

**State Plan for Pandemic EBT: Children in School
School Year 2020-2021**

Issuing Agency/Office:	FNS / Child Nutrition Programs, Supplemental Nutrition Assistance Program
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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. (2) This document relates to Section 4601 of the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159).
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>

School Year 2020-2021

1. State: Virginia

2. Primary Citations: Families First Coronavirus Response Act;
Continuing Appropriations Act, 2021 and Other Extensions Act

3. Executive Summary:

Please provide the following data. In addition, please include a statement indicating that you commit to informing USDA of any significant increase or decrease in these data points during the *date range*¹ covered by this initial plan (or subsequent amendment).

- a. The *date range* covered by this State plan or amendment.
- 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.
- 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
- 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

Response:

Virginia intends to operationalize the next phase of PEBT using the many lessons learned from the implementation of the approved plans for spring and fall of 2020. The Commonwealth is committed to informing USDA of any significant changes in the data during the period covered by this plan. The children identified under the plan include children attending school under various modalities (remote and hybrid).

The date range for the current plan is October 1, 2020 through September 30, 2021. Certain Virginia schools operate on a full calendar year schedule. Virginia will only issue P-EBT benefits to students whose schools are open and operating under the approved modality.

The most recent report of data from school divisions shows the data by modality. Virginia believes this is an accurate reflection of the estimated monthly and total amount of P-EBT benefits that will be issued within the plans date range.

The estimated monthly amount issued to all children is \$73,085,876.20 (estimated issuance total for nine months includes the *P-EBT2 adjustment of \$0.96*: \$658,358,335.08)

- Estimates by Category are as follows:
 - *Remote – \$64,281,300.00
 - *Hybrid – \$8,804,576.20

The estimated total number of children Virginia will issue P-EBT benefits within the plans date

range is as follows:

- The estimated total number of children is.
 - Estimates by Category are as follows:
 - *Remote – 529,500
 - *Hybrid – 135,166

The estimated total amount of administrative funds the State needs to complete the work described in this plan is \$6,000,000.

P-EBT benefits for all eligible children will tentatively be issued on the 25th of each calendar month. The state agrees to notify USDA-FNS immediately if this date changes. Retroactive benefits for October – January will be issued on a staggered schedule as determined by the state upon approval of this plan.

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 five consecutive days in the current school year. Once the minimum five 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 and confirm their eligibility for P-EBT. Also, describe how the State will ensure that it does not issue 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).

Response: [please use as much space as needed]

The administration and oversight of the Virginia P-EBT program is a collaborative effort between two key agencies with individual roles and responsibilities. They are described as follows:

- The Virginia Department of Social Services (VDSS) is responsible for P-EBT file processing, benefit issuance, card issuance and replacement, direct customer service and support.
- The Virginia Department of Education (VDOE) is responsible for coordinating directly with local school divisions to certify the eligibility determination process for direct certification of the National School Lunch Program and ensuring that divisions comply with the submission of student data to VDSS.

Virginia will identify eligible school children and confirm their eligibility for P-EBT by using data provided directly from each of its 132 school divisions and private schools. Using a prescribed file layout, school divisions will upload all students eligible for free or reduced priced meals. School divisions will be instructed to use current and up-to-date student records to ensure that recent graduates and other non-students are not included in P-EBT files.

School divisions will also be advised to make updates to their records as necessary to ensure that all eligible children are accounted for; this includes certifying that, kindergartners, transfer students, and students who are newly eligible for NSLP during the plans date range are added to the program.

VDSS and VDOE will use a uniform process for all students to confirm their lack of access to meals at school. School divisions track and monitor students learning modality (i.e. remote, hybrid, in-person) and will be required to report this information in the VDSS file layout. This includes the state's private schools that are participating in NSLP.

The students learning modality as submitted by the school division will be used to determine the P-EBT benefit issuance amount. Virginia will establish two benefit levels using simplifying assumptions, one amount for fully remote students and one amount for hybrid students.

School divisions will be required to submit an updated student file to VDSS by the 10th of each month using the agreed upon file layout.

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 five consecutive day threshold before any child is eligible for P-EBT benefits. Once the minimum five 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 five 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]

Virginia schools across the Commonwealth continue to operate under non-traditional learning modalities with only 12 of 132 public school divisions operating fully in-person affecting about 100 of approximately 1900 schools statewide. VDOE will serve as the lead agency in advising school divisions on identifying, confirming and monitoring the status of individual schools to ensure accurate information is reported to VDSS regarding each student's learning mode. The state's plan to receive updated files from the school divisions once per month on the 10th seeks to mitigate instances of input of incorrect information and will increase program integrity.

Students whom the school divisions identify as remote or hybrid will be determined eligible for P-EBT. Virginia does intend to use simplifying assumptions in its benefits issuance process and will describe these in detail in the following section.

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:

The child is a member of a household that received SNAP benefits at any time since October 1, 2020.

