

Guidelines

for

Regional Center

**Community
Placement Plan**

and

**Community Resource
Development Plan**

for

Fiscal Year 2023-24 Requests

September 21, 2023

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I. Background

The Department of Developmental Services (Department) has statutory responsibility to ensure that individuals with developmental disabilities live in the least restrictive setting, appropriate to their needs. Under the authority of Welfare and Institutions Code (WIC) Section 4418.25 and Section 4679 [Enclosure A], the Department shall establish policies and procedures for the development and submission of annual Community Placement Plan (CPP) and Community Resource Development Plan (CRDP) funding proposals by regional centers.

II. Goals

The Department's goals for the CPP and the CRDP is to be responsive to the changing needs of individuals receiving services through California's developmental disabilities services system and enhance the capacity for community services.

The CPP and CRDP are designed to support three of the Department's goals:

Goal One: *Develop services that are person-centered, specialized and represent cultural and linguistic diversity throughout the regional center's catchment area.*

Goal Two: *Develop systems to ensure that quality services and supports, in the least restrictive environment, are provided to individuals in the community.*

Goal Three: *Expand the availability, accessibility, and types of services and supports to meet current and future needs of individuals and their families in the community.*

III. Priorities

Proposals submitted by the regional center should be driven by the outcomes of annual comprehensive and updated assessments of individuals residing at Porterville Developmental Center (PDC), Canyon Springs, a Stabilization, Training, Assistance and Reintegration (STAR) home, an Institution for Mental Disease (IMD), or out-of-state, and the current and emerging needs of their community. The proposals may reflect collaborative efforts between the regional center(s), the individual and their family, PDC or Canyon Springs, and the regional resource development project, with consideration of stakeholder input. The Department encourages collaborative proposals between two or

more regional centers to develop specialized resources to meet the statewide needs of individuals who have challenging service needs. Regional centers shall ensure that proposed and approved projects include principles of person-centered service planning and that funded services are culturally and linguistically appropriate to the population served by the regional center. [WIC Section 4679(a)]

The Department's statewide priorities for development of the CPP and the CRDP include the following, as applicable:

- Development of safety net, crisis, and support services that align with the Safety Net Continuum;
- Meeting individual and community needs for developing specialized services, including regional community services for individuals with challenging service needs, as well as the needs of our aging population;
- Development and/or identification of community living options and other supportive services for individuals transitioning from PDC, Stabilization Training Assistance Reintegration (STAR) homes, Canyon Springs, Institutions of Mental Disease (IMD), Safety Net living options, out-of-state and crisis services, consistent with comprehensive assessments (see Section IV. B.);
- Cross-system partnership;
- Identification and development of services and/or resources for individuals who are deaf;
- Community Crisis Homes (CCH) and Enhanced Behavioral Supports Homes (EBSH) for adults and children;
- Residential and non-residential services that provide competency training for individuals who are Incompetent to Stand Trial, including development of residential options designed with a competency training component in homes with Delayed Egress and a Secured Perimeter (DESP) [H&S Code Section 1531.15];
- Resources to support individuals in their homes or other preferred living options;
- Growth of resources reflective of a regional center's community needs, informed by data and community input from stakeholder engagement;
- Expansion of resources (may include technology and/or equipment) and opportunities to access resources to reduce disparity between populations, and enables individuals to access and benefit from the services;
- Development of additional Financial Management Services (FMS) providers that support self-determination and participant directed services;

- Evaluation of inventory of consumer crisis services such as mobile crisis teams and/or wrap around services;
- Development of Housing Developer Organization (HDO) properties, where an HDO is a model that establishes housing dedicated strictly for the use by individuals with intellectual and developmental disabilities, with the provision of services and supports being separate from the HDO property ownership;
- Development of additional service options that align with community needs and preferences, including but not limited to:
 - Specialized residential options for adolescents or adults with unique medical and/or challenging service needs;
 - Affordable and permanent housing;
 - Accessory Dwelling Units, utilizing HDO development and ownership;
 - Supporting individuals with high support needs in their own homes;
 - Employment;
 - Behavioral health services and supports, when generic resources are not available to meet individual needs;
 - Early Intervention Services;
 - Social and recreational services that are inclusive and culturally and linguistically competent;
 - Services and supports for substance abuse;
 - Training and education programs that meet individualized needs;
 - Specialized services not covered by generic resources, such as:
 - Dental services
 - Aging population and those with aging caregivers
 - Individuals with Down Syndrome and at risk for early onset of dementia

IV. CPP and CRDP Proposals

Fiscal Year (FY) 2023-24 proposals for Placement, Start-Up (CPP and/or CRDP), Operations (OPS) and DC/Ongoing Workload funding must be justified based upon the regional center's comprehensive analysis of individuals residing at PDC and Canyon Springs; historical and projected placements from state-operated services, including individuals residing at a STAR home; individuals who receive services out-of-state, including those funded by other entities, such as the California Department of Education or the county (and to note if the child served is in foster care); individuals residing in IMDs; individuals residing in acute psychiatric facilities beyond what is therapeutically necessary; and other service development needs, as identified as priorities of CPP and CRDP.

The Department will work in collaboration with each regional center to

develop CPP and CRDP budgets and establish priorities. When developing a new CPP and CRDP proposal, consideration should be given to all the CPP Start-Up and CRDP projects currently in progress and the regional center's ability to complete those projects. The regional center should clearly state what informed their proposals for development; to include, but not limited to consumer trend changes and growth projections, current community capacity availability, and identification of unmet needs, prior to proposing new development.

FY 2023-24 CPP proposals shall include the following:

A. Placement Funding Proposals

CPP Placement funding is available for individuals who currently reside at PDC, Canyon Springs, an IMD, a skilled nursing facility (SNF), or are receiving services out-of-state and are projected to move to the community within California.

Planned placement of a consumer into a licensed facility that has more than six beds must be preceded by a person-centered plan that demonstrates the consumer's purposeful choice of that residential option. If no other option exists, within 60 days of the consumer transitioning to the facility a person-centered plan for transitioning to a less restrictive setting must be developed and must be updated at least quarterly.

For tracking and utilization purposes, each placement will be identified as "SO" (State-Operated, which includes PDC and Canyon Springs), "IMD", "SNF" or "OOS" (out-of-state). Placement funding shall be based on projected service and support costs for those individuals projected to be placed in FY 2023-24 and include only costs associated with transitioning and maintaining an individual previously living at PDC, Canyon Springs, an IMD, a SNF, or an out-of-state placement.

For individuals who transitioned from an IMD or an out-of-state placement, only the prior regional center funded placement and transition costs that exceed the expenditure for services, after transitioning into the community, will be funded through CPP.

In the event that an inter-disciplinary team (ID team) identifies a service provider, and the established rate is not adequate to safely support the transition, the regional center may submit a Health and Safety Waiver request to the Department prior to the individual's transition [Enclosure B]. The Department will prioritize review of these requests to facilitate transition of an

individual from a more restrictive to a less restrictive setting.

Effective January 1, 2020, the exceptions in WIC Section 4648(a)(9)(C)(ii) regarding IMD placements due to emergencies no longer apply, and the prohibition in WIC Section 4648(a)(9)(C)(i) does not apply to acute crises when a consumer meets specific conditions as defined by WIC Section 4648.

A consumer may not reside in an IMD longer than six months before being placed into a community living arrangement, unless, prior to the end of the six months all of the criteria listed in WIC Section 4648 occurs. A consumer's placement in an IMD shall not exceed one year unless certain circumstances occur. In that case, the regional center may request from the court an extension of the commitment, not to exceed 30 days [WIC Section 4648].

