**Board**

New York: Is there a Board Recruitment Policy template?

**Related to board recruitment, RSA wants to see how this happens, but does not offer a great deal of specific guidance in this area. You may already have written policy in your bylaws. Many organizations do, and as long as the board is doing what its bylaws say and the board is appropriate in size and diversity, this may meet their expectations. If they see difficulty with your board makeup -- examples might include lack of diversity in disabilities represented, empty seats, people serving on the board for long periods without the turnover that keeps a board vital, or the board recruited by the executive director without the board's involvement -- then they may have a finding in this area even if you do have something in writing, because it may not be implemented. The recruitment process needs to be in writing but can be in either a policy or in the bylaws. I am attaching an older document on Strengthening Boards that includes, beginning on Page 26, a section on nominating, recruiting and retaining board members. I don't have a sample policy available on this, but would be happy to review what you have in policy and/or bylaws on this matter and offer suggestions.**

**Consumer Control and Service Eligible Individuals**

Wisconsin: what constitutes "significant" disability - who determines that?

**CILs are not required to have proof in the form of a diagnosis from consumers, staff or board related to disability or significant disability. The individual identifies for themselves whether they have a disability and whether it is significant. This can be certified – usually a signed written statement or a statement checked off, then signed, as the person comes on board. Significant disability is defined in the rehab act as:**

*Rehabilitation Act Section 7(21) Individual with a significant disability*

*(A) In general Except as provided in subparagraph (B) or (C), the term "individual with a significant disability" means an individual with a disability--*

*(i) who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;*

*(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and*

*(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (A) and (B) of paragraph (2) to cause comparable substantial functional limitation.*

***(B) Independent living services and centers for independent living For purposes of title VII, the term "individual with a significant disability" means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment, respectively.***

New York: Is there a self-disclosure form that meets RSA and EEOC guidance?

**There is not a specific document for certifying a disability or in the case of the board members and consumers a significant disability. Many centers put the board piece on the board application form along with the definition of significant disability from the Rehab Act. The consumer may be asked to sign a document that verifies several things -- that they have been informed that they can develop a plan or waive the IL plan development, that they have been informed about the Client Assistance Program and how to complain if they are dissatisfied and to indicate that they self-identify as a person with a significant disability. With staff, after hired they could be asked if they would like to disclose that they do or do not identify as a person with a disability.**

**Consumer Service Records**

Utah: Is it true that CSR files cannot leave the center under any circumstances. One Example if an auditor from the Designated State Unit (DSU) requests us to send them a CSR file registered mail. Are we allowed to send them the file, or do they have to come on site to review the file.

**This is a little more complicated than a yes-no answer. First, what did your contract with the funder state? Sometimes the funder actually owns the file based on that contact and is actually "returned" to them.**

**Is this a legal matter? Sometimes you are ordered by the court to provide a file. In these cases I would consult an attorney, but typically, you are required to provide a copy, not the original. Sometimes you certify or swear to it being complete with a motorized signature.**

**If neither of these apply you would be governed by any specific state law and/or your state policy.**

**Sorry I can't be more specific, but the circumstances may be complex. You can ask the DSU what authority they have, that you need the citation for your record. Typically a copy, not the original, would be sent unless they own the file based on your agreement with them.**

Do I need a release from the consumer stating that it is ok for the State reviewer to review their file.

**Typically access to consumer files is regulated by your grants/contracts with the funders and by the policies and procedures of your organization. I would look first at what the contract with the state says about access. Some funding contracts actually define the file as belonging to the funder, and I know of one funder that took the files when funding was ended. So what does your contract with the state say? If in your assurances on the grant application or other document you signed that you would provide access to the records, then you have to provide that access.  
  
If the contract or grant assurances do not give them access, your own policy and procedure would delineate the process for releasing files, and you can require a release from the consumer if you wish to do that, or you can state in your policies and procedures that the funding entities and reviewers are allowed access.  
  
Whatever your decision, it is probably a good idea to make sure that your consumers are aware either that they will be asked for a release of information before reviewers are allowed to see their file, or that reviewers will be allowed to see the file during a review for purposes of assessing the performance of the CIL.  
  
If the state is reviewing programs they do not fund, this would be another issue altogether. Is that the case? Typically your policy should clarify that reviewers are provided only with files from people receiving services they fund.**

How will RSA choose the consumer files they want to use?  We had a peer review last year and they wanted to see CSRs from all of our programs.  We made a list of names by programs (numbered) and ran the numbers through a numerical selection process so that names were chosen randomly.  We then contacted the consumers for permission to review their files. I’m nervous about getting consumer permission (does RSA need that?) as time is getting closer.

**Each team - which usually includes a peer - has their own method if pulling files. You can certainly provide a list of consumers, and it is helpful to note if the are current or closed and what services they receive. The reviewers may pull a few at a time or all at once. They may let you use your numbering system, and you can offer, but in my experience they tell you which ones they want.**

**I believe you are required to allow the review by your contract with RSA for those consumers served by staff funded through RSA. You need to follow your own confidentiality policy regarding whether they sign something to access the files.**

**Core Services**

Utah: I wanted to ask you a question for clarification, concerning the provision of the four core services. When a reviewer reviews a CSR file do they look to see goals have been developed in all of the core services on the ILP or can it just one or two core goals plus the services to accomplish those goals. If the answer is yes, this would be for every consumer correct? Please advise.