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.)

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]

Virginia will provide an amendment to the P-EBT3 plan to include children in child care upon approval.

6. Benefit Levels

Standard for Benefit Levels

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 would 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]

Virginia intends to utilize simplified assumptions when determining benefit levels for P-EBT. The state will establish two benefit levels for students, one amount for students attending fully remote learning and one amount for students attending hybrid. This will provide all relevant stakeholders a simpler way to communicate and understand the P-EBT program.

President Biden signed an Executive Order on January 22, 2021, which increased the current daily benefit P-EBT by fifteen percent. The benefits levels included in Virginia's plan are reflective of this change in policy. Virginia Administrative Code 8VAC20-131-151 States that the standard school year in shall be 180 instructional days.

VDSS works in close partnership with the Virginia Department of Education (VDOE). The 132 school districts are required to report their learning modality and schedules to VDOE. Part of the tracking mechanism includes schools that operate as hybrid providing the number of in-person and remote instruction. Using this information, we were able to support a logic that collectively averages the schools remote days across the state.

Hybrid issuance average was based on:

- The 132 local education agencies/school systems that VDOE services across the Commonwealth
- Virginia issued benefits August and September 2020. P-EBT3 benefits are calculated for the remainder of the 180 days school year, which totals 160 days.
- The remaining 160 days, representing 9 months (October - June) were divided by 20 arriving at a calculation of 17.8 instructional days per month.
- Based on the most recent data available from the Department of Education, 58 of the 71 school districts operating a hybrid schedule had either all their students or some of their students attending in person school 2 days a week.
- The average of in-person days across all districts is 2.57.
- An established monthly data collection process that secures student and learning modality information.
- The average number of days in school among all the hybrid students is 2.55. This was calculated by taking a weighted average based on the number of students in each school district. To do this, we multiplied the district average of days in school by the number of students in the district and then divided by the total number of students in a hybrid modality.
- Using the logic noted above, hybrid students have an average of 8.9 instructional days per month.

Therefore, the proposed fully remote monthly benefit level is \$64,281,300.00. The amount was calculated using an average of 17.8 school days per month. The proposed monthly benefit level for students in a hybrid modality is \$60.70. The state believes it is reasonable to use 8.9 days to calculate the benefit level for these students, again accounting for the two-months of benefits previously issued for P-EBT2.

The state feels that the hybrid issuance average is a reasonable and actionable reflection of a statewide attendance schedule. It also is our best option for overcoming system deficiencies across the state. Our school systems are 132 independent entities and thus have systems that do not all support the robust reporting. We have worked diligently with our VDOE partners to identify standardized information to ensure the most accurate benefit is provided to eligible students. Additionally, several school systems manually collect the information we gather for our reporting which presents an additional hardship in data collection.

For retroactive benefits and for the immediate issuances of P-EBT 3, Virginia is requesting to issue benefits using the hybrid framework in accordance to the logic and description above. Virginia will actively monitor for shifts in hybrid schedules at a minimum every two months in accordance with guidance and adjust benefits accordingly for impacted households. The data below includes additional methodology utilized:

- 58 of the 71 school districts operating in a hybrid fashion have all or some of their students in person 2 days a week
- The district average number of days for hybrid schools is 2.57
- The average number of days in school among all the hybrid students is 2.55. This was calculated by taking a weighted average based on the number of students in each school district. To do this, we multiplied the district average of days in

Through our data exchange with VDOE, Virginia will determine on a monthly basis if school divisions have changed their learning models. If so, the calculations for that division will be updated in the next monthly issuance. Local Education Agencies (LEAs) have provided the Virginia Department of Social Services (VDSS) with the most recent data that is inclusive of newly eligible students back to the month of October 2020. Therefore, these students will be included in the retroactive benefit payments. Students who become eligible for P-EBT mid-month will be issued benefits according to the learning mode the student was enrolled in for the majority of the month. Issuing benefits immediately following delivery, receipt and processing of updated files from school divisions will provide for improved data integrity.

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 S 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]

It is Virginia's goal to issue P-EBT benefits for October 2020 – January 2021 using a staggered schedule beginning in March 2021. The date of the issuance is dependent on the approval of our plan.

Proposed Timeline:

Day 0 – Plan Approval from USDA-FNS

Day 1 – Communicate plan approval to relevant stakeholders

Day 10 - Data ready for issuance approval; Press Release; websites and social media updated; begin targeted communication campaign for SNAP under 5 children

Day 12 - File transfer to P-EBT processor

Day 15 - Benefits available on cards for October 2020 and November 2020 (SNAP and non-SNAP)

Day 20 - Benefits available on cards for December 2020 and January 2021 (SNAP and non-SNAP)

Day 25 – File transfer to P-EBT processor (February 2021)

Day 30 – Benefits available on cards for February 2021 (SNAP and non-SNAP)

Virginia will establish an ongoing schedule for P-EBT by issuing benefits on the 25th of each month beginning in the month of March (subject to plan approval). Additionally, after the P-EBT3 issuance has been run, Virginia will issue a clean-up run to provide the snack benefit of \$0.96 cents per day to P-EBT2 students (August and September).