B. Assessments

Comprehensive assessments assist with planning for services in the community, and therefore shall be completed through person-centered practices, and are required as follows:

- PDC: Regional centers shall complete an updated comprehensive assessment for each individual residing in a developmental center (DC) who is not committed pursuant to Section 1370.1 of the Penal Code. The updated comprehensive assessment shall identify the types of community-based services and supports that are available and/or needed for each individual. Updates to the comprehensive assessment are required on an annual basis as part of the individual program planning process for as long as the individual resides in the DC. [WIC Section 4418.25(c)(2)]
- CS: Updates to the comprehensive assessment are required on an annual basis as part of the individual program planning process for as long as the individual resides in the DC. [WIC Section 4418.25(c)(2)]
- STAR Homes: A comprehensive assessment for individuals who are admitted to a STAR home shall be completed within 30 days of admission.
 - If an individual resides at a STAR home longer than six months, the regional center shall complete an additional comprehensive assessment. [WIC Sections 4418.7(e)(1) and 4418.7(e)(3)(A)(i)]
- IMDs: A comprehensive assessment shall be completed by the regional center within 30 days of admission to an IMD, and prior to the individual's

next scheduled IPP meeting. [WIC Section 4648(a)(10)(B) and (C)]

- Out-of-State: A comprehensive assessment shall be completed by the regional center prior to submitting a request to fund for out-of-state services and for any extension beyond the initial six months. [WIC Section 4519(a)]

C. Start-Up Funding Requests

Start-Up funds are intended to assist in the development of new and innovative resources, but not intended to fund 100 percent of the development costs. It is expected that the vendor will identify funds that, along with Start-Up funds, would demonstrate financial capacity to complete a project. The Department may request an estimated and/or final "Sources and Uses" project development budget outlining the project cost and funding sources.

Homes expected for licensure by Community Care Licensing, utilizing Delayed Egress devices: Homes that will be utilizing a delayed egress device or a delayed egress device in combination with a secured perimeter, will require proof to the Department of a visit from the fire marshal before plans are submitted to the city planning department, showing pre-approval of the plan: (<https://www.cdss.ca.gov/cdssweb/entres/forms/English/LIC9092.PDF>)

Once a residential service is developed, or when a facility is licensed, it should be fully occupied within 90 days. Provider Start-Up funds may be used for this transition period. Use of Provider Start-Up funds beyond the 90-day period may be permitted only with the Department's written approval. Once the home has been fully operational, subsequent vacancies cannot be funded through CPP or CRDP.

All services purchased for CPP and CRDP Start-Up projects must be eligible for Federal Financial Participation (FFP) unless otherwise approved. Additionally, all projects proposed will need to demonstrate compliance with the Home and Community-Based Services (HCBS) Final Rule.

Residential Start-Up projects funded by CPP funds must have a percentage of placements dedicated to individuals residing in a state-operated facility, an IMD, and/or individuals residing out-of-state, based on the regional center's current population in each of these settings.

The Department's ability to fund CPP proposals is dependent upon sufficient

appropriation of funds; therefore, the regional center must prioritize the proposed projects and provide supporting information of identified need for each proposal.

CPP funded homes designated for CPP placements shall only be used for CPP placements, however, exceptions may be approved by the Department. The Department may require priority use of the resource to be made available to another regional center for an individual residing in a state-operated facility, a STAR home, or IMD, prior to approval of an exception.

Each proposal submitted by the regional center shall be driven by the principles of person-centered planning and be culturally and linguistically appropriate to the individuals served by the regional center. [WIC Section 4679(a)]. It should also include the community capacity and needs for all crisis services including residential services, wrap-around services, and available crisis teams.

CRDP funding requests shall include information received from the regional center's meaningful outreach activities that seek the input of stakeholders representing the diversity of the regional center's catchment area, including, but not limited to, individuals, family members, providers, and advocates. The proposal must identify the stakeholders with whom the regional center consulted and include information on how the regional center incorporated the input of stakeholders into its CRDP funding request. [WIC Section 4679(c)]

In addition to community input, the regional center shall include applicable data to support their request (e.g., individual growth trends or changes in individual demographics or service needs, such as the number of individuals graduating from high school within a specific time period, etc.). Regional centers are encouraged to address current and future needs based on assessed trends. [WIC Section 4679(d)]

FY 2023-24 funding proposals shall include the following information:

1. Identification of community resources needed;
2. The results of the outreach activities (e.g., community meetings, internet postings, etc.), identifying the stakeholders consulted and how the information received from the stakeholder input was incorporated into the proposal request;
3. A justification for funding requests;
4. How the regional center will track quantitative data, monitor development, and assess outcomes to be reported in monthly reviews with the Department.

