



Food and Nutrition
Service

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June 26, 2023

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

TO: Christine Ruggieri
Acting Regional Administrator
Northeast 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 Maine's enclosed plan to operate P-EBT for children in schools and child care.

Summary of State's Plan

The Maine Department of Health and Human Services, Office for Family Independence and the Maine 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 August 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, Maine has or will:

(for children currently enrolled in NSLP-participating schools)

- adopted a state-funded universal free program at the start of school year 2022-2023 that includes all NSLP-participating public schools:
 - almost all public and private NSLP-participating schools now participate in the Community Eligibility Provision or Provision 2; all children in those schools meet the free or reduced price eligibility requirement for P-EBT,
 - the few schools that have not adopted CEP or Provision 2 continue to certify children through application or direct certification; however, until the approval of Maine’s P-EBT plan, parents in these schools had little incentive to fill out applications; for this reason, children approved by application in these schools will be assumed eligible for free or reduced price meals back to the beginning of the school year,
- collect monthly student level learning models and attendance data from schools in the month following the end of each remaining quarter of the school year:
 - schools have not been consistently tracking and will not report COVID-related absences to the state,
 - the state will issue P-EBT benefits for blocks of 5 or more consecutive days of excused absences or remote learning:
 - for the month of May, a block of excused absences or remote learning days that begins on or before the May 11 (the end of the COVID public health emergency) will consider days that extend past that date to determine whether the block was at least 5 days long; however, the state will not issue P-EBT benefits for any days past May 11, 2023,
- households may make a claim with the state for any COVID-related absence that is less than 5 consecutive days:
 - the household will attest on a reconciliation application created by the state that the absence days are COVID-related, and
 - the state will confirm that the days claimed were recorded as excused absences or approved remote learning days on the school attendance dataset prior to issuing benefits,
- issue benefits to children enrolled in NSLP-participating schools in July:
 - the state will issue benefits approved through the reconciliation process with the next scheduled issuance for all other school children.

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

- contact known virtual schools, homeschool organizations, and community partners 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 virtual school and homeschooled children enrolled in homeschool or virtual school from the start of the public health emergency and the date of the plan approval by USDA,
- develop an application to collect the information necessary to determine eligibility and issue benefits:
 - applicants will select whether their child(ren) attend a non-NSLP virtual school or are homeschooled due to COVID or for a reason unrelated to COVID; only applicants that select COVID concerns as the reason will be potentially eligible for P-EBT,
 - applicants of children who were enrolled in an NSLP-participating Maine school at some point on or after the January 2020 start of the pandemic will provide the names of their children's previous schools:
 - the state will check the schools' enrollment records to confirm that the children were enrolled in the NSLP school **at some point on or after the start of the pandemic**; if not confirmed, the children will not receive benefits,
 - for applicants of children who entered school since the start of the pandemic, or who moved into Maine since the start of the pandemic, and have always been homeschooled or always attended a fully virtual school, the state will confirm the children's identity (existence) and Maine residency as follows:
 - the state will check whether the child is a current recipient or participant in another state public benefit program through a data match against the state's Automated Client Eligibility System (ACES),
 - if the child's name is not found in ACES, the state will attempt to match the child's name to the current enrollment records of any of the virtual schools known to the Maine Department of Education,
 - if the child is not on an enrollment list of any known virtual school, the state will request documentation from the family; documentation will be limited to a statement from the local school, which is sufficient to verify the child's existence and Maine residency due to the requirement in Maine that all home schooled students must register with their local district,
 - if the child's identity cannot be confirmed through any of these methods, the state will not issue P-EBT benefits,
 - applicants will provide the names of the schools that their children would have attended in school year 2022-2023 if not for their homeschool or virtual school status:
 - if the school does not participate in the NSLP, the state will not issue P-EBT benefits,
 - if the school does participate in the NSLP, the state will check the CEP or Provision 2 status of the school:

- if the school does participate in CEP or Provision 2, the state will issue P-EBT benefits to the child,
 - if the school does not participate in CEP or Provision 2, the state will check whether the child participates in SNAP or TANF,
- Parents of children in virtual schools will provide the name of their children's virtual school; applicants of children in homeschool will provide the name of the public school district where the child's homeschool plan is filed:
 - the state will send the children's names to the applicable virtual school or public school district; children not confirmed as currently enrolled in virtual school or homeschool will not receive benefits,
- the state will collect information (such as but not limited to SNAP case number) to determine categorical eligibility for free meals; the state will also determine whether the child's local public school participates in CEP,
- 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 through the free and reduced price meal application:
 - children determined income eligible for free or reduced price meals will be assumed income eligible back to the start of the school year if they submit their applications in the first month of the P-EBT application's availability; other households will be assumed income eligible from the date of the 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, Maine 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,
- issue benefits to homeschooled and virtual school students as their applications are approved:
 - the state will issue initial benefits for all prior months in the month following application approval,
 - tentatively open the online P-EBT application for virtual and homeschool children in June 2023,
 - tentatively issue benefits for the months of August 2022 through application approval in a single payment.

Children in Child Care

At a minimum, the state will identify all children under age 6 who are enrolled in SNAP in the benefit month. The state will not issue child care benefits to any child for months after their SNAP enrollment ends. Finally, the state will ensure that children who receive a benefit through P-EBT's child care component do not also receive a benefit through P-EBT's school component for the same month.

In addition, Maine has or will:

- identify SNAP-enrolled children under age 6,
- identify and issue pro-rated P-EBT benefits for children under 6 in households that applied for SNAP between May 1 and May 11, and were approved to receive SNAP benefits for May 2023,
- for each month from September through May, determine if there has been a statewide reduction in access to child care by comparing Child and Adult Care Food Program (CACFP) lunch claims since the start of SY 2022-2023 to the same months prior to the pandemic,
- calculate a separate monthly benefit to be issued to all eligible children statewide for the months Maine experienced a reduction in child care access:
 - calculate the monthly reduction in CACFP lunch claims by comparing current lunch claims to the same months prior to the pandemic:
 - the state will compare lunch claims for the months of August 2022 through April 2023 to lunch claims for the months August 2019 through February 2020 and March 2019 through April 2019,
 - apply the calculated reduction in CACFP claims to the average number of instructional days for school children in the same months (8.75 months for August, 17.5 days for September through April, 6.21 days for May) and the daily benefit amount to determine the P-EBT benefit,
- provide USDA with the state's tentative average benefit for confirmation prior to issuing benefits,
- confirm that lunch claims, for the most current months in spring 2023 where complete data are available, have not returned to pre-pandemic levels before issuing benefits for those months or subsequent months,
- tentatively issue benefits for the months of August through February in a single issuance in July 2023,
- tentatively issue benefits for the months of March through May 11, 2023, in a single issuance in early August 2023,
- tentatively issue reconciliation benefits in September 2023.

Finally, the state will identify risks for improper payments and ensure a high level of integrity.

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.

- Maine estimates that it will issue \$2.5 million to approximately 16,000 school children for school closures and reductions in attendance and hours extending from August 2022 through May 11, 2023.
- Maine estimates that it will issue \$8.0 million to approximately 14,500 SNAP-enrolled children in child care from August 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 Maine. 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

Maine 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

Maine 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 Maine Department of Health and Human Services, Office for Family Independence 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 Maine Department of Health and Human Services, Office for Family Independence will complete the FNS-292B, the FNS-46, the FNS-388, and the FNS-778 reports in accordance with existing requirements.

FNS values Maine'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 Northeast Regional Office.

Sincerely,

Cindy Long
Administrator