

**State Plan for Pandemic EBT****Summer 2023****February 16, 2023**

<b>Issuing Agency/Office:</b>	FNS / Child Nutrition Programs, Supplemental Nutrition Assistance Program
<b>Title of Document:</b>	State Plan for Pandemic EBT: Summer 2023
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	February 16, 2023
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) This document is a template to assist states in the development of an approved state plan to operate Pandemic EBT for school children and for children in childcare during summer 2023. (2) This document relates to Section 1101 of the Families First Coronavirus Response Act (P.L. 116-127) as amended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), the Consolidated Appropriations Act, 2021 (P.L. 116-260), the American Rescue Plan Act, 2021 (P.L. 117-2), and the Consolidated Appropriations Act, 2023 (P.L. 117-328).
<b>Disclaimer:</b>	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>***

*The submission of a P-EBT state plan, associated template and related reporting obligations are addressed in OMB# 0584-0660, expiration 11/30/2023.*

**State Plan for Pandemic EBT  
Summer 2023<sup>1</sup>  
February 16, 2023**

*Please note that due to the FY 2023 Consolidated Appropriations Act, states can submit a P-EBT Plan for Summer 2023 **without** a School Year 2022-2023 P-EBT Plan for School Children or Children in Child Care.*

1. **State:** Maine
2. **Primary Citation:** Families First Coronavirus Response Act (FFCRA), as amended.
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 summer period covered by this initial plan (or subsequent amendment).

- a. Estimated total amount of P-EBT benefits the state will issue to school children within this amendment's date range.<sup>2</sup> (Consult the appropriate table in Section 5, "Benefit Levels.")
- b. Estimated total number of school children to which the state will issue P-EBT benefits.
- c. Tentative P-EBT issuance schedule (the date(s) on which Summer P-EBT benefits will be issued). Assuming that the public health emergency ends on May 11 as anticipated, P-EBT funds will not be available beyond the end of fiscal year 2023. **As a result, states must issue all P-EBT benefits by September 30, 2023.** This applies to P-EBT benefits for school year 2022-2023 and summer 2023. Benefits issued by the states for the summer and school year after this date may result in liability to the state.
- d. Names of state agencies involved in administering this plan.

**Response:** [please use as much space as needed]

**Summer P-EBT eligibility is determined by the Maine Department of Education (MDOE) and distributed through the Office for Family Independence (OFI) within Maine's Department of Health and Human Services.**

**Maine currently has roughly 140,000 students eligible for Free or Reduced-price Meals (FaRM). This increase from past years is attributable, largely, to a dramatic increase in schools participating in Provision 2. If that figure remains steady through the end of the school year, we anticipate issuing roughly \$16,800,000 in P-EBT benefits for the summer of 2023.**

**Maine anticipates issuing all automatically triggered summer P-EBT benefits on September 5, 2023. Reconciliation benefits will be issued October 2, 2023 and potentially as late as December 2023, the last week in September 2023.**

---

<sup>1</sup> Changes to the Summer P-EBT program contained in the Consolidated Appropriations Act, 2023 are highlighted in yellow throughout this document.

<sup>2</sup> The Biden Administration recently announced that, at present, it intends to end the COVID-19 public health emergency declaration on May 11, 2023. In the event that the public health emergency does end on May 11, prior to the start of P-EBT's covered summer period, states may not issue P-EBT summer benefits to children in child care in 2023.

#### 4. Summer P-EBT for school children:

- Describe how the state will identify school children who attended an NSLP-participating school at the end of school year 2022-2023 who qualified to receive free or reduced price school meals under the NSLP or SBP. This group includes:
  - School children who attended a school that participated in the Community Eligibility Provision or Special Provisions 2 or 3 in school year 2022-2023.
  - Children who were directly certified for free school meals or who were certified by application for free or reduced price school meals during school year 2022-2023, or children who are determined newly eligible for free or reduced-price meals.