**They will want to see all four across the combined files but not in each individual file.**

Idaho: I know RSA added the question on reviews about providing four core services plus two.  To my knowledge no one has ever been able to justify the "plus two" in regulation.  Regs only mention the four core services with the others listed as "may" be provided.  Have you found specific regulatory back-up for their request, or are you simply training on what is asked not necessarily what is required?

**No, other than the "may" reference, I cannot find other regulations; but this is what they are looking for when on site. The wording of the four core services also varies from the regs. I am training on the checklist to get ready, not on the actual regulations -- but good distinction. I will make that more clear in part two.**

**Financial Policies and Procedures**

Texas: In other trainings, we were told no need to communicate with RSA on approved CAP, unless there is a substantial change. Not accurate?

**The center must update or recertify their CAP annually.**

New York: Where do we submit the cost allocation plan?

**Submit it electronically to** [**mary.gougisha@ed.gov**](mailto:mary.gougisha@ed.gov)

California: Is equipment on Slide 27 include minor equipment?

**CILs must have their own disposal policies and procedures and sometimes that policy, or guidance from their state, requires a lower threshold than the federal guidelines. Regardless, the center must have a written policy and procedure for disposal of equipment purchased with federal funds including the equipment threshold.**

Virginia: Thanks to you both for a wonderful training.  We were wondering if RSA can require purchasing and procurement policies and procedures that are in alignment with EDGAR for those CILs that do not utilize federal funds to make purchases?

**Because RSA is a federal entity, I cannot imagine a scenario in which they can make any requirements of CILs that do not utilize federal funds. They could, however, require this of centers whose state funds are federal pass-through funds.**

Sometimes CILs use state or other funding to simplify the purchasing process.  Is this allowable?

**It is certainly allowable to use discretionary funds for any non-allowable or complicated costs; however those funds may be subject to their own requirements. Remember that program-related income (income earned by the program through the efforts of grant-funded personnel) must be spent for the same purposes and under the same requirements as federal funds.**

Florida: In regards to the inventory records, does all property need to be included regardless of cost or only items that are capitalized and depreciated according to policy.  What are the guidelines for disposal and are the guidelines applicable even after an item has been fully depreciated or has no real value?

Asked another way, from Texas: How do we handle equipment purchases through our federal grant? No item had a purchase price above $5,000. It is likely, however, that the aggregate purchase cost, over many years, exceeded $5,000. It seems the disposition of these items would be covered under § 74.35 of EDGAR, Supplies and other expendable property, not under parts of EDGAR that address equipment.

Are the items considered equipment or supplies? What is the grantees obligation to the Department of Education as far as the disposition of the furniture? Is the grantee required to attempt to sell the items or can it simply dispose of them as it wishes? If sold, must proceeds somehow be returned to the Department of Education? May items be given away?

**This equipment can be used for another federal project or retained for a non-federal project or sold. It is only when the value of the equipment at the time of disposition exceeds $5000 that you would have an issue. It is not important how much it initially cost.**

**OMB A-122 discusses equipment acquisition but not disposition.**

**OMB A-110 does have specific guidance but defers to the federal agencies for specifics, so I think you can rely on the EDGAR guidance above. The pertinent section of the circular states the following:**

**When the real property is no longer needed as provided in paragraphs (a) and (b), the recipient shall request disposition instructions from the Federal awarding agency or its successor Federal awarding agency. The Federal awarding agency shall observe one or more of the following disposition instructions.**

**(1) The recipient may be permitted to retain title without further obligation to the Federal Government after it compensates the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project.**

**(2) The recipient may be directed to sell the property under guidelines provided by the Federal awarding agency and pay the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.**

**(3) The recipient may be directed to transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the recipient shall be entitled to compensation for its attributable percentage of the current fair market value of the property.**

**I think you could give items away if you could establish that proceeds wouldn't exceed the costs of selling equipment, or that the total value of the equipment didn't exceed $5000.**

**Independent Living Plans/Waivers**

Indiana re: where to find sample Independent Living Plans and information on following up annually.

**Consumer Service Record -**[**http://www.ilru.org/html/training/rapidCourses/index.html**](http://www.ilru.org/html/training/rapidCourses/index.html)**to enroll in three-part training. This covers goal setting and record keeping, two key areas for all employees to be aware of. The staff will get a certificate for completing this or any other Rapid Course, and can present that for inclusion in their personnel file. *Recommended for all direct service employees.***

**Lobbying**

New York: Where is the guidance on filing the annual certification regarding 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**

**You can find this document at** [***www2.ed.gov/fund/grant/apply/appforms/ed80-013.doc***](http://us-mg205.mail.yahoo.com/neo/www2.ed.gov/fund/grant/apply/appforms/ed80-013.doc%C3%A2%C2%80%C2%8E)