



1300 17TH STREET NORTH, SUITE 340, ARLINGTON, VA 22209

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October 14, 2022

Re: School Year 2022-2023 P-EBT Guidance

Dear Deputy Under Secretary Dean,

The Pandemic EBT (P-EBT) program has served as a lifeline for millions of families across the country throughout the pandemic response, helping to mitigate severe spikes in hunger and food insecurity for children. Yet, these successes have come despite many challenges faced by state agencies and their school partners. States have had to adapt to a near-constant state of change in P-EBT since its inception and the cumulative effects of these shifts have left states in a constant deficit, delaying their timeline for issuing benefits and making it increasingly difficult to develop feasible and approvable P-EBT plans.

The recent guidance from FNS for school year 2022 – 2023 P-EBT programs adds additional hurdles for states to implement P-EBT. FNS’ revised interpretation that students that moved into non-NSLP-participating virtual schools or homeschooling due to COVID concerns now qualify, and that states must serve these students in their P-EBT school plans, will cause significant delays in plan submissions and benefit issuance and result in fewer states being able to assist eligible students in need of P-EBT.

To help states succeed in carrying out P-EBT for the 2022 – 2023 school year, consistent with Congressional intent of the program, we ask that FNS:

1. Does not require states to obtain plan approval to serve eligible students in non-NSLP-participating virtual schools and eligible students that are currently homeschooled as a condition to obtaining plan approval to serve eligible students in NSLP-participating schools.
2. Permits states to submit separate plan amendments to serve eligible students in non-NSLP-participating virtual schools and eligible students that are currently homeschooled, akin to the past approval practices related to child care P-EBT plan amendments.
3. Provide maximum flexibility and offer template responses and/or examples for how states may use simplifying assumptions to establish eligibility for students that are not in NSLP-participating schools.

Separating Plan Submission for Students Not in NSLP-Participating Schools

FNS’ P-EBT guidance for the 2022 – 2023 school year largely maintains consistency with the prior school year for how states may serve eligible students in NSLP-participating schools. This consistency is welcomed and will help states more quickly develop and submit plans to serve this eligible

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population. The new guidance that adds an entirely new category of eligible students in schooling environments that do not participate in NSLP schools, however, is a completely new and unanticipated requirement that will significantly delay plan development.

By requiring that any school-age P-EBT plan for the 2022-2023 school year include a plan to distinguish and issue benefits to students who have left their NSLP school since January 2020, the majority of the eligible households will experience significant delays in receiving their benefits or may not be able to receive them at all if the barriers to implementation prove too high for states. This new guidance will likely take months of planning between state SNAP agencies, their education agencies, and local education authorities to create a plan to distinguish and establish eligibility for these new households. As we have seen in past years of P-EBT, the narrower the guidance gets, the longer it takes for states to submit and be approved for a P-EBT plan. To avoid unnecessarily delaying benefits for more easily distinguishable households, we recommend that FNS take a similar approach to P-EBT submission last year where it separated plan submissions for school-aged and child care-eligible children.

Simplifying Assumptions and Verifications

As states begin to work through how to reach eligible students in non-NSLP schooling environments, it will be essential for FNS to provide early and consistent technical assistance on allowable ways to collect and verify eligibility information. Since this information will likely have to be collected through an application, the verification components have the potential to be extensive, and will need to rely heavily on simplifying assumptions for data that is difficult to collect or verify. We have learned in past years of this program that while each state is different in the data they have access to, it has proven extremely helpful when there is sharing across state agencies and regions of what is permissible as a simplifying assumption. APHSA aims to support states in peer-to-peer sharing on plan submissions and appreciates the support from FNS regional and national offices in sharing any technical assistance for state plans.

Additionally, this change comes at a time when both SNAP and education agencies are experiencing large changes that will stress their already limited staff capacities. State SNAP agencies will likely be unwinding from the public health emergency in the coming months and many of their eligibility staff are shared between SNAP and Medicaid. Education agencies and school systems are also going back to collecting school meals applications and ongoing changes and requirements in response to the pandemic. With these pieces in the background, it will be even more important to work with states on simplifying assumptions to avoid significant timing delays in verifying eligibility and getting benefits into the hands of families.

Conclusion

Over the last two and a half years and many different versions of P-EBT, state SNAP agencies have learned many lessons about what works, what creates more challenges, and what are some of the best ways to get to the mission of this program and get benefits to families when they need them. Without the consultation of the people administering this program, there will continue to be significant barriers to implementation and delays in getting timely benefits out the door.



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Thank you for your consideration of our requests, and for continuing to support families in receiving the benefits that they need to thrive. We hope to work more with you and your team in the coming weeks to support state agencies in developing plans that get benefits to as many eligible families as possible. Please reach out to Matt Lyons, Senior Director of Policy and Practice, as mlyons@aphsa.org to discuss further.

Sincerely,

Matthew Lyons

A handwritten signature in black ink, appearing to read "Matthew Lyons".

Senior Director, Policy & Practice
American Public Human Services Association

Cathy Buhrig

A handwritten signature in black ink, appearing to read "Cathy Buhrig".

Chair
American Association of SNAP Directors