, we will have up-to-date information about the learning modalities employed by schools for the months for which benefits are being paid.
- **Describe any simplifying assumptions the State proposes to use and the justification for using those simplifying assumptions.** Specific, student-level data on days of reduced attendance will not be available until the end of the school year. Initially, as noted above, New York State will use school level data on learning modalities and apply it to all the students in attendance at that school. Also as noted above, New York State will be using SNAP/Public Assistance and Medicaid direct certification data or receipt of P-EBT benefits for the 2019-20 school year to deem eligibility for FRPMs. For students in schools employing in-person learning modalities that have to close for periods of five or more consecutive days, or for students in an in-person learning modality who individually have in-person school attendance reduced (e.g., due to a quarantine requirement), the affected student will be assigned a hybrid benefit for the month in question unless the reduction in in-person attendance exceeds 15 consecutive days.

5. P-EBT for Children in Child Care

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 received SNAP benefits at any time since October 1, 2020.
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.

- Describe how the State will identify eligible children and confirm their eligibility consistent with the above standard.
- How will the State determine and confirm the child’s receipt of SNAP benefits in accordance with relevant SNAP privacy requirements?
- 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?
- 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 that child’s eligibility? 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.)
- 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).
- 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]

New York State will submit a plan for the serving of children in covered child care facilities as an amendment to this plan at a later date.

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 2020-2021. The benefit is multiplied by the number of days that the eligible child’s status makes them eligible for P-EBT benefits.

SY 2020-2021 July 1, 2020 - June 30, 2021	Free Reimbursements USDA School Meal Programs			
	Lunch	Breakfast	Snack (NEW)	Daily Total
Contiguous U.S.	\$3.60	\$2.26	\$0.96	\$6.82
Alaska	5.79	3.64	1.56	10.99
Hawaii, Guam, Virgin Islands, Puerto Rico	4.20	2.64	1.13	7.97

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-2020-07-22/pdf/2020-15764.pdf>

- 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]

- **Describe the benefit levels proposed.** As described above, New York State is proposing to use two benefit levels, a monthly benefit of \$132 for children in fully-remote learning situations, and a monthly benefit of \$82 for children in either hybrid or in-person learning modalities where in-person attendance has been reduced for five or more consecutive days. The \$132 benefit is based on an average of 19.4 school days per month (not including vacation days or holidays) over the 10 months of the school year multiplied by the daily benefit amount of \$6.82 (19.4 days x \$6.82 = \$132.31, rounded to \$132). The \$82 benefit is based on typical reduction of in-person attendance of 12 days per month (12 days x \$6.82 = \$82.32, rounded to \$82) for all students in hybrid learning modalities. As noted above, the state's hybrid benefit is based on what a review of available data determined was the most common hybrid schedule employed by schools in the in the state. It will apply whether a school's hybrid schedule includes fewer than 3 virtual days per week or more than 3 virtual days per week.

For the months after March 2021, New York State will reassess what hybrid learning modalities schools are employing and assess whether the hybrid benefit should be adjusted for months after March 2021.

- **What simplifying assumptions does the State propose?** New York State proposes to use two simplifying assumptions, based on current school closure data. Between when schools opened in September and the end of November, 2020, at least (34%) of New York State's 6274 schools had closed for a period due to

COVID. For the 961 schools that closed for a period of five or more days, the average period of closure is 11.7 days. As noted above, a review of school re-opening plans for 30% of SFAs, including the five largest school districts in the State, all of which are CEP districts, and representing more than 1.6 million students in the state show that the predominant hybrid learning modality has 12 days of remote instruction per month. Therefore, we propose that for students in schools in in-person learning modalities whose schools close for a period of at least five consecutive days, the students receive the hybrid benefit amount (\$82) for the month in which the closure period ends. For all 2125 schools that have had a closure, the average period of closure is 6.3 days. Students in hybrid learning situations (average of 12 days remote plus closure days) whose schools close will receive the fully remote benefit (\$132) for the month in which the closure period ends. Students in either in-person or hybrid learning situations in a school which has been closed for a period of 12 consecutive days or longer also will receive the fully remote benefit (\$132) for the month in which the closure period ends.

- **Why must the State make those simplifying assumptions?** Currently, we do not have access to individual student data for days of in-person instruction. This data has never before been collected by SED. A new Attendance Reporting System that will capture this data currently is being rolled out. Public schools are required to report attendance by daily instructional modality at the end of the school year. Calculating individual benefit amounts for each student based on the number of days each student was in remote learning in a given month currently is not possible. In order to be able to provide benefits in anything approaching a reasonable and helpful timeframe, the simplifying assumptions we plan to employ are necessary. Obtaining and monitoring the continually shifting learning modalities of over 6000 schools is challenging enough. As noted above, we will be using a variety of data sources to identify the predominant learning modality being employed by individual schools and identify changes in the modality from month to month. These data sources include school re-opening plans and daily school learning modality reports.

