



Food and Nutrition
Service

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August 24, 2023

SUBJECT: Pandemic Electronic Benefits Transfer Program (P-EBT)
Approval of Maryland's State Plan for Children in Schools,
School Year 2022-2023

TO: Dr. Patty Bennett
Regional Administrator
Mid-Atlantic Regional Office

The Families First Coronavirus Response Act (P.L. 116-127; the Act), as amended, authorized a temporary assistance program for households with children without access to meals in school and to certain SNAP-enrolled children in child care during the public health emergency declared on January 27, 2020. Pursuant to the authority granted under Section 1101 of the Act, FNS approves Maryland's enclosed plan to operate P-EBT for children in schools.

Summary of State's Plan

The Maryland Department of Human Services and the Maryland State Department of Education will issue P-EBT benefits through the state's Supplemental Nutrition Assistance Program (SNAP) EBT card system to households with eligible children. The state's plan covers the months of September 2022 through May 11, 2023.

School children are eligible for benefits if they would have received free or reduced price meals at their schools through the National School Lunch Program (NSLP) if not for the closure or reduced attendance or hours of their schools for a period of at least 5 consecutive days. Children in child care are eligible if they are enrolled in SNAP and their child care facility is closed or operating with reduced attendance or hours, or if they live in the area of a school that is closed or operating with reduced attendance or hours. The state will use the best feasibly available data and USDA-approved simplifying assumptions to issue benefits in amounts that are tied as closely as possible to the number of days that eligible children do not receive a meal service through their schools or child care facilities.

Children in Schools

The state and its school districts will identify children eligible for free or reduced price NSLP meals using the most current available data. All school districts that rely on eligibility data from the most recent prior year will have a means to address that they do not issue benefits to school year 2021-2022 graduates and other non-students, and will offer households with new students the ability to establish their eligibility through the traditional school food authority-run school meal application and direct certification processes. The state will also provide a path for households with eligible homeschooled children and children in fully virtual schools to receive benefits; these children may be eligible if they began homeschooling or enrolled in fully virtual school due to concerns about the COVID health emergency.

In addition, Maryland has or will:

(for children currently enrolled in NSLP-participating schools)

- instruct local educational agencies (LEA) and private schools to submit their lists of students determined eligible for free or reduced-price meals for school year (SY) 2022-2023,
- instruct LEAs to remove ineligible students from their lists and add students newly eligible by way of direct certification, other categorical eligibility sources, or via 2022-2023 National School Lunch Program applications to their lists prior to submission,
- communicate the P-EBT eligibility requirements to LEAs including SY 22-23 eligibility for free or reduced price meals and lack of access to meals at school due to a COVID-related absence or school-approved COVID-related virtual learning day,
- instruct LEAs to submit each student's P-EBT eligible days to the state:
 - LEAs that are tracking COVID-related absences and virtual learning days will report the actual count of those P-EBT-eligible days for each student,
 - LEAs that are not tracking COVID-related absences and virtual learning days will report any excused absence of 5 or more consecutive days as P-EBT-eligible days,
 - for households of children in LEAs using the 5 consecutive day threshold as a proxy for a COVID-related absence, the household may make a claim with the state (by attesting on a reconsideration form created by the state) for any COVID-related absence that is less than 5 consecutive days,
 - the household will attest that the absence days are COVID-related and the state will verify with the SFA that the absence was excused prior to issuing benefits for those days,
 - households may submit requests through October 30, 2023,
 - only schools that have met the minimum 5 consecutive day threshold of being closed or operating with reduced attendance or hours will be authorized to issue P-EBT benefits to their students,
 - the school or school district will validate that the child is eligible for free or reduced price meals and count of absences before issuing benefits,
- tentatively issue all regular benefits in one lump sum by September 30, 2023,
- issue contingency and corrections through December 31, 2023.

