



# CIL-NET Presents...

## Assessing the Health of Your CIL: Preventative Management Checkup Using RSA's Review Tool

***Presenter:***

***Paula McElwee, Technical Assistance Coordinator, ILRU***

## Why use and know RSA's review tool?

- It lays out expectations for CILs in a checklist format.
- A self-review will help assure your CIL is meeting federal requirements.
- It is the tool reviewers will use in your on-site review by RSA.

## RSA increasing the number of reviews?

- Rehab Act requires 15% of centers annually
- A recent Inspector General's report found that they were not meeting this goal.  
<http://rsa.ed.gov/display.cfm?pageid=394#oig>
- RSA staff numbers have increased activity but capacity is stretched.
- With sequestration stretched even further.
- While 15% may not be possible we have seen increased activity.

# You want to be ready anyway!

- Know/meet legal and contractual requirements.
- Use actual RSA On-Site Checklist to check center's readiness and compliance.
- Download most current in PDF or Word from <http://rsa.ed.gov/display.cfm?pageid=394>
- This is the same form the on-site reviewers will use to document compliance.
- RSA provides about 30 days notice before actual on-site review.

## As you review, collect and organize

- Don't just go down the checklist and mark it.
- Do actually locate the document or person who has the proof that you meet the item.
- Do write that on your checklist so that you don't forget where you found the proof.
- Do organize the papers that will document your compliance in each area.

*TIP: Make a folder for each compliance item and copy the documents or comments into folders.*

- Do identify who can be interviewed related to this information.

## **You won't have to share your own review**

- If you identify areas where you need to improve or where you do not meet the requirements, develop a plan of action.
- Assign the things that must be done, set a target date, and CHECK BACK to make sure the work is completed.
- Add additional information developed/ collected to your resources files for review during an on-site visit, or your next internal one.
- Update the checklist as a tracking document. Doesn't have to be pretty, just functional.

# You will be asked to gather documents

- *TIP:* One or more of your reviewers may need an alternative format or other reasonable accommodation to access documents.
- *TIP:* Copy documents multiple times if you set up files for each review area or item.
- *TIP:* Highlight specific wording to show you meet the requirement. For example, in the folder on consumer control, highlight the bylaws provision stating that 51% of your board have a significant disability. Also include highlighted policy, roster w/ disability status, and board self-disclosure forms.

# Think about who will be good to interview

- Board chair, but there may also be other board members who have specific history or expertise you want to share. More can come to the orientation and talk to the survey team.
- If you use an outside accountant for some of your financial processes, they should be available.
- Consider inviting consumers who most “get” the philosophy, who can express different service options and who demonstrate the range of services, disabilities and ethnic communities.
- Who understands the data used in 704 report?



# Legal documents for review

- Articles of Incorporation
- 501(c)(3) certificate
- Bylaws
- IRS Form 990 and supporting documents
- Applicable licenses
- Contracts/written agreements w/ funders & partners
- Insurance policies
- Original RSA-approved application for Part C funds

## A *TIP* about that original application...

- Find it and review it.
- Centers may be held to the provisions of their original grant awards related to special populations or geographic areas to be served.
- If you are not adhering to that original proposal, do you have correspondence with RSA related to changes?
- If not, that needs your attention.

## Other records

- Consumer service records, physical and electronic files, and lists and reports related to the most recent 704 report
- IL service delivery policies, procedures and publicity
- Consumer confidentiality policies
- Consumer satisfaction instruments and assessments
- Annual & three year program/financial plan objectives; current & coming year work plan

# Review of the Consumer Service Record

## How does RSA know you are fulfilling your contract to provide core services?

- You report annually on your 704 report
  - Goals set and met
  - Services provided
  - ILPs and ILP waivers
- They review Consumer Service Records as part of compliance review – typically 20 to 40, including new, closed and carry overs
- They will compare CSRs to 704 data.

*TIP:* Individual CSR Review form is posted on Wiki for your use in your own individual file review

## ***TIP:* If you copy excerpts from Consumer service record for your review files...**

- Make sure you have a signed release of information to include this for review

OR

- Redact the name or names from the excerpt so that they cannot be seen.

*TIP:* If you redact, keep a list for yourself of the original file names. They may ask you to pull a file that has the original information and you don't want to scramble and appear not to have the original.

## From here on – actual checklist items

- We will give you text from the checklist regarding what RSA requires.
- We will distinguish when the item is a “recommendation”. This means the practice is suggested, and may be included in your report if you do not meet it, but it will be a recommendation, not a finding requiring correction.
- *TIP:* indicates a suggestion you might find useful related to that section.

## Evaluation Standard 1 – IL Philosophy

- Consumer control in management, establishment of policy and direction of center
- Self-help and self-advocacy
- Development of peer relationships and peer role models
- Equal access to all services, programs, activities, resources, and facilities
- Promotes equal access to these in society whether public or private

# Verification Checklist Items

- Number of persons on the governing board  
AND Number of governing board members with significant disabilities.

Over 50% significant disabilities?

How do board members disclose that they have a significant disability?

- Is Board Principle Decision-Making Body?

*Tip: Bylaws? Policies and Procedures? Actual decisions made? Cross reference board minutes and legal documents. Highlight board decision-making.*

Recommended practice – written policies, roles, recruitment



## Verification cont.

- Over 50 percent of CIL's employees in decision-making positions are individuals with disabilities.
- Over 50 percent of staff positions are filled with individuals with disabilities.

Recommended practice – number of minority board members, decision-making and other staff positions reflects community; or brings in racial or ethnic groups traditionally underrepresented.

# Self-help and Self-advocacy

- Promotes self-help and self-advocacy among individuals with disabilities

Verification methods:

Consumer service record should reflect in self-advocacy in both goals and notes.

Consumers interviewed should be able to indicate ways that they are learning to advocate for themselves.

# Development of Peer Relationship and Peer Role Models



- The CIL promotes the development of peer relationships and peer role models among individuals with significant disabilities.

Verification includes reviews of:

Peer groups

Peer to peer relationships

*TIP:* Documented in CSR goals or notes, and/or through consumer interviews. Regularly convened “groups” may count but so other peer relationships.

## Equal Access

- Communication

Policies and other written materials in alt. formats  
TDD/TTY, pictures for non-readers, video, text etc.

Interpreters

- Physical access to all programs, services and resources whether owned, public or private

Signage, doors, parking, bathrooms, policy and signage re: environmental illness/multiple sensitivity

- Reasonable accommodations -- Interpreters?  
Readers? Personal attendants?

## **Advocates for and conducts activities that promote equal access**

- Sites CIL uses in community
- Programs and services consumers wish to access
- ALL services, programs, activities, resources and facilities in society, whether public or private and regardless of funding source

*TIP:* If you have news articles, web postings, notes in consumer files etc. copy into a folder that shows how you advocate for equal access.

*TIP:* Keep surveys of community sites and correspondence advocating for better access.

## Evaluation Standard 2 – Provision of Services

- Provides across a range of significant disabilities
- Services are cross-disability
- Eligibility is determined re: the individual has a significant disability; not a specific single disability.

(Unless the service is unique such as Braille instruction for persons who are blind, ASL interpreter services for person who are deaf, etc.)

# Evidence that services are cross-disability

- Expect to see wide range of disabilities identified in 704 report and to meet consumers with differing disabilities.
- IL Core Services are available to all
- Center needs to show how they are reaching out to members of populations that are unserved or underserved.
- Brochures, policies and practices are clearly cross-disability

# Evaluation Standard 3 – Independent Living Goals



The Center shall facilitate the development and achievement of IL goals selected by individuals with significant disabilities who seek assistance in the development and achievement of IL goals from the center.



# Evidence regarding IL Goals

- CIL maintains a consumer service record (CSR) for each consumer served.
- CSR includes documentation showing that individuals are eligible or ineligible; typically document signed by consumer or staff following CIL policy
- Only those eligible are served.
- EITHER a written plan or a written waiver signed by consumer stating ILPs are unnecessary.

# Consumer Record Review



- Eligibility – does the person have a significant disability? Determination signed and dated?
- What IL services were requested
- Written notification to consumers of right to develop or waive ILP
- An ILP or a waiver signed by staff member and consumer.
- What IL services were provided – including evidence of core services.
- Goals and objectives established with consumer (whether or not in ILP). NOT a list of services, but what the person wants to accomplish.

# Cont. Consumer Service Record

- Goals or objectives the consumer believes they have achieved
- How CIL facilitated goal development, pursuit or achievement
- Review of ILP *at least* annually with determination – Continue? Modify? Discontinue? Refer?
- Signed release of information
  - Some compliance reviews have also required photo or media releases
- Required notifications – satisfaction surveys, CAP, appeal rights, alternate formats and communication modes

# Specifics about ILPs...

- Indicate goals/objectives established, services to be provided and anticipated duration of services
- Are developed jointly and signed by the appropriate CIL staff member AND the individual
- Are provided in accessible formats, as needed
- Are reviewed at least annually to determine whether services should be continued, modified or discontinued and/or whether the individual should be referred to another program including VR, DD or special education

Recommended: written CSR management policies/procedures

## From actual compliance reviews...

- If most consumers waive plans, required retraining and processes to present and understand advantages of developing ILP.
- ALL records must include development and achievement of IL goals selected by individuals.
- If CSR does not clearly document services, may question if four core services are actually provided.
- If consumers interviewed didn't understand IL philosophy and core services, required retraining and processes to assure that staff communicate these things.

## ***TIP:* Documentation is a legal requirement**

- Take it seriously
- Review the consumer records *regularly* to assure the information is being collected
- If you use electronic notes, review these whether or not you print them for the CSR
- Continually remind staff to complete reports of any contact with consumer
- Train staff regarding expectations
- Monitor and correct as needed – continually not just before a compliance review or when 704 data seems off. That is too late.



# Questions & Answers

Got questions?

## Evaluation Standard 4 – Community Options

The center shall conduct activities to increase the availability and improve the quality of community options for IL to facilitate the development and achievement of IL goals by individuals with significant disabilities.



# Evidence of compliance for Indicator 4



CIL performed at least one activity in each of these categories in the past year.

- Community advocacy
- Technical assistance to the community on making services, programs, activities, resources and facilities accessible
- Public information and education
- Aggressive outreach to unserved or underserved populations. Include minority groups? Urban/rural?
- Collaboration with other organizations that can assist in improving opportunities for individuals to avail themselves of resources in service area

# Evaluation Standard 5 – Core Services



- The center must provide ALL the core services
- Additional services may also be provided

*TIP:* We have considerable resources on the four core services on our website. Staff can complete training and get certificates to document their training in these areas.

## ***TIP*re: proving the four core services...**

- You can identify for yourself which consumers receive which core services
- Some centers make a chart with names and the core services checked
- Some print list from their database.
- Some centers mark the paper CSR with colored dots, a different color for each core services
- When random files are pulled reviewer will see full representation of core services.
- **CHECK YOUR RECORDS – don't assume**



## Four core services include...

1. Information and referral services to all individuals who request this type of assistance from the CIL in accessible formats.

and for eligible individuals with significant disabilities

2. Independent living skills training

3. Peer counseling (including cross-disability peer counseling)

4. Individual and systems advocacy

A combination as appropriate of any two or more of IL services defined in Section 7(18)(B) of Rehab Act

## Other Independent Living Services...

- Housing/shelter
- Rehabilitation technology
- Mobility training
- Services/training for individuals with cognitive or sensory disabilities
- Personal assistance services
- Identification of housing, recreation, transportation, or other support services
- Information programs re: rehab or IL services
- Education and training for participating in community
- Supported living
- Transportation
- Physical rehabilitation
- Therapeutic treatment
- Assistive technology
- Social/recreation
- Youth services
- Preventative services
- Community awareness
- Others that enhance IL

# Evaluation Standard 6 – Resource Development Activities

The center shall conduct resource development activities to obtain funding from sources other than Chapter 1 of title VII of the Act.

# Evidence related to Resource Development

The CIL during the reporting year conducted resource development activities to obtain funding from sources other than Chapter 1, Title VII, of the act.

- Grant-writing
- Fees for services
- Events
- Fund raising letters or activities

# Program and Financial Planning Objectives

- The CIL has established annual and three-year program and financial planning objectives.
- The objectives include the CIL's goals and mission.
- The CIL has a current work plan for achieving the goals or mission and has included specific activities to meet the requirements in the indicators.
- The work plan includes specific services, priorities and types of services to be provided.



## Also recommended planning practices...

- The work plan includes objectives and goals for obtaining or increasing non-Title VII funding.
- The work plan addresses board, staff, and/or volunteer training.

# 704 Report Accuracy and Documentation

- The CIL has implemented internal controls and procedures (including quality assurance) to ensure 704 Report accuracy and documentation.
- Based on the CSRs, consumer lists, physical files and other documentation reviewed, the funding sources and amounts, data, demographics, etc. the most recent 704 report is accurate and complete.