7. Implementation Timeline, EBT Processing, and Benefit Issuance

Please provide an implementation timeline for SY 2020-2021 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 SY 2019-2020, 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 SY 2019-2020. 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.
- During SY 2019-2020, large numbers of P-EBT cards were returned to EBT processors via mail, due to incorrect addresses. 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]

- **Please provide an implementation timeline for SY 2020-2021 with estimated dates for major milestones in your plan.**
 - NSLP-participating school and school district enrollment data – initial availability, April 2021
 - School learning modality designation for months of September 2020 through March 2021 – April 2021
 - Construction of payment files for certain CEP districts – beginning April 2021
 - Beginning of benefit issuance for September 2020 through March 2021 period to children in certain CEP school districts who are in households receiving SNAP and Public Assistance – beginning late April 2021. Benefit issuance will continue at least through June 2021.
 - P-EBT Helpline live agent availability resumption – beginning April 1, 2021 and continuing through remainder of 2021.

- Public Notification Campaign – April/May 2021, July/August 2021
 - Provision of individual student level learning modality data for the school year 2020-2021 – As soon as available after the end of school year 2020- 2021.
 - Beginning of issuance for period of April through June 2021 and clean up – July 2021 through September 2021. Clean up will entail issuing benefits to any children missed in the original issuances and correcting any under issuances using individual student level in-person attendance data.
- **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?**

No, the State will not issue the cards on a unique P-EBT card design. The design will be the same as New York State’s Common Benefit Identification Card (CBIC). As we did during the 2019-20 school year phase, all P-EBT-specific cards will have a Client Identification Number beginning with the letter ‘I’. The Client Identification Number is a unique identifier assigned to each cardholder. It is an eight-character alpha-numeric in the format of AB12345C. P-EBT cards also will have the same date of birth, 01/01/1900, for every cardholder. As was done during the first phase of P-EBT, the P-EBT specific cards will not be sent to SNAP households. P-EBT benefits for SNAP households will be deposited in the household’s SNAP EBT account.

- **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 SY 2019-2020. This will greatly facilitate the States’ ability to report and USDA to maintain accountability for P-EBT.**

As with the first phase of P-EBT, all P-EBT benefits will be delivered on discrete payment files with unique benefit numbers for easy identification and auditing. We encountered absolutely no reporting or tracking issues during the first phase and we do not expect any during the second phase.

- **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.**

As with the first phase of P-EBT, for households who also get SNAP benefits or, should the need arise, D-SNAP benefits, the draw priority will be first in first out. We will not be adjusting that 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.

The State will follow the same expungement rules that it currently follows for SNAP.

- **During SY 2019-2020, large numbers of P-EBT cards were returned to EBT processors via mail, due to incorrect addresses. 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?**

New York State did not have a large percentage of P-EBT cards returned to our processor during the first phase of P-EBT. We will employ the same address validation processes that we employed during the first phase of P-EBT, enhanced by all the updated address data that we collected during the first phase. As during the first phase, our card issuer will receive and destroy returned cards and provide a file of which cards have been returned. We will use this file for two purposes: to contact schools and school districts to provide updated addresses and to flag children in the P-EBT database for whom we have incorrect addresses. Should a parent or guardian contact our P-EBT helpline or mailbox, the agent handling the contact will know of the incorrect address and will know to collect the correct address to which a replacement card can be sent.

- **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?**

The State will not be issuing new P-EBT cards to existing P-EBT households, except for those whose cards were returned and never successfully delivered during the first phase of P-EBT. For existing household requesting replacement cards our P-EBT helpline Integrated Voice Response (IVR) system will have special prompts to direct clients how to request replacement cards. During the first phase of P-EBT, card replacement requests were processed manually by helpline agents. Manually issuing a replacement card is a simple and quick process, however, we are exploring ways of capturing cardholder information and automating the replacement process in expectation of a greater volume of replacement requests.

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.

- How will the State resolve disputes 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 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 Spring and Summer of 2020, 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]

- **How will the State resolve disputes or issuance errors (incorrect benefit amount, denied benefits, etc.)?**

As during the first phase of P-EBT, New York State will have a dedicated P-EBT helpline and mailbox to field inquiries, assist P-EBT customers with card PINning issues, card replacement requests, etc. Agents will not be able to resolve eligibility and benefit amount issues, as both will be wholly dependent on data provided by schools. As with the first phase of P-EBT, for disputes regarding eligibility, complainants' information will be collected and referred back to schools and school districts for resolution.

