

Home and Community-Based Services (HCBS) Rules DEPARTMENT FUNDING GUIDANCE

The Home and Community-Based Services (HCBS) rules ensure that people with disabilities have full access to, and enjoy the benefits of, community living through long-term services and supports in the most integrated settings of their choosing. In order to assist in determining eligibility for compliance funding, providers must complete this evaluation. Both “Yes” and “No” answers require an explanation. A “No” response *could* mean a service setting is out of compliance with the HCBS rules and is potentially eligible for funding to make necessary adjustments. Once this evaluation is completed, it should act as a guide for filling out the provider compliance funding concept, which is required for any provider to be eligible for compliance funding. **Completion of this evaluation is for the sole purpose of applying for compliance funding and does not take the place of future provider assessments that the Department may require to determine provider compliance with the HCBS settings rules. Only providers requesting compliance funding need to complete this evaluation.**

Federal Requirements #1-5 apply to providers of all services, including residential and non-residential settings. Federal Requirements #6-10 are additional requirements that apply only to provider-owned or controlled residential settings.

The column labeled “Guidance” contains a series of questions intended to help identify compliance or non-compliance with each requirement as it relates to the HCBS rules. While responses to these questions can help in the determination of whether or not a particular requirement is met, these responses may not be the sole factor in this determination.

More information on the HCBS rules and this form can be found at <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/>.

Questions may be directed to HCBSregs@dds.ca.gov.

Date(s) of Evaluation: 10/1/20 thru 10/31/20	Completed by: Matias Bernal
Vendor Name, Address, Contact: ARC Fresno, Lowen Achievement Center, 4490 E. Ashlan Ave., Fresno, CA 93726	
Vendor Number: HC0624, h08650, hc0598, hc0720, Hc0761, HC1015, HC1016, H08579 HC112, HC1220, HC1221, HC111 and HC1219	
Service Type and Code: DTAC – 505, BIS 515 and ADC - 510	

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<p><u>Federal Requirement #1:</u> <i>The setting is integrated in, and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals receive services in the community based on their needs, preferences and abilities? • Does the individual participate in outings and activities in the community as part of his or her plan for services? • If an individual wants to seek paid employment, does the home staff refer the individual to the appropriate community agency/resource? • Do individuals have the option to control their personal resources, as appropriate?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><u>Federal Requirement #2:</u> <i>The setting is selected by the individual from among setting options, including non-disability-specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider have a current regional center Individual Program Plan (IPP) on file for all individuals? • Does each individual's IPP document the different setting options that were considered prior to selecting this setting?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><u>Federal Requirement #3:</u> <i>Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider inform individuals, in a manner they can understand, of their rights to privacy, dignity, respect, and freedom from coercion and restraint? • Does the provider communicate, both verbally and in writing, in a manner that ensures privacy and confidentiality?

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	<ul style="list-style-type: none"> Do staff communicate with individuals based on their needs and preferences, including alternative methods of communication where needed (e.g., assistive technology, Braille, large font print, sign language, participants' language, etc.)?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><u>Federal Requirement #4:</u> <i>Optimizes but does not regiment individual initiative, autonomy, and independence in making life choices, including, but not limited to, daily activities, physical environment, and with whom to interact.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> Does the provider offer daily activities that are based on the individual's needs and preferences? Does the provider structure their support so that the individual is able to interact with individuals they choose to interact with, both at home and in community settings? Does the provider structure their support so that the individual is able to participate in activities that interest them and correspond with their IPP goals?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: This is an area that was identified by ARC Fresno and then COVID hit. ARC Fresno was able to implement this proposal for our Work Activity Programs, even with COVID. Due to only receiving about 25% of the requested funding we were able to reduce scope and focus and have been able to change our Work Activity Services to Community Employment and Engagement Services. The remaining ARC Fresno Services still support individuals to choose from a variety of activities that follow a relatively fixed schedule (4 class options a day). Individuals can provide input into the process; however the structure is such that 4 groups of 18 with 6 staff are the basic structure of the Service. So, while the groups could operate more autonomously, they function within a basic framework of 4 activity periods, 1,2,3 and 4. While staff believe they are providing options and alternatives to the participants, the participants do not have a clear understanding of how they can self-direct and make informed decisions that would lead to outcomes they desire, i.e. they really like to cook and want to take cooking several hours a day instead of for shorter periods over a series of days. The groups tend to be relatively static, which does not promote variation in activity and who the participants want to be with and/or may share similar interests. The current service schedule is also relatively rigid (8:30 to 2:30 every day, so based on interests and choices those activities may not be able to be supported. Even with Alternative Services</p>	

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the lack of Technology, the ability to use technology with support has still really limited the ability of Arc Fresno to provide more individualized services.

