



CENTERS FOR INDEPENDENT LIVING

COMPLIANCE REVIEW REPORT

Independent Living Resources (ILR)

GRANT Number: H132A930002

REVIEW DATES: August 23-25, 2011

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Final Report: February 24, 2012

REHABILITATION SERVICES ADMINISTRATION

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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 of Independent Living Resources (ILR) was conducted from August 23-25, 2011. The program review covered the independent living (IL) operations and activities of ILR 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. 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;
- Dean Nielson, nonfederal reviewer; and
- Joan Claypool, representative, designated state unit (OVR).

III. MISSION AND DESCRIPTION

The mission of ILR is “to promote the philosophy of Independent Living by creating opportunities, encouraging choices, advancing equal access, and furthering the level of independence for all people with disabilities.” ILR’s office is located in Portland, Oregon and serves Multnomah County. In FFY 2010, ILR reported serving 418 consumers with an overall budget of \$1,025,099.

In addition to providing the four IL core services, ILR is involved in the program described below on behalf of individuals with significant disabilities.

ILR offers an extensive program (STEPS) to promote effective relationships between consumers, employers and homecare workers. The training includes the following components:

- understanding your service plan and task list;
- creating job descriptions;
- locating employees;
- interviewing and completing reference checks;
- selecting the best homecare worker for the job;
- creating an employment agreement;
- training, supervising and communicating effectively with employees;
- ensuring that work is performed satisfactorily;
- maintaining employment records;
- scheduling and tracking authorized hours worked;
- approving paid leave and unexpected absences;
- recognizing, discussing and attempting to correct any employee performance deficiencies;
- discharging unsatisfactory workers;
- developing a backup plan for coverage of services; and
- making your home a safe place for you to live and your employee to work.

Other programs offered by ILR will be discussed below under “Organizational Strengths and Emerging Practices.”

IV. ORGANIZATIONAL STRENGTHS AND EMERGING PRACTICES

ILR is emerging from fiscally challenging times where the agency experienced an overall lack of fiscal controls and understanding of its fiscal situation. A change of leadership has resulted in an increased focus on the fiscal aspects of the center. ILR now has in-depth knowledge of its overall fiscal picture and can track the fiscal aspects of its funding and budget down to specific programs and their components. The improvements in fiscal management have assisted ILR to strengthen its overall operations.

ILR offers a diverse and consumer-driven selection of IL skills classes offering unique and effective training opportunities. The class selection includes the following topics:

- anger management;

- Braille and orientation & mobility instruction;
- communication skills;
- household management;
- leisure/recreation;
- personal safety;
- pre-vocational information;
- self-esteem; and
- social skills.

Additionally, ILR offers classes in both individual and group settings, depending on consumer learning needs.

V. OBSERVATIONS AND RECOMMENDATIONS

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

1. Documentation of Goals and Services in Consumer Service Records (CSRs)

Observation: In the review of the thirty randomly selected CSRs maintained by ILR, RSA found that CSRs routinely include goals that with various issues in documentation. ILR is utilizing the development of an ILP as the first goal in an ILP. Discussion with program management and agency leadership indicated that this practice is utilized as a way to encourage and track CSR development.

Goals tend to be narrow in scope (e.g., “apply for”.) These narrow goals generally do not represent an actual increase in the independence of consumers and thus give a false impression of success.

Second, and related to this weakness, are goals that are excessively broad in scope (e.g. live independently). The reviewers found a number of CSRs in which undocumented and more reasonable goals (e.g. housing, transportation, etc.) were indicated. Because they were not clearly documented, they cannot be counted and claimed as successes by the consumer or agency.

As a result of this type of CSR management, ILR may not have accurate documentation for its annual 704 Part II performance report to RSA.

Recommendations: RSA recommends that ILR:

- 1.1 cease the practice of including the development of an ILP as the first goal in the ILP since this practice has no practical benefit to either consumers or the center; and
- 1.2 conduct agency-wide training on goal development for ILPs.

Technical Assistance: Independent Living Research Utilization (ILRU) is a resource that can provide technical assistance and training in this area.

CIL Response: No response.

VI. FINDINGS AND CORRECTIVE ACTIONS

RSA identified the compliance findings below. Within 30 days of receipt of the final report, ILR 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. RSA's technical assistance provider, the Independent Living Research Utilization program (ILRU), is available to assist centers in the development and implementation of the CAP. RSA reserves the right to pursue enforcement action related to these findings as it deems appropriate as authorized in accordance with 34 CFR 74.14 and 34 CFR 366.39. Such enforcement actions may include special conditions such as draw down restrictions, funds withholding, or grant terminations.

Finding 1: Prohibition against Lobbying

Legal Requirement:

EDGAR 34 CFR 82.100; OMB Circular 2, Attachment B, Item 25

82.100 - Conditions on use of funds.

(a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

Facts and Analysis: Based on the review of ILR policies and procedures, RSA found that ILR does not have any policies and procedures' ensuring that they are in compliance with the requirements prohibiting unallowable lobbying activities.

Finding: ILR is not in compliance with the requirements of EDGAR 34 CFR 82.100 and OMB Circular 2, Attachment B, Item 25 because it does not have any mechanism in place guarding against unallowable lobbying activities, including any policies and procedures.

Corrective Action: ILR must take corrective action to safeguard against unallowable lobbying activities, including instituting a policy and procedures addressing requirements of EDGAR 34 CFR 82.100 and OMB Circular 2, Attachment B, Item 25.

Technical Assistance: The ILR Board did take action to adopt a new Lobbying Policy in January 2012. We request technical assistance to have someone review this policy to ensure that it meets the requirements of the above corrective action.

CIL Response: After review of the Draft CIL Review Report for Independent Living Resources (ILR), we accept the draft report without changes.

RSA Determination: RSA appreciates ILR's consideration and agreement. RSA will review the draft lobbying policy and provide technical assistance, as requested.