*Tip: Some centers have had to redo past reports. Make sure yours are correct every year.*

# Organizational and Personnel Practices

- The CIL uses sound organizational and personnel assignment practices.
  - Organizational chart indicating lines of authority
  - Job descriptions
  - Performance appraisals
- The personnel practices include affirmative action to employ and advance in employment qualified individuals with significant disabilities.

Also recommended: personnel policies addressing wage and salary, fringe benefits, vacation and sick leave, etc.

# Staff Development and Training

- The CIL includes personnel who are specialist in the development and provision of IL services and in the development and support of centers.
- Staff development program is directed at improving the skills of staff directly responsible for provision of IL services, including knowledge of and practice in IL philosophy.
- Staff receives training on how to serve unserved/underserved, minority groups and urban and rural populations.

Also recommended: board training and development

*Tip: Document individual staff development plans in writing in the annual performance appraisal. Make sure to document completed training in their files including training at staff meetings.*

# Conflicts of Interest

- Safeguards against employee, board member or volunteer to participate in an administrative decision likely to benefit that person or immediate family or business interests.
- Safeguards against any person using position for a purpose that is, or gives the appearance of being, motivated by a desire for a private financial gain for that person or others.

Typically these are written policies that the employee, board member or volunteer acknowledge with a signature.

# Confidentiality

- Adopted and implemented policies and procedures to safeguard the confidentiality of all personal information, including photographs, publicity releases and lists of names.
  - Comply with 34 CFR 364.56(a)
  - Protect current and stored personal information
  - Inform IL applicants or others about the confidentiality of personal information and the conditions for gaining access to and releasing this information.

Also recommended: meeting space that ensures consumer confidentiality is protected when meeting w/staff.

# Drug-Free Workplace

- Conforms to the requirements of a drug-free workplace.
- Publishes statement notifying employees that unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited and specifying the action to be taken against employees for violating the prohibition.
- Has an established ongoing drug-free awareness program.
- Each employee given copy including notification that conditions of employment require abiding by statement AND informing director of any convictions under drug statute.
- IF SUCH EMPLOYEES were convicted, took appropriate personnel action OR required employee to participate in drug abuse assistance or rehab program.



# Insurance Coverage

The CIL has insurance coverage for real property and equipment acquired with federal funds equivalent to that provided for property owned by the grantee.



# Nondiscrimination

The CIL does not deny services to persons on the basis of their race, color, national origin, sex, age or the existence of a disability.

# Prohibition Against Lobbying

- The CIL has on file a signed and dated copy of the Certification of Lobbying Form ED-80-0013 against using federal funds to influence or attempt to influence any federal agency or Congress through lobbying activities as described in 2 CFR 230, Attachment B, Item 25 and EDGAR 34 CFR 82.100

Recommended Practice – incorporate provisions consistent with these federal regulations into CIL written policies and procedures.

# 2 CFR 230 Appendix B Item 25



25. Lobbying. a. Notwithstanding other provisions of this appendix, costs associated with the following activities are unallowable:

- (1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;
- (2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;
- (3) Any attempt to influence: The introduction of Federal or State legislation; or the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;
- (4) Any attempt to influence: The introduction of Federal or State legislation; or the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
- (5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

b. The following activities are excepted from the coverage of subparagraph 25.a of this appendix:

- (1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.
- (2) Any lobbying made unallowable by subparagraph 25.a.(3) of this appendix to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.
- (3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

c. (1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of subparagraph B.3 of Appendix A to this part.

(2) Organizations shall submit, as part of the annual indirect cost rate proposal, a certification that the requirements and standards of this paragraph have been complied with.

(3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to paragraph 25 complies with the requirements of this Appendix.

(4) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this paragraph during any particular calendar month when: the employee engages in lobbying (as defined in subparagraphs 25.a. and b. of this appendix) 25 percent or less of the employee's compensated hours of employment during that calendar month, and within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When the conditions described in this subparagraph are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when the conditions described in this subparagraph are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

(5) Agencies shall establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of paragraph 25. Any such advance resolution shall be binding in any subsequent settlements, audits or investigations with respect to that grant or contract for purposes of interpretation of this Appendix; provided, however, that this shall not be construed to prevent a contractor or grantee from contesting the lawfulness of such a determination.

d. Executive lobbying costs. Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the Executive Branch of the Federal Government to give consideration or to act regarding a sponsored agreement or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a federally-sponsored agreement or regulatory matter on any basis other than the merits of the matter.