States may not issue summer 2023 P-EBT benefits to children who did not attend an NSLP-participating school at the end of the school year immediately preceding the summer (i.e. at the end of SY 22-23).

- Describe how the state will ensure that households with children eligible for free or reduced price school meals will have an opportunity to establish their eligibility by application through the end of SY 22-23 and into the summer of 2023 (*to the extent possible*). USDA understands that states that elect to keep their school meal application process open beyond the end of the school year will set a summer application deadline that allows the states to process these applications and issue benefits by September 30, 2023.

**Response:** [please use as much space as needed]

**Individual school units will gather information on enrollment and economically disadvantaged (ED) status for their students and report it to MDOE by August 15, 2023. ED status applies to students determined eligible for FaRM and students who did not apply for FaRM but were found to meet the same guidelines through an alternative application. Maine is unique in that it offers universal meals and does not have data that distinguishes students who completed the FaRM application from those who completed an alternative application. It is a reasonable assumption that if not for the state-funded universal school meals these families would have completed a FaRM application and been found eligible for FaRM. MDOE will extract from this data a list of students who were enrolled in an NSLP participating school at the end of the school year and were determined ED in the 22-23 school year. Students who were enrolled in Community Eligibility Provision (CEP) or Special Provision 2 schools will be considered FaRM eligible based on their enrollment. Students directly certified based on receipt of SNAP or TANF or being foster children will be considered FaRM eligible based on files provided to MDOE by Maine's Department of Health and Human Services. The remainder of students will have ED status determined based on applications submitted to their local school between July 1, 2022 and June 30, 2023.**

## 5. Benefit Levels

### Summer 2023 P-EBT Benefit

*Please note that this new benefit from the Consolidated Appropriations Act, 2023 has changed from the level for Summer 2022 P-EBT benefits.*

Summer 2023 P-EBT Benefit	
Contiguous U.S.	\$120
Alaska	188
Hawaii, Guam, Virgin Islands, Puerto Rico, American Samoa, Commonwealth of the Northern Mariana Islands	139

## 6. Implementation Timeline, EBT Processing, and Benefit Issuance

Please provide an implementation timeline for summer 2023 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 past years, most 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.
- If the PHE ends on or before September 30, 2023, states must issue all P-EBT benefits by September 30, 2023.
- 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 P-EBT issuances for previous school years. 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.
- 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]

**Maine acknowledges that all steps are contingent upon approval of this plan and that some may be exclusively contingent upon the approval date. However, there are dates that are determined by other factors and are reflected accordingly.**

**Maine's P-EBT hotline and e-mail are already active.**

**Day #0 FNS approves Maine's P-EBT Summer 2023 plan.**

**Day #7 OFI finalizes design of the various applications.**

**Day #14 OFI and MDOE update P-EBT specific information on websites and meet with community advocates and interested homeschool organizations and fully virtual schools for information sharing.**

**August 15, 2023 School units provide MDOE with enrollment and ED status information. (This is an existing requirement for other purposes.)**

**September 5, 2023 P-EBT benefits will be issued to students identified as eligible in the August 15, 2023 data.**

**October 2, 2023 P-EBT benefits will be issued to students who were determined eligible based on reconciliation requests or other corrections to data.**

**September 30, 2023 Final day for households to initiate the reconciliation process.**

**Prior to December 31, 2023**

**Any final reconciliations will be processed and distributed.**

**Eligible children included in a SNAP household for the month of June 2023 eligibility or a subsequent month will receive their P-EBT benefits on the household's EBT card. Eligible children not included in a SNAP household for the month of P-EBT eligibility or a subsequent month will receive P-EBT benefits on a P-EBT card. Children who are not included in a SNAP household but have an existing P-EBT account will have benefits issued to their existing account (a new card will not automatically be issued). Children who are not included in a SNAP household and do not have an existing P-EBT account will have a card issued in their name. Returned cards will be destroyed. Replacement cards will be issued by OFI at the household's request.**

**The state will use sub-benefit type codes to distinguish between SNAP, P-EBT and D-SNAP. Maine's draw/spend prioritization will continue to be P-EBT, SNAP and then D-SNAP. P-EBT benefits will continue to be expunged consistently with the SNAP expungement timelines in effect.**

## 7. Customer Service

*To complete Section 7, we encourage states to use language from their previously approved SY 22-23 plans, if applicable.*

- 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, children and caregivers 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 what information you will provide for households that do not want the P-EBT benefit that is directly issued to them. How to dispose of the card, etc.
- 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 over the past year, 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]

**OFI has staff specifically to answer questions via a P-EBT hotline and a dedicated e-mail address and resolve disputes.**

**Maine’s advocacy agencies have partnered with OFI and MDOE and continue to conduct significant outreach to Maine’s most vulnerable populations. This partnership and outreach will continue for Summer 2023 P- EBT.**

**The OFI website will continue to be the source for most of the P-EBT information. Advocates, schools and the MDOE know to refer questions to our website, [maine.gov/dhhs/ofl/programs-services/food-supplement](http://maine.gov/dhhs/ofl/programs-services/food-supplement).**

**Our P-EBT Q&A instructs households that do not want P-EBT to destroy the card and states that it is illegal to give away P-EBT benefits.**

**All the information USDA advised will be available on various State of Maine websites and/or they will have a link directing them to the OFI website where this information will be housed. This includes how to dispose of unwanted cards.**

**There will be a message on our call queue directing people to the website which will help reduce call volume. The Wilton Call Center (WCC) that screens eligibility calls and answers questions will be provided this information so that they can assist the caller and only transfer callers to the P-EBT hotline if they are unable to help them. OFI has strong relationships with the MDOE and many community partners and advocates. We will leverage our partners’ ability to assist with the distribution of P-EBT information.**

## **8. Over-issuance of P-EBT benefits**

***To complete Section 8, we encourage states to use language from their previously approved SY 22-23 plans, if applicable.***

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.

Please describe how your state will manage P-EBT payment errors.

**Response:** [please use as much space as needed]

**Maine commits to reporting all identified over issuances to NERO including the number of children affected, the dollar value and the nature of the error. Maine will provide a thorough explanation of corrective actions that it will take or has taken to prevent a recurrence of the error. All of this information will be provided via the spreadsheet that USDA provided to states. Maine will have the ability to track any detected over issuance of P-EBT benefits. This data will be available in report form for analysis to determine if a claim will be established and pursued. Maine will use thresholds for pursuing P-EBT claims that were approved by FNS. Consideration will be given to the cause of the overpayment when determining whether to establish a claim. Should a claim be established, repayment of the claim will not occur by recoupment of regular SNAP benefits, but rather through other avenues of benefit repayment collection. Maine will not pursue over issuances without approval and guidance from FNS.**

## **9. 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.

**Maine agrees.**

## **10. 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. 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 10 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.

#### **11. 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."

#### **12. Civil Rights Statement**

The state 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.

#### **13. Administration of State P-EBT Plan**

The state will administer P-EBT according to the terms of its approved state plan. In general, conditions related to benefit issuance reporting, administrative funding, and release of information remain in effect for the covered summer period. 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.

#### **Reminder**

If the state needs to make any significant changes to its Summer 2023 plan after approval, the state needs to submit an amendment to USDA that describes the change and its impact on operating summer P-EBT. USDA will review the amendment and approve allowable amendments.

**Signatures and Titles of Requesting SNAP and Child Nutrition State Agency Officials:**

DocuSigned by:  
  
8974206D2C044D1...

Signature

Anthony Pelotte, Director, Office for Family Independence

DocuSigned by:  
  
7C42E98267714BF...

Signature

Daniel Chuhta, Deputy Commissioner, Department of Education

**Date of Request:** 6/16/2023