Federal Requirement #5:

Facilitates individual choice regarding services and supports, and who provides them.

Guidance:

- Does the provider support individuals in choosing which staff provide their care to the extent that alternative staff are available?
- Do individuals have opportunities to modify their services and/or voice their concerns outside of the scheduled review of services?

Does the service and/or program meet this requirement? Yes No

Please explain:

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Only providers of services in **provider-owned or controlled residential settings** need to complete the remainder of this evaluation. In **provider-owned or controlled residential settings**, in addition to the above requirements, the following requirements must also be met:

<p><u>Federal Requirement #6:</u></p> <p><i>The unit or dwelling is a specific physical place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city or other designated entity. For settings in which landlord/tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each participant and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord/tenant law.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • As applicable, does each individual have a lease, residency agreement, admission agreement, or other form of written residency agreement? • Are individuals informed about how to relocate and request new housing?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain:</p>	
<p><u>Federal Requirement #7:</u></p> <p><i>Each individual has privacy in his/her sleeping or living unit:</i></p> <p><i>Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors as needed.</i></p> <p><i>Individuals sharing units have a choice of roommates in that setting.</i></p> <p><i>Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals have a choice regarding roommates or private accommodations? • Do individuals have the option of furnishing and decorating their sleeping or living units with their own personal items, in a manner that is based on their preferences? • Do individuals have the ability to lock their bedroom doors when they choose?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain:</p>	

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<p><u>Federal Requirement #8:</u> <i>Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals have access to food at any time? • Does the home allow individuals to set their own daily schedules? • Do individuals have full access to typical facilities in a home such as a kitchen, dining area, laundry, and comfortable seating in shared areas?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><u>Federal Requirement #9:</u> <i>Individuals are able to have visitors of their choosing at any time.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Are visitors welcome to visit the home at any time? • Can individuals go with visitors outside the home; such as for a meal or shopping, or for a longer visit outside the home, such as for holidays or weekends?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><u>Federal Requirement #10:</u> <i>The setting is physically accessible to the individual.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals have the freedom to move about inside and outside the home or are they primarily restricted to one room or area? • Are grab bars, seats in bathrooms, ramps for wheelchairs, etc., available so that individuals who need those supports can move about the setting as they choose? • Are appliances and furniture accessible to every individual?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	

CONTACT INFORMATION

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Contact Phone Number: 559-547-2616
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ACKNOWLEDGEMENT

By checking the box below, I acknowledge that completion of this evaluation is for the sole purpose of applying for compliance funding and does not take the place of future provider assessments that the Department may require to determine provider compliance with the HCBS settings rules.

I AGREE

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Regional center vendors may receive funding to make changes to service settings and/or programs to help them come into compliance with the HCBS rules. To be considered for funding, vendors must complete and submit this form and the provider compliance evaluation form as one packet to the regional center with which it has primary vendorization.

Instructions:

- The concept form on the next page must be used, may not exceed four pages plus the budget worksheet and any cost backup, and must be kept in Arial 12-point font. Submit the form in Microsoft Word or PDF format. An extra half page is permitted to answer questions about prior funding.
- Using a form from previous years will negatively impact a concept score, so please ensure the current FY 20-21 form is used.
- For providers that operate programs with several vendor numbers involved in one concept, one evaluation and concept form should be submitted and should list all vendor numbers for related/included programs. If multiple programs owned by the same parent company have different compliance evaluations or concepts, additional applications can be submitted but should be attached in the same document as the other owned programs so they can be reviewed together.
- The results of the evaluation should be clearly laid out in the section referring to identification of federal requirements that are currently out of compliance, which the concept will address.
- The concept form includes detailed information that describes the funding requests and supports how the requests will assist the provider to come into compliance.
- There should be a clear link between what is being requested and the federal requirement currently out of compliance.
- Concepts should demonstrate how the requested change in service delivery will impact individuals in offering more choices and opportunities.