Website Posting Requirements:

- Proposal Submission: At least two weeks prior to a regional center submitting its CRDP funding proposal(s) to the Department, the regional center shall post its priorities for the CRDP proposal(s) on its website, as informed by the stakeholder process, to allow for any final stakeholder input. [WIC Section 4679 (c)]
- Approved Proposal: Each regional center's approved proposals shall be posted on the regional center's website and the department shall post links to each regional center's approved proposals on its website. [WIC Section 4679 (e)].

Request for Proposal (RFP) Process:

- The regional center must identify a vendor utilizing the "Request for Proposal" (RFP) process, consistent with the regional center's Board-approved policies.
- The RFP must be posted within 45 calendar days from receipt of the approved plan. If an extension to this timeline is needed, the regional center must discuss with and obtain the Department's approval.

Start-Up Contract Process:

- The regional center must encumber funds through a completely executed contract by June 30, 2024. The fully executed contract must be submitted to the Department. The contract must contain the following components:
 - Identify the vendor accountability for the expenditure of funds consistent with the contract terms and for program outcomes;
 - The vendor's obligation of service to individuals with developmental disabilities for a specified length of time;
 - For Non-HDO projects, services must be provided for a minimum of ten years.
 - For HDO projects, services must be provided for a minimum of five years.
- In the event a project cannot be completed or provide services for the minimum length of time, the regional center may be required to recover the Start-Up funds from the vendor and the

funds must be deallocated; and

- Upon completion of the project, all unexpended contracted funds will be recouped by the regional center and returned to the Department.
- If the original contract has been amended, the most recent contract may be requested by the Department.

The regional center may request from the Department, approval for Start-Up funds for the purchase of permanent housing through an approved HDO. Proposals requesting Start-Up funding for the acquisition of real estate, must meet the most current CPP Housing Guidelines.

The CPP Housing Guidelines identify several CPP/CRDP housing milestone documents that the regional center is required to submit to the Department following the completion of residential project milestones. The Department requests receipt of these documents to ensure the restriction of homes for the exclusive use by individuals with developmental disabilities, the protection of State funds, and the timely completion of residential projects.

Consistent with applicable CPP Housing Guidelines, the regional center is required to provide CPP housing milestone documents, including, but not limited to, the Restrictive Covenant, updated budget documents, certification of CPP fund reconciliation, executed long-term lease agreement, executed property management agreement, and annual report with attached accounting of replacement reserve fund. For a complete listing of required documents, refer to the CPP Housing Guidelines.
(<https://www.dds.ca.gov/services/cpp/>)

Prior to initiating major property renovations that exceed \$50,000, the regional center shall ensure that an HDO obtains at least two (2) itemized bids for the renovation of a project and shares the bids with the regional center for identification of the most cost-effective selection.

Homes are to be developed with single occupancy bedrooms. (Only with prior Department approval, can homes be developed with double occupancy bedrooms to accommodate individual preferences.)

Enhanced Behavioral Supports Homes (EBSH) require a capacity of four unless the Department approves an alternative capacity.

D. Operations Funding Requests

Operations (OPS) funding is one-time only and must be used exclusively as approved. The amount funded in one fiscal year will not automatically be funded in the next fiscal year. Approval of OPS funding will be based on several factors, including the regional center's past CPP/CRDP performance, the number of Start-Up projects the regional center has in progress and is requesting, and the proposed number of individuals for whom the regional center plans to provide services (including placements into the community from a restrictive environment, transition of individuals within the community, and assessments) during FY 2023-24.

OPS funding must be used for regional center employees and/or consultants specific to CPP/CRDP activities only and cannot be used to fund operations/administrative costs for other purposes.