# Personnel Cost Allocation

- Salaries and wages are charged based on documented payrolls approved by a responsible official.
- Distribution of salaries and wages are supported by personnel activity reports and reflect after the fact determination of actual activity of each employee.
- Reports are maintained that reflect the distribution of activity of all staff members charged to grant.

Remember that Financial Management Training?

The content includes this and all the financial areas, and sample forms, regs, and the power point presentations and handouts are at [ilru.org](http://ilru.org).

# Fiscal Management

- Accurate, current and complete disclosure of the financial results of each federally-sponsored project in accordance with the reporting requirements of SF-425 financial status report, including program income, federal and recipient shares of expenditures, indirect costs, etc.
- Records that identify adequately the source and application of funds for federally-sponsored activities.
- Effective control over and accountability for all funds, property and other assets in order to safeguard all assets and ensure they are used solely for authorized purposes.
- Comparison of outlays with budget amounts for each award.

## Fiscal Management cont.

- Written procedures that minimize the time between the transfer of funds and the disbursement of funds by the recipient.
- Written procedures for determining costs are reasonable, allocable and allowable.
- Accounting records, including cost-accounting records, supported by source documentation and timely entries.
- An approved US Department of Education cost allocation plan (CAP) or indirect cost rate.
- Administrative costs are distributed among various funding sources in an equitable manner as described in the CAP.

## **Accounting Systems EDGAR 34 CFR 74.21**

There is a formal accounting system including:

- ✓ General Ledger
- ✓ Grant Ledger
- ✓ General Journal
- ✓ Cash Receipts

The organization has determined if it is cash or accrual basis.

# Travel Costs

- Travel costs are reasonable and allowable, i.e. do not exceed charges allowed under the CIL's written travel policy or in the absence of such a policy, as provided in 2 CFR 230, Attachment B, Item 51(b).
- Travel costs reimbursement requests are justified and documented e.g. through travel authorizations, receipts, etc. in accordance with the CIL's travel policy.
- The policy provides for reimbursement by either actual or per diem, based on the CIL's policy and within the costs allowed.



# Procurement

- The CIL has written procurement procedures complying with EDGAR 34 CFR 74.44.
- These procedures consider costs, quality, delivery, competitive bidding, inspection and acceptance, as well as reasonableness, allocability and allowability of costs.
- There is separation of responsibility for the authorization for purchasing and the subsequent payment. For example payments are made only if disbursements or checks are countersigned.
- Payment vouchers are identified as to funding sources, expense classification and transaction date.
- Approval limits for staff and director are identified.
- Person responsible for purchasing is identified.



## Property EDGAR 34 CFR 74.34(f) and (g), 74.44(a)

- Maintains current and complete records of all property purchased with grant funds.
- Has a system for controlling inventory (general ledger control account, card reports, property labels.)
- Keeps records of maintenance of property and equipment
- Inventories property at least once every two years.
- Adjustments to inventory accounts are made only on written authority of a designated official.
- CIL guards against loss, damage or theft of property.
- CIL has policies, procedures and controls for purchasing AND disposing of property.

# Property records include

- Description of equipment
- Purchase date
- Cost
- ID number including manufacturer's serial number, model number etc.
- Source of equipment award number
- Where title vests
- Information from which federal participation can be calculated
- Location and condition of equipment
- Date information was reported
- Ultimate disposition



# Records Retention and Audit

- Financial, consumer records and other documentation are maintained and retained for a period of three years in accord with federal requirements.
- If the CIL expended \$500,000 or more in federal awards, an annual nonfederal audit including funds received under Title VII has been conducted and a copy thereof submitted to the Federal Audit Clearinghouse as required.

# Resolution of concerns may require

- Corrective Action Plan with target dates
- Addressing in the three-year program and financial planning objectives for the center, including the goals that flow from the mission
- Written policy and procedures
- Training for staff and board regarding expectations
- Implementation thoroughly documented



# Questions and Answers

Got questions?



# For more information

Contact:

Paula McElwee

[paulamcelwee@sbcglobal.net](mailto:paulamcelwee@sbcglobal.net)



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