Strengths of previously funded concepts:

- Identified the need as well as proposed a plan to provide outreach and information regarding the HCBS rules to individuals served and members of their support teams.
- Discussed the need for additional funds to effectively support individuals served on a more individualized basis in overcoming barriers to community integration and employment, as appropriate.
- Prioritized the preferences of individuals served and utilized their feedback in the development of the concept.
- Implemented a sustainable plan for person-centered planning/thinking and training regarding the HCBS rules.
- Enabled residents to age in place and exercise more choice and independence.

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Vendor name	Arc-Fresno/Madera
Vendor number(s)	HC0624, h08650, hc0598, hc0720, Hc0761, HC1015, HC1016, H08579 HC112, HC1220, HC1221, HC111 and HC1219
Primary regional center	CVRC
Service type(s)	DTAC/ADP/BIS
Service code(s)	505, 510, 515
Number of consumers typically and currently served	443
Typical and current staff-to-consumer ratio	1:3, 1:4, 1:7 and 1:8
<p>1. Please provide a brief description of the service/setting. Include what a typical day consists of during regular program as well as how services are currently being provided. This response must include the baseline/current levels for any aspects of the program for which the concept proposes funding.</p>	
<p>ARC Fresno has traditional Day Program sites serving approximately 443 folks at multiple locations, with occasional community involvement, two of the locations also have a “Community Integration” component of the program serving approximately 80 individuals (100% community engagement). The Community Integration Component while providing full Community Integration, has some of the same challenges faced at the site in ensuring that the participants are making Informed Choices and Decisions and that Staff are fully supporting and promoting that independent decision making.</p>	
<p>Project Narrative Description: While filling out this section, reflect on how services are typically provided and how that might have changed in the past year. Think about what has been learned in the past year and how that might shape services going forward. Funding awarded through this concept can span the course of up to two years which would allow time to shape services to be more person-centered and align with the HCBS federal requirements.</p>	
<p>2. Please provide a brief summary narrative of the concept for which you are requesting funding, including justification for the funding.</p>	
<p>In order to shift the thinking of both support staff and the participants a clear understanding of “Informed Decision Making” is needed so that a clear process can be created that supports those opportunities and leads to greater Person-Centered options for the participants, greater satisfaction with the services provided and greater overall community engagement. The previous grant has allowed us to fully train the Employment Support staff and help move the participants in those services to focus on their desires for Community Engagement and Employment</p>	
<p>3. Identify which HCBS federal requirements this concept addresses that are currently out of compliance. Could be all or a subset of those identified as out of compliance on the evaluation.</p>	
<p>1___ 2___ 3___ 4XXX 5___ 6___ 7___ 8___ 9___ 10___</p>	

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<p>4. For each HCBS out-of-compliance federal requirement that is being addressed by this concept, describe the barriers to compliance and why this concept is necessary. If this information is in the evaluation section, please copy it here.</p>
<p>The historical model of programming has become the ingrained culture of how individuals with developmental disabilities have to be supported and decisions guided by staff rather than fully embracing the abilities of individuals to direct and make decisions about their lives. As well as providing training and support to help participants and staff build community resource maps that help increase opportunities to participate in their community.</p>
<p>5. For each out-of-compliance federal requirement that is addressed in this concept, please explain how the concept will bring the vendor into compliance by March 2023.</p>
<p>The key is providing a strong foundational base for the Staff in how to support individual participant decision making and then supporting those decisions to engage in activities of their choosing, with individuals they want to be with and getting the support from the staff who can help them meet their needs. We have been achieving this for our employment staff and want to expand it to our ADC/DTAC staff</p>
<p>6. What are the proposed outcomes and objectives of the concept, and what are the methods of achieving and tracking them?</p>
<p>The goal is to have over 230 clients be able to understand and make informed decisions. To have at least five teams of staff and participants to provide on-going support and training Increase community engagement from 5% a month to 25% All current staff will have a basic competency in IDM and new staff within 90 days of hiring would have a basic understanding of IDM. To have over 65 individual staff be fully trained and able to lead other staff and participants in making Informed Decisions.</p>
<p>7. Please describe how and/or what was done to include input from the individuals served in developing this concept? Discuss not only the development of the concept, but also what steps were taken to identify the interests and desires of the individuals and who was involved in that process.</p>
<p>We surveyed roughly 45% of the folks supported at each of the site locations (by vendor number, so several sites have multiple vendor numbers) we provide support at to see their perception of how much control they have over the activities they participate in. 90% of them indicated they get to choose their daily activities, 84% of them indicated they get to choose who they spend their day with and 72% of them indicated they get to choose who supports them during the day. The second part was the frequency of their involvement in the community, 29% go into the community daily, 37% go into the community weekly, 16% go into the community monthly and 18% say they never go into the community. This was followed up with what is their desired frequency to be in the community, 48% want to be in the community daily, 24% want to be in the community weekly, 19% want to be in the community monthly and 9% say they don't want to be in the community at all.</p>
<p>8. Please describe how the concept you propose will enable you to provide more person-centered services to your clients.</p>
<p>Supporting the clients, we serve to better understand that the supports we offer are there to meet their desires and the activities should be ones that they want to pursue, not those</p>

