



CENTERS FOR INDEPENDENT LIVING

COMPLIANCE REVIEW REPORT

Center for People with Disabilities (CPWD)

GRANT # H132A930803

REVIEW DATES: July 18 – 20, 2011

Draft Report: January 18, 2012

CIL Response: February 21, 2012

Final Report: February 24, 2012

REHABILITATION SERVICES ADMINISTRATION

TABLE OF CONTENTS

I. PURPOSE OF THE ON-SITE MONITORING REVIEW3

II. METHODOLOGY3

III. MISSION AND DESCRIPTION4

IV. ORGANIZATIONAL STRENGTHS AND EMERGING PRACTICES4

V. OBSERVATIONS AND RECOMMENDATIONS5

VI. FINDINGS AND CORRECTIVE ACTIONS6

I. PURPOSE OF THE ON-SITE MONITORING REVIEW

Sections 706(c) and 722 of the *Rehabilitation Act of 1973, as amended* (the act) mandate that the Rehabilitation Services Administration (RSA) conduct on-site reviews of centers for independent living (CILs) funded under Title VII, Part C, Section 722. The objectives of on-site reviews are to:

- assess compliance with the requirements of Section 725(b) and (c)(3) of the act and 34 CFR 366.60-366.63;
- study program operations, organizational structure and administration of the CIL under Section 725(c)(1), (2), (5) and (6) of the act and 34 CFR 366.2 and 366.50;
- review documentation sufficient to verify the accuracy of the information submitted in the most recent 704 Annual Performance Report;
- verify that the CIL is managed in accordance with federal requirements in the Education Department General Administrative Regulations (EDGAR);
- assess CIL conformance with its work plan, developed in accordance with Section 725(c)(4) of the act and 34 CFR 366.50(d)(2), conditions of the CIL's approved application, and consistency with the State Plan for Independent Living (SPIL);
- identify areas of suggested or necessary improvements in the CIL's programmatic and fiscal operation and provide technical assistance resources available on the local, state, regional and national level;
- identify areas of exemplary work, projects and coordination efforts and make this information available to the larger CIL community; and
- provide an opportunity to share information with experienced nonfederal individuals involved in the operations of CILs and make available technical assistance to enhance CIL operations or to minimize or to eliminate problem areas.

II. METHODOLOGY

The on-site review was conducted from July 18-20, 2011. The program review covered the independent living (IL) operations and activities of the Center for People with Disabilities (CPWD) in Boulder, Colorado, and the financial review examined the center's participation in Title VII, Part C, of the act. RSA used the On-Site Review Guide (ORG) to conduct the on-site review. During the review, interviews were conducted with the center's management, staff, consumers, and members of the board of directors. In addition to the interviews, program and financial documents were reviewed in accordance with the protocol required by RSA's ORG, including written policies and procedures, a sample of consumer service records (CSRs), and other documents that verified compliance with standards and indicators. Thirty CSRs were selected for review on a random basis. The review team conducted an exit conference at the conclusion of the review to provide feedback on initial impressions from the review.

The RSA review team included the following individuals:

- Sean Barrett, RSA program specialist;
- Mandy Sorrentino, representative, designated state unit (CDVR);
- Joel Pavelis, representative, designated state unit (CDVR); and

- Burt Danovitz, non-federal reviewer (Due to unanticipated circumstances, the non-federal reviewer was unable to participate in the on-site. Therefore, with the consent of the CIL board and management, the DSU representative identified above participated in the review (see attached consent letter)).

III. MISSION AND DESCRIPTION

The mission of CPWD is to work in partnership with people to obtain and maintain choices for independent living by promoting self-determination, self-respect and equal opportunity.

In addition to providing the four IL core services, CPWD is involved in the programs and projects described below on behalf of individuals with significant disabilities.

- **Personal Assistance Services** – CPWD administers a personal assistance services program that provides assistance to individuals with disabilities in activities of daily living, including transferring, bathing, dressing, eating, and toileting.
- **Community Transition Services** - CPWD promotes choice in housing for people with disabilities through its Community Transition Services program designed to empower individuals to move from institutional settings into the community.
- **Section 8 Housing Vouchers** – CPWD has a relationship with the local Housing and Urban Development to provide rental vouchers to people with disabilities on low incomes to live affordably in integrated settings.
- **Independent Living Accessible Garden** - CPWD identified outdoor space behind its building for consumers to cultivate a garden that is accessible to people with disabilities.
- **Employment Services** – CPWD provides employment support to people with disabilities as a vendor with the State of Colorado Division of Vocational Rehabilitation (DVR), an Employment Network in conjunction with the United States Social Security Administration’s Ticket to Work program as well as collaboration with area school districts and the larger business community.
- **Beyond Vision** – CPWD provides assistance to individuals who are blind or visually impaired with a primary focus on accessing assistive technology and the technical support needed to use these devices. Beyond Vision works primarily with older individuals and is further defined by a heavy Peer Support Network (35 Peer Support Groups).
- **Wellness** – CPWD now offers adaptive yoga (Yoga in Chairs) not only on site at our Boulder office but also on location at partner organizations, the Association for Community Living and Boulder Housing Partners.
- **Youth Leadership and Transition** – CPWD is partnering with local area school districts, the Association for Community Living, students with disabilities and their parents to develop leadership and mentorship roles among peers who are planning for what to do when school ends and life in the community begins.

IV. ORGANIZATIONAL STRENGTHS AND EMERGING PRACTICES

CPWD has changed leadership over the last two years and is in the process of addressing long standing fiscal issues that had existed prior to the change. CPWD leadership, with clear direction from the executive director, is consistently enhancing its ability to track and allocate expenses across the agency. Furthermore, leadership has indicated its intent to expand these efforts to develop the center's strategic plan. The center is well integrated within the community with connections at the state government and local levels and will utilize these connections to carry out various strategies of the strategic plan.

V. OBSERVATIONS AND RECOMMENDATIONS

During its review activities, RSA identified the observations below and made recommendations that CPWD may consider.

1. Coordination of Services Among Programs

Observation: CPWD maintains staff across multiple programs and locations. Some consumers receive services from multiple programs simultaneously. However, there is no formalized procedure for assuring coordination of services among the programs. While information gleaned from a consumer during the provision of services in one program would be useful in another program, the center does not have a uniform process for coordination among its various programs. The absence of such coordination creates inefficiencies in service provision and may result in duplication of effort.

Recommendation: RSA recommends that CPWD develop and implement uniform procedures regarding the coordination of services for consumers receiving services from multiple programs simultaneously. The procedures should take into account safeguarding confidential information via signed release forms by the consumer for sharing information across programs.

CPWD Response: The use of our new CIL Suite documentation software and the training that staff is currently receiving on how to use this database will provide the means for better coordination of multiple programs and locations not only with regard to the data collected, but also activities implemented. The use of the CIL Suite database along with our new and improved intake packet and commitment to a consumer-driven model of operation will allow us to coordinate our services and activities around the people with whom we are working

2. Strategic Planning and Use of Data

Observation: CPWD is undergoing an extensive strategic planning process. CPWD is also undergoing efforts to increase the amount and quality of data collected. Interviews with the board and management indicate that while the same individuals are participating in both groups, at the time of the review, there had been no efforts to integrate the products from the two activities. As a result, the two groups may be working at cross purposes such that the product developed by each will not benefit the other. Therefore, the new data system may not track goals developed in the strategic planning process.

Recommendation: RSA recommends that CPWD review both processes consider cross-representation on each initiative to ensure that the new data collection system has the capacity to track data necessary to monitor goals in the strategic plan.

CPWD Response: CPWD will use the CIL Suite database to track and monitor agency-wide goals as laid out in our current strategic plan. Strategic planning committee notes and action items will be documented, tracked and evaluated in our common database as a means of maintaining consistency in the implementation of agency-wide goals and strategies.

3. Documentation of Goals and Services

Observation: In the review of CSRs maintained by CPWD, RSA found that the CSRs routinely include goals that are either too narrow to assess an increase in independence, e.g. “apply for..,” or so broad, e.g. “live independently,” that other discrete components of the broad goal, such as transportation and housing, are not reflected in the CSR. As a result, CPWD does not track these as separate goals, nor does it take credit for them as part of its annual report. Therefore, CPWD’s annual performance report to RSA is not an accurate assessment of the center’s overall performance during the reporting year.

Recommendation: RSA recommends that CPWD develop a training resource for staff on development and documentation of consumer goals to ensure that CSRs contain each discrete consumer goal, and each goal is accurately tracked and reported in the center’s annual performance report to RSA. Independent Living Research Utilization (ILRU) is a resource that can provide technical assistance in this area.

CPWD Response: CPWD is committed to identifying and providing on-going training to field staff on goal setting in addition to the state-wide training on goal setting that has already taken place. We are working with staff from other CILs in Colorado, the SILC and DSU to identify and implement best practices in the way of setting accomplishable, measurable goals with our consumers. CPWD is providing opportunities for staff to share best practices and develop leadership and mentorship roles in-house. We also have developed a ‘desk manual’ that lays out basic instructions for not only setting solid goals, but also tracking and monitoring these goals in our new database system (CIL Suite).

VI. FINDINGS AND CORRECTIVE ACTIONS

RSA identified the compliance findings below. Within 30 days of receipt of the final report CPWD must submit a corrective action plan (CAP) to RSA for review and approval. The CAP should include: (1) the specific corrective actions that the CIL will undertake in response to each finding; (2) the methodology that the CIL will utilize to evaluate if each corrective action has been effective; and (3) the timetable for the implementation and evaluation of the corrective action.

Finding 1: Approved Cost Allocation Plan

Legal Requirement:

EDGAR 34 CFR 75.560 (a) The differences between direct and indirect costs and the principles for determining the general indirect cost rate that a grantee may use for grants under most

programs are specified in the cost principles for . . . (3) Other nonprofit organizations, at 34 CFR 74.27; (b) A grantee must have a current indirect cost rate agreement to charge indirect costs to a grant. To obtain an indirect cost rate, a grantee must submit an indirect cost proposal to its cognizant agency and negotiate an indirect cost rate agreement.

EDGAR 34 CFR 74.27(a). For each kind of recipient, there is a set of cost principles for determining allowable costs. Allowability of costs are determined in accordance with the cost principles applicable to the entity incurring the costs, as specified in the following chart: Office of Management and Budget (OMB) Circular A-122, "Cost Principles for Non-Profit Organizations," establishes the principles for determining costs of grants, contracts and other agreements with the federal government.

Facts and Analysis: EDGAR 34 CFR 75.560(b), 34 CFR 74.27 and OMB Circular A-122 require centers for independent living to establish a cost allocation plan or indirect cost rate approved by the U.S. Department of Education to ensure that centers distribute administrative costs among their various funding sources in a manner that provides a clear understanding of agency financial operations. CPWD does not have a cost allocation plan or indirect cost rates approved by the Department of Education.

Finding: CPWD is not in compliance with EDGAR 34 CFR 75.560(b), 34 CFR 74.27 and OMB Circular A-122 because it is allocating costs to its IL Part C grant without an approved cost allocation plan or indirect cost rate agreement.

Corrective Action: CPWD must take corrective action to develop, receive approval of, and implement a cost allocation plan or indirect cost rate. As part of the corrective action, CPWD must submit a cost allocation plan or indirect cost rate proposal to the U.S. Department of Education's Indirect Cost Group, at mary.gougisha@ed.gov, within three months of the issuance of the final report. CPWD's executive director informed the review team that the center has begun the submission process and that the director will notify RSA when a cost allocation plan is approved.

Technical Assistance: RSA will provide a model cost allocation plan upon request.

CPWD Response: CPWD is currently gathering information and working through our finance department with auditors to prepare a Cost Allocation Plan for submission to the Indirect Cost Group.

RSA Determination: RSA approves this corrective action. The Cost Allocation Plan must be submitted to the Department of Education's Indirect Cost Group no later than April 27, 2012.

Finding 2: Conflict of Interest

Legal Requirement:

34 CFR 75.525

(a) A grantee may not permit a person to participate in an administrative decision regarding a project if:

(1) The decision is likely to benefit that person or a member of his or her immediate family; and

(2) The person:

(i) Is a public official; or

(ii) Has a family or business relationship with the grantee.

(b) A grantee may not permit any person participating in the project to use his or her 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 for others.

Facts and Analysis: CPWD has no mechanism in place, such as a policy or procedure, to safeguard against conflict of interest. While the center was working on developing policies, they were not in place during the time of the review.

Finding: CPWD is not in compliance with the requirements of 34 CFR 75.525 because it did not have any policy or procedure to ensure compliance with this requirement.

Corrective Action: CPWD must take corrective action to ensure that it meets the conflict of interest requirement in 34 CFR 75.525. This could include developing a board-approved conflict of interest policy consistent with the requirements.

Technical Assistance:

CPWD Response: The CPWD Board of Directors approved a Conflict of Interest Policy and related disclosure statements for use last month – copies attached and available for RSA review.

RSA Determination: RSA will review the draft documents and provide technical assistance, as needed.



Center for People with Disabilities

Boulder • Broomfield • Longmont • North Metro

303-442-8662

www.cpwd.org

December 16, 2011

To Whom It May Concern:

During the period from July 18-20, RSA conducted a federal review of the Center for People with Disabilities (CPWD). Sean Barrett, Program Specialist from RSA and a CIL Director from New York were scheduled to conduct the review. However, the CIL director had significant flight issues and was not able to participate in the review. The review is required to have a non-federal reviewer participate. The Designated State Unit (DSU) representative, Joel Pavelis, acted as the non-federal reviewer for this review.

CPWD is aware of the circumstances resulting in the absence of a CIL Director as part of the review and accepts the review team consisting of representative of an RSA representative and the DSU.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ian Engle', written in a cursive style.

Ian Engle
Executive Director