The regional center shall provide the Department with the following information for each person dedicated for CPP/CRDP purposes:

1. Name, for continued positions, or TBH (To Be Hired);
2. Projected hire date;
3. Clarification whether the position's funding is proposed to support which of the three categories: Regular CPP, Developmental Center/Closure Ongoing Workload, or Specialized Home Monitoring;
4. Position title;
5. Whether position is new or continued;
6. Whether position is an employee or a consultant;
7. Proposed Full Time Equivalent (FTE) increment as 0.25, 0.50, 0.75 or 1.0 FTE;
8. Proposed monthly position amount;
9. Description and justification for the proposed position.

Regional centers will be sent a worksheet showing the information above, on a quarterly basis. The worksheets will be verified by the regional center quarterly, with edits made, and sent back to the liaison within two weeks of receiving the worksheet from the Department.

V. Additional Guidelines and Relevant Statute

A. Home and Community-Based Services Rules

When developing resources, regional centers must assure all new development is in compliance with Centers for Medicare and Medicaid Services (CMS) rules and in accordance with Code of Federal Regulations

(CFR), Title 42, Section 441.530(a)(2)(v) (Home and Community-Based Setting), unless approved by the Department.

B. Statewide Specialized Resource Service

In accordance with WIC Section 4418.25, the Statewide Specialized Resource Service (SSRS) was created to track the availability of specialized residential development and clinical services. Pursuant to WIC Section 4418.25(b)(2), in order to track and share needed resources, regional centers shall provide the Department with monthly updates on current vacancies in specialized resources developed with CPP funds from FY 2005-06 forward, and any other specialized resource developed without CPP funds. The process for accessing the SSRS is described in the Department's September 26, 2012, letter to regional centers, entitled, *Statewide Specialized Resource Services* [Enclosure C]. For more information regarding SSRS, contact the Department at ssrs@dds.ca.gov or (916) 654-1956.

VI. Approval, Modification and Monitoring

A. Timelines

FY 2023-24 CPP/CRDP proposed plans are due to the Department within 45 calendar days from the release date of these Guidelines.

B. Approval Process

The Department will review the FY 2023-24 CPP/CRDP proposals in their entirety and approve the request(s) based on feasibility, reasonableness, the justification for the resources, alignment with statewide priorities, FFP eligibility of services, and availability of funding. If the Department determines approval of the regional center's FY 2023-24 CPP/CRDP Plan, the Department will send a conditional approval letter to the regional center's Executive Director, Administrator and CPP Liaison.

C. Submission and Modification to the CPP or CRDP

The regional center must submit, using the Modification Request Form [Enclosure D], any proposed modifications made to the original, approved CPP or CRDP, including modifications to the approved use of beds. The regional center must receive Department approval for any modifications to their approved plans prior to implementation of modifications.

D. Monthly Reporting and Transition Meetings

Regional centers are required to report on the progress of development and transition activities during monthly meetings with between the

regional center and the Department, in addition to bimonthly transition meetings between the regional center, the Department and the regional project (and the IMD, if applicable). The Department will work with regional centers to complete monthly worksheets [Enclosure E] with updated information that shall include, but not be limited to, the following:

1. Start-Up activity:
 - a. Status of In-Progress projects.
 - b. Projected service date and actual service date.
 - c. RFP posted date and Executed contract date.
 - d. Anticipated and Actual Close of Escrow date.
 - e. Permit submission date and status.
 - f. Construction start/completion date and status update.
 - g. Licensing process and completion update.
 - h. DDS certification process and completion update when applicable.
 - i. Vendorization status.
 - j. Development updates and modifications when applicable.
 - k. Amount(s) expended or updated estimate(s) when applicable.
2. Placement activity that identifies individuals who transitioned into the community, and updated projections of individuals to move into the community.
 - a. Transition activity status and update.
 - b. Assessment activity that identifies the dates of completed comprehensive assessments.
 - c. Successful meet and greet date.
 - d. Transition planning meeting and Transition review meeting date.
 - e. Planned placement and actual movement date.
3. Occupancy: Utilization of CPP and CRDP developed beds, which identifies the detail of occupied and vacant beds.