Children who previously received P-EBT and remain eligible for the program will continue to receive benefits on their existing card. As with former P-EBT issuances, SNAP children will receive their benefits on their SNAP EBT card and non-SNAP children will receive benefits on a unique P-EBT card. Virginia mails this unique P-EBT card to newly eligible children that are non-SNAP participants in care of their parent or guardian. The demand for plastics during the Public Health Emergency has increased substantially. If the unique P-EBT card supply is not available, the standard SNAP EBT card is utilized to ensure timely delivery of benefits.

P-EBT is currently first in the draw/spend priority.

P-EBT benefits will follow the same expungement rules that the state follows for SNAP. Virginia implemented an address matching solution with the fall P-EBT that reduced the instances of returned mail. We intend to use this solution again for ongoing P-EBT. VDSS has also worked closely with VDOE and the school divisions to provide them with training on submitting data in the correct file format to reduce instances of return mail.

Virginia's contract with Conduent requires them to process returned mail specific to P-EBT. Undelivered cards will be returned directly to Conduent who will deactivate the cards. A report is created and provided to the state. In Virginia, participants have multiple ways to receive a replacement card. They may call the Conduent toll free number, access the user web portal or make direct contact with the state office.

New P-EBT cards will not be issued to previous households. If a participant no longer has their card, they may receive a replacement card by following one of the aforementioned steps. The steps are clearly communicated on both the VDSS and VDOE information materials to include website, flyers, frequently asked questions and online portals.

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, and 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 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]

The Commonwealth commits to ensuring that a comprehensive communication is in place that addresses common questions and ensures no eligible child is inadvertently excluded from receipt of benefits. Virginia received a substantial number of inquiries from previous issuances of P-EBT, and lessons learned from this resulted in the decision to procure a vendor skilled in handling/resolving disputes of this nature. The vendor will be responsible for standing up a dedicated P-EBT hotline to provide customer service to participants to resolve concerns included but not limited to answering general questions, address verification/error correction, collecting missing or updated information and data matching/validation.

Ensuring that vulnerable populations have equitable access to the program is a top priority. VDSS and VDOE will work collaboratively with partners and advocates to ensure that homeless children are not adversely impacted due to their circumstances. Working with school divisions to validate parent/guardian information and addresses is the first level strategy to streamlined access. The VDSS Division of Family Services (DFS) provides oversight and administration over the Foster Care program. VDSS will work internally with DFS to develop outreach strategies to ensure children in foster care do not have access barriers. A social security number is not a required field in the approved file layout, nor is it necessary to apply for NSLP; therefore, students without SSNs may obtain eligibility for the program.

VDSS/VDOE will work together to provide public information and will certify that all materials are compliant with language access and ADA rules. All informational materials for this program are translated to Spanish. Virginia's participant information campaign will consist of press alerts, social media posts, and broadcast messaging. Additional information Virginia intends to provide directly to program participants consists of digital flyers, buck slip, online portal to capture inquiries, website which contains frequently asked questions, and a hotline to resolve issues.

Virginia will leverage current informational materials to continue to inform P-EBT participants of important information regarding their benefits and will continue to look for additional avenues to provide clarity and understanding. The materials provided in various formats include information describing the program, instructions for PIN-ing, instructions on destroying the card if it is not desired, as well as other important information about the program. Public inquiries regarding P-EBT may be directed to the state office at 804-726-7000.

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]

Virginia learned many lessons from each P-EBT issuance. The relationship between the agencies and agreements to exchange data has become more aligned and the commitment to ensure that there are extensive processes in place to ensure transmission of accurate information. This effort supports our collective recognition that we should issue benefits only to those who meet the outlined eligibility criteria. The state is committed to ensuring the highest level of program integrity across each pathway of issuance, SNAP and non-SNAP. Virginia understands that P-EBT over-payments or improper payments must not be entangled with SNAP. Currently, there is no mechanism for that to occur; however, we are seeking a technical solution to assist in our collection efforts. We are developing guidance that is P-EBT specific and sensitive to the program structure, rules, and accounts for its fluidity. Virginia will not seek to impose undue burdens on families and will work to guarantee in those instances that an overpayment is identified and opportunities are sought to lessen impacts to a family's financial stability. We are aware of the conditions that must be clear in our overpayment recovery plan. We must not use SNAP benefits to satisfy P-EBT errors as well as the need to provide correspondence regarding our recovery efforts.

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:

S. Duke Storen, Commissioner
Virginia Department of Social Services

Dr. James F. Lane, Superintendent
Virginia Department of Education

Date of Request: