



# DCF Legislative Testimony

January 13, 2026

**TESTIMONY OF:** Dr. Carla Whiteside-Hicks, Director of Economic and Employment Services, Department for Children and Families

**TESTIMONY ON:** Update on DCF Healthy Choice Wavier and SNAP Payment Error Rate (PER)

Chair Erickson and members of the committee, thank you for the opportunity to provide testimony on the Supplemental Nutrition Assistance Program (SNAP) Healthy Choice Waiver and Payment Error Rates (PER). Testimony today includes program background, requirements for program participants, information on the PER, and the requested update on the Healthy Choice Wavier submission.

## SNAP BACKGROUND

The Supplemental Nutrition Assistance Program (SNAP) is a federal program administered by the United States Department of Agriculture Food and Nutrition Services (USDA FNS). It is designed to promote the general welfare of the nation's population by raising the levels of nutrition among low-income households by supplementing food budgets and providing nutrition education. The program's purpose also includes assisting low-income adults in obtaining employment and increasing their earnings.

SNAP provides crucial support to elderly households, low-income working households, other low-income households that include the unemployed or disabled, and households transitioning back to work. SNAP Food Assistance customers can spend their benefits to buy eligible nutritious food and plants and seeds to grow food for their household to eat.

For SNAP Food Assistance participants, monthly benefits are provided on a Kansas Benefit card, which looks and functions like a debit card. When food is purchased, the cost is electronically subtracted from the individual's account. The card may also be used at enrolled farmers' markets to purchase items such as fresh, locally grown fruits and vegetables. The Kansas Benefit card can only be used at USDA enrolled stores and can only be used for food items.

Employment services programs are available for Food Assistance recipients. Employment services include but are not limited to support in gaining or maintaining employment, transportation assistance, job training, and childcare assistance. Providing information or cooperating with child support is a requirement for Food Assistance in Kansas based on state law, with good cause exceptions allowed.

## RECENT FEDERAL LAW CHANGES

The FY 2025 Budget Reconciliation Bill (H.R. 1), signed into law on July 4, 2025, included several updates to the SNAP program regarding a state's required shared (match) contributions for program administration, and potential state share of the benefit costs related to any state's Performance Error Rate (PER) in accuracy of benefit determination, as well as changes to participant eligibility requirements.

## SNAP PAYMENT ERROR RATES

State agencies must ensure they meet payment accuracy based on the SNAP national performance measure (national average payment error rate) for SNAP Overpayment, Underpayment, and Payment Error Rates. **The Payment Error Rate is the sum of the overpayment rate and the underpayment rate, though these rates may not add up to the exact payment error rate due to rounding of the percentage.**

Kansas DCF EES Quality Control reviews a select number of household case files each month. USDA conducts a second review of a sample of the state cases. For Kansas, approximately 1,800 case files are reviewed each month and are then sent to FNS for federal review. Review results are available about 4 months behind the actual month under review. The results of federal reviews provide feedback on state-level administration. The review process includes a detailed interview with the household and verification of all circumstances relevant to their SNAP eligibility and benefit amount.

Every June, FNS analyzes the final data collected from the states for the associated federal fiscal year and uses that to determine national and state error rates.

Historically, SNAP benefits have been 100% federally funded. H.R.1 sets forth progressively higher state match rates of cost sharing requirements based on a PER. Specifically, effective October 1, 2027, SNAP error rates 6 percent or greater will require progressively higher state match rates.

- In the initial year – FFY 2028 – the matching rate will be based on the state’s choice of either the FFY 2025 or FFY 2026 error rate.
- Beginning in FFY29, and for each subsequent year, the PER from three fiscal years prior will determine the state’s match rate. As a result, FFY29 state match will be based on FFY26 PER, FFY30 on FFY27 PER, etc.

Kansas SNAP Food Assistance benefits are over \$400 million per year. The Kansas PER for FFY 2024 was 9.98%, which was below the national average of 10.23%. The FFY2025 has a cumulative rate through August 2025 of 9.13%. If this error rate is not reduced, the state’s share of SNAP benefits would be over \$40 million in FFY 2028. Again, for Year 1 of the shared benefit costs (which will impact in SFY 2028) the state match will be based on the lesser of the FFY 25 or FFY 26 payment error rates.

<b>Payment Error Rate</b>	<b>State Match Required</b>	<b>Estimated State General Fund Impact</b>
Under 6%	0%	\$0
6% - 7.9%	5%	\$20.7 M
8% - 9.9%	10%	\$41.3 M
10% or higher	15%	\$62.0 M

# PER IMPROVEMENT

DCF is working aggressively to reduce the error rate through an improvement plan. The error rate for FFY 2025 through August was 9.13% and the error rate for August 2025, the most recent case review month available, was 5.50%.