E. IMD Reporting

Regional centers are required to report every other month, or more frequently, if necessary, on the progress of development and placement activities associated with individuals residing in an IMD. The Department will work with regional centers to complete worksheets with updated information that shall include, but not be limited to, the following:

1. Names of individuals who were admitted to an IMD and the length of their current stay;
2. Transition activities and the projected dates when individuals will transition to the community;

3. Dates of completed assessments for each individual residing in an IMD, including additional assessment activity if placement at the IMD is beyond six months;
4. Extension requests at 90 days, including the transition plan;
5. Recent regional center visits, including the date of the last quarterly face-to-face visit;
6. Requirement to adhere to and provide updates related to WIC Section 4648(a)(9)(B) and (C).

F. Performance

The Department will evaluate the CPP and CRDP performance success of the regional center based on a combination of factors that will measure placement activity, assessments completed, and resource development efforts that are aligned with the CPP and CRDP priorities outlined in these Guidelines. This will be taken into consideration when discussing funding and approval of future proposals.

G. Safety Net Plan Update

The updated Safety Net Plan was submitted to the legislature by January 10, 2023, pursuant to WIC Section 4474.16 (a)(1). The plan provides updates to the Safety Net Plans of 2017 and 2020 and provides an overview of the significant progress made to implement system-wide changes and programmatic improvements to California's continuum of safety net services for individuals with intellectual and developmental disabilities (I/DD), as well as plans for addressing future needs in the community.

VII. Claims

An integral part of the CPP and CRDP is the monitoring and reconciliation of claims submitted by the regional center. Claims will be reconciled to the State Claims File of the Uniform Fiscal System (UFS) and monitored based on the regional center's use of approved allocated funding. The regional center will be required to claim in the manner allocated.

- Purchase of Services (POS)
 - POS – CPP Start-Up
 - POS – CRDP Start-Up
 - POS – 2020-21 CPP Reappropriation
 - POS – Assessment
 - POS – Placement
- Operations (OPS)
 - OPS – Regular
 - OPS – Developmental Center Closure/Ongoing Workload

- NOTE: Specialized Home Monitoring should not be claimed through CPP or CRDP.
- Submission of the claim must be accompanied by sufficient detail to support the claim.

IMPORTANT: For claims to be processed and paid, the regional center must follow the POS claiming procedure developed by the Department. This includes the addition of sub codes that identify the specific start-up project for which a claim is submitted. [Enclosures F, G & H]

VIII. Allocations

The Department will allocate POS and OPS funds based on plan implementation and verification of progress. Failure to demonstrate progress on the regional center's current plan may affect future funding to the regional center. Any unspent funds shall revert to the State General Fund.

As outlined in the Department's contract with regional centers, on August 15 of each fiscal year, or not later than fifteen (15) days following the enactment of the annual Budget Act, whichever is later, the Department will allocate to all regional centers Operations and POS funds consistent with the approved allocation methodology. On or before January 15 of each fiscal year, the Department will allocate to all regional centers the remaining funds unless specified in the approved allocation methodology or agreed to by the Association of Regional Center Agencies.

The allocation process is described as follows:

1. Start-Up: Once the Department approves the regional center's Plan, funding for POS Start-Up, will be allocated in the subsequent allocations.
2. Operations: All positions approved in FY 2022-23 will be allocated at 100 percent in the first allocation. Following the receipt of the verified and edited worksheets from the regional centers on a quarterly basis, the Department may adjust subsequent allocations.
3. Placement: Placement funds will be initially allocated at 50 percent in the first allocation amendment of what was approved in FY 2022-23 claims, then subsequently funded based on actual POS costs at various points during the year. Adjustments will be made at year-end to reflect actual reconciled placement and

assessment costs.

4. Assessment: Allocated based on approved Uniform Fiscal System (UFS) claims, usually allocated in the 2nd allocation cycle of the current Fiscal Year.