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established by a schedule or who is the most dominant in the planning sessions. Informed Decision-Making focuses on ensuring that each individual has a means to understand what they want, how to learn about different options and then make a decision based on the information that they have learned about. Part of that process is sharing responsibility with others, in that you don't always get to make all the decisions in a group, so making sure everyone is heard and that opportunities are shared.

9. Please address your plan for maintaining the benefits, value, and success of your project at the conclusion of 2020-21 HCBS Funding.

The training commitment and building site-based teams of participants and staff will be the mechanism to continue and build on the Informed Decision Making process and outcomes. As each site has a variety of issues that will impact how they can engage the community, each will have different solutions locally, but the overall process and philosophy will continue to build more independent, assertive participants. In the partially funded project from FY 2019-2020 we have been able to build staff cohorts that work together to understand participant needs and desires and find alternative ways to meet those needs.

10. Write a brief narrative below explaining each major cost category and timeline. Complete the budget template at the end of the concept sheet. An excel version with formulas is available. When applicable, budgets should include personnel/benefits, operating costs such as consultants or training, administrative expenses/indirect costs, and capital costs (assets lasting more than 2 years). If project spans 2 years or occurs in phases, budget should be separated by phase/year.

Administrative costs, if any, must comply with DDS' vendor requirements, including a cap of 15% of the sum of personnel/benefits, consulting, and operating costs (must exclude capital costs). This information can be found at this [link](#).

In order to achieve cultural change, all of the management team, as well as the Case Management and Community Specialists will receive the "train the trainer" training, as well as 25 Direct Service Professionals. The budget reflects release time for these staff to get training, have opportunities to practice, discuss and modify the implementation of the training to all staff. The training will provide training to 12 Program Coordinators, Managers and Directors, 20 Case Managers and 50 Direct Service Professionals over the two year period. The budget also has the hiring of 10 Peer Mentors (individuals with I/DD, 5 hours a week) to support participants as they learn to use Informed Decision Making.

The Budget shows the purchasing of the Informed Decision-Making Curriculum from the National Association of Direct Support Professionals, as well as engaging them to provide the "Train the Trainer" support to help ARC Fresno launch the culture shift. Additional local training support will be utilized to ensure that the systems and training materials is tailored to each location to maximize the use by the participants. The final Budget piece is to ensure that ARC Fresno's Case Management support software can be adapted to ensure documentation of the IDM process. ARC Fresno is also re-cooping a 10% administrative cost for all of the tracking and HR challenges with ensuring staff can get the appropriate training. In the partially funded project from FY 2019-2020 we moved to a local trainer to focus and build Person-Centered Action and Informed Decision Making in that process. We propose to complete the full training with NADSP if this grant is funded.

11. Please address sustainability of funding sources for all programs or concepts requiring any funding past the timeframe of the requested funding, especially those that involve staff or other long-term costs. Please mark "not applicable" if costs will all be incurred during the program timeframe; up to two years.

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The goal of the grant is to put into place a solid process, start the cultural shift and continue to build on that progress as we move into the future. ARC Fresno will review it's current array of staff support ratios to ensure that they can support increased community engagement, participant supported activities and choices to continue to increase participant community engagement. Due to COVID-19 and as a part of the partially fund FY 2019-20 grant, we have built an on-line, on-boarding video library of short trainings to help staff review and maintain progress.

12. Have you or the organization you work with been a past recipient of DDS funding? If yes, what fiscal year(s)?

HCBS Funding ___ No XX Yes. If Yes, FY(s) 16/17,18/19,19/20
 Disparity Funding XX No ___ Yes. If Yes, FY(s) _____
 CPP Funding XX No ___ Yes. If Yes, FY(s) _____
 CRDP Funding XX No ___ Yes. If Yes, FY(s) _____
 If yes to any question be sure to answer questions 13 and 14.