(for eligible children attending non-NSLP virtual schools and eligible homeschooled children)

- conduct a public information campaign to encourage households of potentially eligible children to apply for benefits through the state's P-EBT website:

- the state's public information campaign will clarify that P-EBT eligibility applies to a well-defined, narrow subset of children who enrolled in homeschool or virtual school at some point after the start of the public health emergency,
- develop an application that is equivalent to a school year 2022-2023 free and reduced price meal application, requires all applicants to provide documentation for all income sources, and requires applicant to respond to a set of supplementary questions to confirm the remaining eligibility criteria:
 - applicants will select the reason their children attend a non-NSLP virtual school or are homeschooled; only applicants that select COVID concerns as the reason will be potentially eligible for P-EBT,
 - the state will confirm enrollment of children who may have started virtual school or homeschooling in Maryland in SY 20-21 or later by validating the child's enrollment in a home instruction program (households of children attending virtual school or homeschools must register in the home instruction program),
 - for non-K-2 children who were previously enrolled in an NSLP-participating school in Maryland, the school/LEA that the child previously attended, or the Maryland State Department of Education, will confirm that applicants were enrolled in an NSLP-participating school at some time on or after the January 2020 start of the pandemic; if not confirmed, the children will not receive benefits,
 - for K-2 children who began school as homeschooled or virtual school children after the start of the pandemic, or for older children who began school as homeschooled or virtual school children in Maryland after the pandemic, the state will verify the child's identity through validation of current enrollment in a non-NSLP school or homeschool using information households have submitted to Entities Registered to Supervise Home Instructions,
 - the state will determine whether the child's assigned school for SY 22-23 participates in CEP, which satisfies the eligibility requirement for free or reduced price meals,
 - for children who are not categorically eligible for free meals or whose local public school does not participate in CEP, the state will confirm income eligibility for free or reduced price meals in SY 22-23 through a standard free and reduced price meal application:
 - the state will use the income documentation provided by applicants to verify eligibility as follows:
 - the state will confirm that the documentation matches the income entered on the application for the first 100 applications received,
 - if the error rate on the first 100 applications is at or above 5 percent, the state will continue to verify all applications,
 - if the error rate is below 5 percent, the state will verify 10 percent of remaining applications; if at any time, the

- error rate rises above 5 percent, Maryland will resume verifying the documentation for all applicants,
- the application will require parents to promptly notify the state if their children return to an in-person school during the school year,
- the state will provide USDA the opportunity to review the application prior to implementation,
- households will be able to submit completed applications through September 15, 2023,
- tentatively issue all regular benefits in one lump sum by September 30, 2023,
- issue contingency and corrections through December 31, 2023.

(for all P-EBT-eligible children)

- calculate monthly benefits in a three-tiered structure as follows:
 - a 3-day benefit amount will be issued for children with 1-5 COVID-related absences,
 - a 10-day benefit amount will be issued for children with 6-15 COVID-related absences,
 - the maximum number of benefit days for May will be 9 days of benefits, to reflect the 9 weekdays in May prior to the end of the COVID-19 Public Health Emergency on May 11, 2023,
 - a full-time 18-day benefit amount will be issued for children with 16 or more COVID-related absences and to children who attended a virtual school or who were homeschooled.

Estimated Caseload and Value of P-EBT Benefits

The state will calculate monthly benefits for each eligible child in the household equal to the daily reimbursement for a free breakfast, lunch, and snack multiplied by the number of benefit days calculated as described in the state's plan.

- Maryland estimates that it will issue \$13.3 million to approximately 289,000 school children for school closures and reductions in attendance and hours extending from September 2022 through May 11, 2023.

Release of Information

Pursuant to Section 1101(e) of the Act, the Secretary hereby authorizes the release of the information necessary to carry out P-EBT in Maryland. Section 1101(e) of the Act states, "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."

Plan Timetable and Revisions

Maryland will distribute benefits to households consistent with the timeframes identified in the state plan. Should the state encounter challenges or delays that

significantly impair its ability to implement the approved P-EBT plan or require substantive changes, the state must notify the FNS Regional Office as soon as possible. The FNS Regional Office will work with the state to identify reasonable solutions and review revised plans for approval or further revision.

Civil Rights

Maryland will continue to comply with civil rights requirements by not discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. The state will also provide meaningful access to its programs and activities for individuals who are limited English proficient, and provide equal access to individuals with disabilities.

Administrative Funds

The Maryland Department of Human Services will participate in a P-EBT Administrative Budget Planning process using the FNS-366(a) Program and Budget Summary. When the FNS-366(a) is finalized, that will determine the state's Administrative Grant level. However, the FNS-366(a), Program and Budget Summary, may be updated and revised as the state's operational plan evolves.

Reporting

The Maryland Department of Human Services will complete the FNS-292B, the FNS-46, the FNS-388, and the FNS-778 reports in accordance with existing requirements.

FNS values Maryland's partnership in the administration of Pandemic EBT. FNS stands ready to provide additional support as needed. If you have questions, please contact the FNS Mid-Atlantic Regional Office.

Sincerely,

Cindy Long
Administrator