- **Please describe how the State will serve groups with potential access problems, for example: homeless children, foster children, children without social security numbers, children with limited English proficiency, households without internet access, and people living with disabilities.**

New York will make best efforts to locate current addresses for children experiencing homeless and for children in foster care. Consistent with efforts made during the first phase of P-EBT, when a delivery address cannot be obtained efforts will be made for the schools to help deliver benefit cards.

OTDA will also work closely with local departments of social services staff and foster parents to local children in foster care and deliver benefit cards

We did not have social security numbers for non-SNAP and non-Medicaid children during the first phase of P-EBT. We cannot get and do not need the SSN of either the parent/guardian or of the child to whom the P-EBT card is issued for the household to be able to PIN the card. For card PINning purposes, we used the mm/dd of the child's date of birth in lieu of the last four-digits of the SSN.

As with the first phase of P-EBT, our P-EBT helpline will assist customers in languages other than English either by routing the client to an agent who speaks the customer's native language or by engaging a Language Line translator. P-EBT instructional and informational videos are available in English and Spanish, and all

printed materials are posted to our agency website and are available in multiple languages by using the translation function available at the bottom of every webpage.

- **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).**

As with the first phase of P-EBT, the State will use press releases, social media and community partners to provide general information about P-EBT. We also will work closely with schools and school districts to disseminate general information about P-EBT.

- **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 P-EBT participants who also are SNAP recipients, as with the first phase of P-EBT, we will be using public notice, social media, community partners, schools and text and email blasts to inform them of the availability of the P-EBT benefits.

For P-EBT participants who are not SNAP recipients individual notices and, if a new participant, a P-EBT cardholder will be sent to the parent/guardian with information about P-EBT and card PINning instructions.

During the first phase of P-EBT, the state used text messaging blasts successfully to contact recipients who had failed to redeem benefits to make sure that they were aware of the benefits and to provide them with a link to information, including videos, to help them PIN their P-EBT cards and request new cards, if needed. We plan on using text or email blasts, to the extent possible, for messaging about various aspects of this next phase of P-EBT.

9. Over-issuance of P-EBT benefits

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.

Response: [please use as much space as needed]

As was done for the issuance of P-EBT benefits for the 2019-20 school year, New York State again will be leveraging the data about children "known" to our systems, either because of current receipt of SNAP, Public Assistance or Medicaid, or because of receipt of P-EBT benefits for the 2019-20 school year, to minimize the occurrence of duplicate payments and the likelihood that any ineligible students will receive P-EBT benefits for the 2020-21 school year. As we did for the 2019-20 school year P-EBT benefits, where duplicate or improper payments occur, if discovered, OTDA has a process for recovering the unredeemed portion of any such benefits issued.

Complete enrollment data from the 2020-21 school year will be matched against P-EBT payees from the 2019-20 school year. Depending on age, students who received P-EBT benefits for the 2019-20 school year, but not listed on any 2020-21 school enrollment roster will be assumed to have graduated, transferred or left school.

For CEP schools and school districts, current enrollment data will be used to match currently-enrolled students with 2019-20 school year payees to identify newly-eligible children and previous payees. New P-EBT-only accounts will be established only for newly-eligible children who are not currently receiving SNAP or Public Assistance.

For non-CEP schools and school districts, enrollment data will be matched against current SNAP, Public Assistance and Medicaid direct certification data, and against 2019-20 school year P-EBT payees to identify children eligible for FRPMs. Additionally, schools and school districts will identify students who have been newly certified for FRPMs through the application process. New P-EBT-only accounts will be established only for newly-eligible children who are not currently receiving SNAP or Public Assistance.

Each child is also assigned a unique identifier number to further reduce the chance of duplicate payments being issued to a child.

To reduce the likelihood of overpayment due to a misclassification of learning modality, the State plans on only issuing benefits retroactively and will use daily school learning modality reports to establish a school's predominant learning modality during the months

for which benefits are being issued. By or shortly after the end of the 2020-21 school year, the State expects to be able to access individual student level in-person attendance data and plans to use this data to supplement payments to students who either received no benefit for a given month or who received a hybrid benefit instead of a fully-remote benefit.

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, 2020 through September 30, 2021. 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, to include providing equal access to individuals with disabilities and individuals who are limited English proficient.

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.

Signature and Title of Requesting SNAP and Child Nutrition State Agency Officials:

Phyllis D. Morris

Signature
Phyllis D. Morris, Chief Financial Officer,
New York State Education Department

Barbara C. Guinn

Signature
Barbara C. Guinn, Executive Deputy Commissioner,
New York State Office of Temporary and Disability Assistance

Date of Request: March 10, 2021