Figure 1

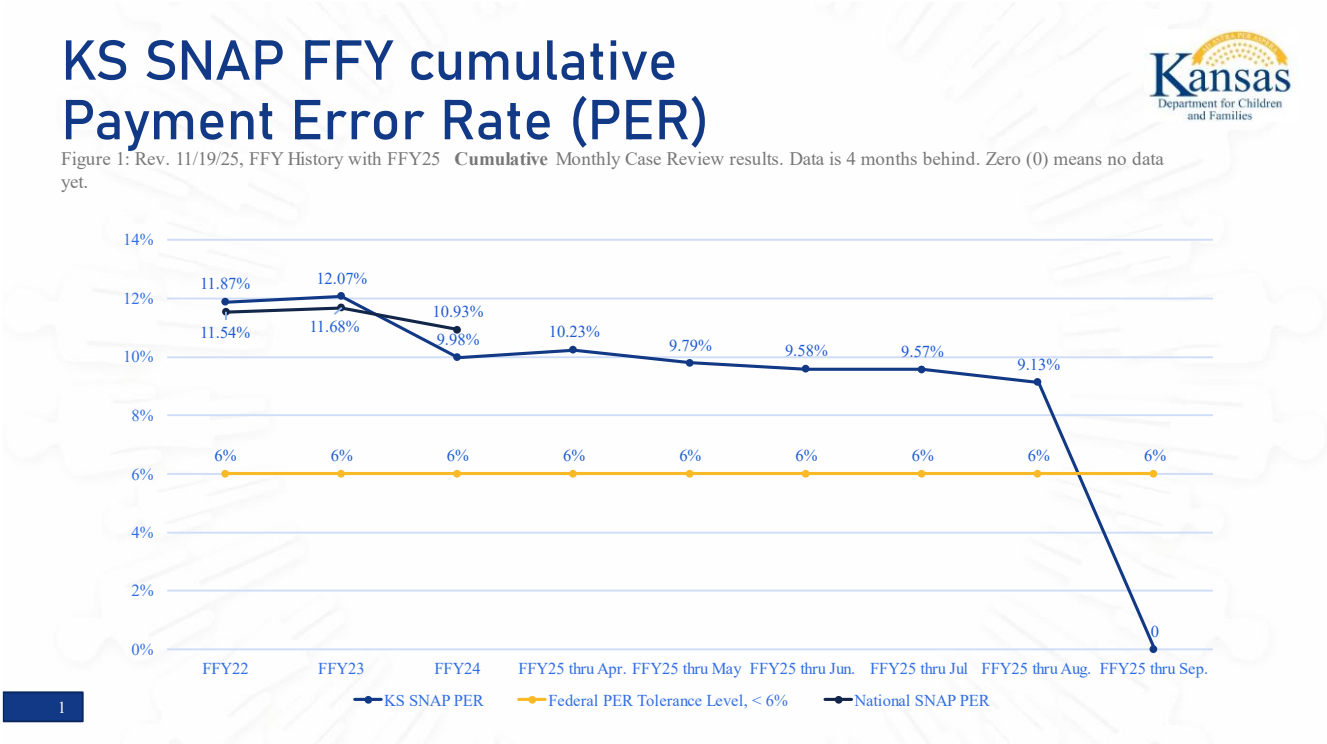
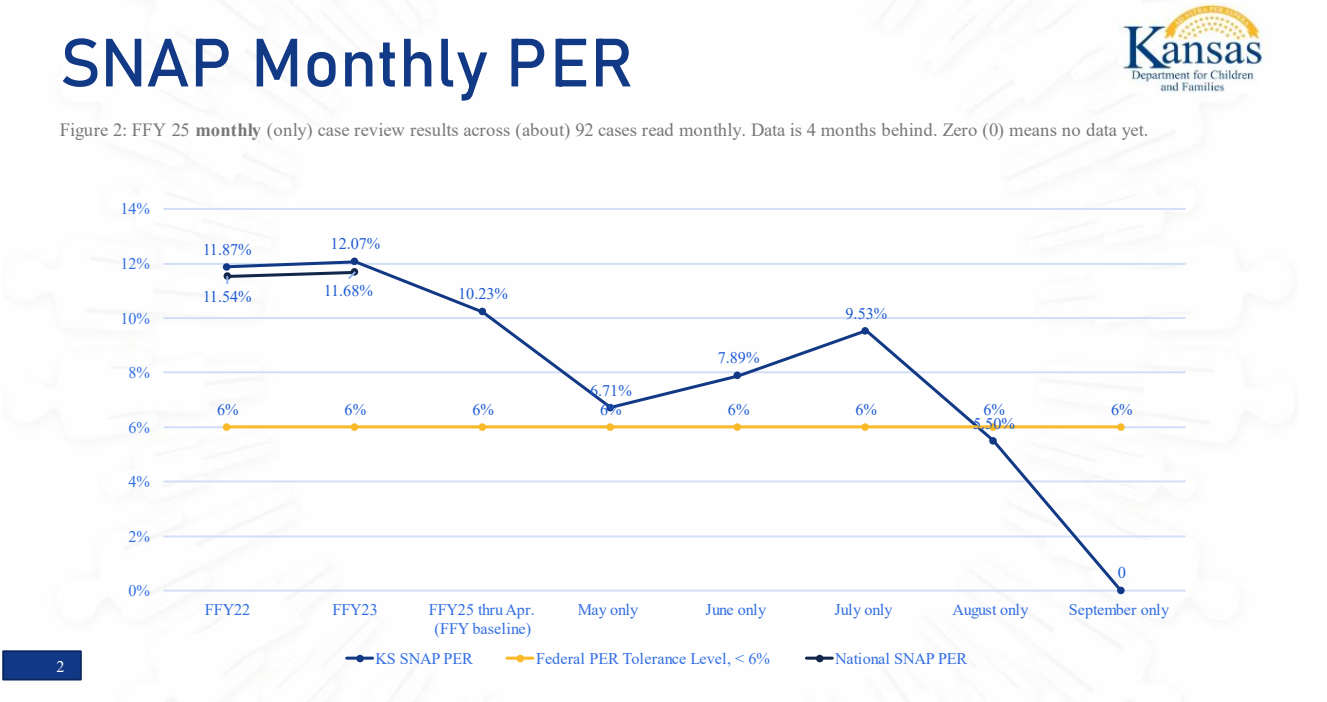
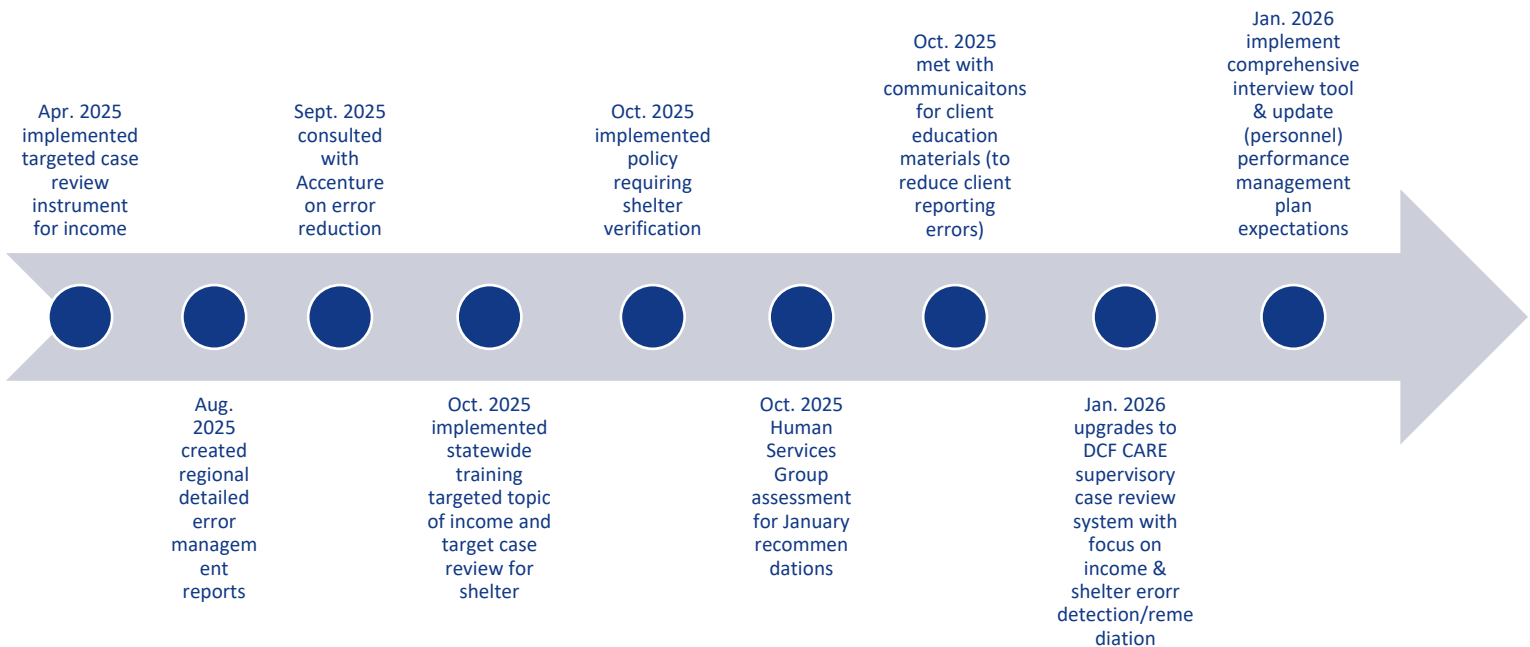


Figure 2



FNS works closely with state agencies to minimize case and procedural errors through technical assistance, training for case workers, improving data systems, and implementing new policies and procedures.

An improvement plan has been developed that includes policy and process changes such as verifying shelter costs, upgrading the supervisor case review system, and increasing staff training. DCF has been working with Human Services Group the past three months on a rigorous assessment to identify gaps, determine steps to improve case reviews and monitoring, as well as identify opportunities for system changes (requested in supplemental and enhancement). In addition, DCF was awarded a grant of \$275,000 from Kansas Health Foundation, in collaboration with the Kansas Hunger Network, to improve the PER, which the agency will use to procure technology supports.



Long-term planning includes targeted training on common errors such as interviewing skills, guides to augment questions to gain information not reported in the application process, and technology supports that create efficiencies and improve quality control detection. These supports will help sustain performance with federal threshold requirements.

To lower the PER, supplemental and enhancement funding has been requested for consideration in the GBR process for new technology and system changes. Changes (Table 2), in priority order are:

Table 2: Supplemental/Enhancement Budget Item	FY 2026	FY 2026	FY 2027	FY 2027
	SGF	ALL FUNDS	SGF	ALL FUNDS
Update ABAWD determination logic in the KEES system	\$81,320	\$162,639	\$0	\$0
Integrate National Accuracy Clearinghouse with the KEES system	\$297,331	\$594,663	\$0	\$0
Quality assurance application to review error prone case types	\$390,000	\$780,000	\$15,000	\$30,000
Proactive automated communications with clients	\$450,000	\$900,000	87,500	\$175,000
Consultant review of processes and systems	\$180,000	\$360,000		\$0
KEES system change requests following consultation	\$0	\$0	866,160	\$1,408,960
<b>Total</b>	<b>\$1,398,651</b>	<b>\$2,797,302</b>	<b>\$968,660</b>	<b>\$1,613,960</b>

## SNAP FOOD RESTRICTION WAIVER UPDATE

The USDA allows states the flexibility to manage their food programs by offering and approving individual state plan waivers. One such set of waivers are the “SNAP Food Restriction Waiver” and “SUN Bucks Food Restriction Waiver” (two separate waivers), which permit a state to restrict the purchase of items like soda / soft drink beverages and candy with federal SNAP benefits.

In 2025, Kansas State Senate Bill 125 required that the DCF Secretary request a waiver from the Food and Nutrition Service (FNS) to exclude candy and soft drinks from the definition of eligible foods under 7 CFR 271.2. Kansas submitted a waiver to the USDA on May 14, 2025. The waiver is under review by federal partners, and DCF has regular contact with USDA regarding steps toward approval.

Each state waiver request is different in which items they seek to exclude from SNAP benefit purchases. Neighboring states who have requested waivers have all utilized unique definitions. Nebraska has requested exclusion of only energy drinks and soda – both clearly defined. Oklahoma has requested to restrict both soft drinks and candy but utilizes an unambiguous definition of *“commonly marketed, advertised, or recognized as candy, chocolate bar, chewing gum, or similar confectionery.”* and then explicitly states which items are not included in this definition - *“Baked goods, such as cakes, cookies, muffins, brownies, pastries, bread”* and *“Items primarily identified and sold as bakery or bread products, regardless of sweetener content.”*

The Kansas definition of candy has proven to have complex logistical considerations for the agency and grocers. Per statute, any foods with flour will not count as candy. For example, while Twix bars are not considered candy some granola clusters and protein bars would be.

*“Candy is defined as a preparation of sugar, honey or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops or pieces. Candy does not include any preparation containing flour and shall require no refrigeration.”*

*“Soft drink beverages are defined as nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes or beverages that are greater than 50% vegetable or fruit juice by volume.”*

Due to the magnitude of this project, a Request for Proposal, released through the Department of Administration on Dec. 29, 2025, and closing Feb. 17, 2026, seeks competitive proposals from qualified vendors to assist in facilitating planning and implementing the Kansas Food Program waiver. The awarded vendor will gather retailers and other stakeholders to develop communication plans for retailers and SNAP participants, as well as compliance monitoring and evaluation plans, which are required by USDA FNS. They will create, develop and update plans for the SNAP Food Restriction Demonstration Waiver to be called the “Kansas SNAP Food Restriction Waiver” and the “SUN Bucks Program Food Restriction Waiver.”

DCF is confident with the RFP posted and underway, USDA approval of the waivers will be granted shortly.