For providers who have received prior HCBS, Disparity, CPP or CRDP Funding from DDS

13. If your organization has received prior funding from any of the above sources, please provide an update on the prior funding project. You may copy and paste from progress update(s) previously provided to regional centers or DDS.

Our 2016/17 funding of \$ 25K was used to purchase a van to provide some initial opportunities for Work Activity participants to go into the community, the challenge was how to support 8 individuals in the community while operating at a 1 to 22 staff to participant ratio. We have started to have greater opportunities due to our current (FY 2018/19) grant, which included the vendoring of a Community based 1:3 program to better support individuals moving to community employment. We expect the use of the van to continue to increase as we start to increase the community options for individuals, including Paid Internships.

Our FY 2018/19 funding of \$ 145K is to create a positive person-centered employment transition opportunity for the 150 individuals currently supported in our two Work Activity Programs (in Fresno and Madera). The grant has just started, but we have completed the initial Assessment training with Celebrateedu and have piloted 6 individuals thru the assessment, which provides meaningful employment related assessments and have started to transition to community opportunities. To date, 5 individuals have accessed the Paid Internship Program to gain new skills, 2 have received Competitive Integrated Employment offers with one accepting, the other is still exploring their options. The next steps are the creation of an assessment and community engagement team to help build community opportunities, Paid Internship Options and Competitive Employment options. The biggest challenge is being able to attract and retain Direct Service Professionals with the skills and abilities to support individuals moving to the least restrictive employment option of their choosing.

Our partially funded FY 2019/2020, has allowed us to train 22 staff and shifted 120 individuals served in the former work activity programs into mobile adp programs. The training has included informed decision making, person centered planning and developing community opportunity for clients.

14. If your organization received prior funding, please explain how the current funding request is not redundant with any prior funding received and/or builds on the prior funding but was not part of the original funding.

ARC Fresno supports over 650 individuals a year and this request is focused on those individuals who are receiving more traditional Day Services, who need supports in order to make more informed decisions about the activities they want to pursue, both in the community or at more controlled locations. The original grants focused our work programs and while this is

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an extension of building Person Centered plans and opportunities, the participants need significantly more supports in making decisions and the Direct Support Professionals need to learn how to change their approaches from one of caring for the participants to supporting the participants to live more self-directed lives.

HCBS CONCEPT BUDGET		Informed Decision Making					
Vendor Name		ARC-Fresno					
Vendor Number(s)		HC0624, H08650, HC0720, HC0761, HC1015, HC1016, H08579					
	Wage and Benefits	Year 1 Budget		Year 2 Budget		Total	
		FTE	Annual Cost	FTE	Annual Cost	Cost	
Personnel (wage + benefits)							
Prog Coordinator/Manager	60000	0.20	\$ 12,000	0.15	\$ 9,000	\$ 21,000	
Case Manager	44000	0.50	\$ 22,000	0.30	\$ 13,200	\$ 35,200	
Direct Service Professionals	36000	0.40	\$ 14,400	0.80	\$ 28,800	\$ 43,200	
Peer Mentor - Trainors	28000	0.15	\$ 4,200	0.25	\$ 7,000	\$ 11,200	
Peer Mentor - Support	42000	0.25	\$ 10,500	0.50	\$ 21,000	\$ 31,500	
			\$ -		\$ -	\$ -	
			\$ -		\$ -	\$ -	
			\$ -		\$ -	\$ -	
			\$ -		\$ -	\$ -	
Personnel Subtotal			\$ 63,100		\$ 79,000	\$ 142,100	
Operating expenses							
NADSP - Curriculum and Training Costs			\$ 8,000		\$ 5,000	\$ 13,000	
Consulting Support and Training			\$ 20,000		\$ 20,000	\$ 40,000	
Tracking and Documentation			\$ 2,500		\$ 2,500	\$ 5,000	
Technology Lending Library			\$ 10,000		\$ 10,000	\$ 20,000	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
Operating Subtotal			\$ 40,500		\$ 37,500	\$ 78,000	
Administrative Expenses							
Administrative Overhead (10%)			\$ 10,360		\$ 11,650	\$ 22,010	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
Administrative Subtotal			\$ 10,360		\$ 11,650	\$ 22,010	
Capital expenses							
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
Capital Subtotal			\$ -		\$ -	\$ -	
Total Concept Cost			\$ 113,960		\$ 128,150	\$ 242,110	

See Attachment F for budget details and restrictions