

Agenda Item #8: Consideration of Termination of Grant Funding

The Executive Committee first reviewed an Executive Summary for continuation funding for the third and final year of the Knowbility, Inc., *AccessWorks* Field Initiated Employment Project during the May 2009 Committee meeting. At that time, the Committee expressed concerns about the proposed refocus of project activities to PDF remediation activities, and about the project's proposed outcomes. The Committee approved a three month extension of the existing project and requested additional information from the project to review at the Committee's August meeting.

The Committee reviewed additional information provided by Knowbility during the August 2009 Committee meeting. Members again discussed concerns about refocusing project activities for the third and final year of funding, and reviewed the number of individuals with disabilities proposed to be trained and hired. The Committee agreed to approve funding for the final year and asked staff to provide quarterly updates on project activities and accomplishments.

During the February 2010 Executive Committee meeting, staff updated members on the number of individuals trained and hired and on the project's status of securing contracts for PDF remediation. After discussing the lack of progress toward approved objectives, the Committee directed staff to advise Knowbility, Inc. of the Committee's intent to consider termination of project funding effective June 30, 2010. The Committee asked to make a final decision during the April 2010 Committee meeting.

Council Policies allow the Council or the Executive Committee to terminate grant funding for a TCDD funded project prior to the end of the grant budget period if a grantee fails to comply with the terms of the grant, if anticipated outcomes or deliverables are no longer viable, or if the original purposes for which funding was approved are no longer viable. Policies require a written notice to be provided to the grantee prior to the meeting when the Executive Committee will consider termination, and allow the grantee to request reconsideration of the proposed termination. Policies also provide that the decision of the Executive Committee is final.

TCDD provided a written notice to Knowbility, Inc., February 22, 2010, indicating the Committee's intent to consider termination at the April 8, 2010, committee meeting. A request to reconsider termination of funding was received from Knowbility, Inc., March 2, 2010.

A chart is attached summarizing the current status of the Knowbility, Inc., *AccessWorks* project based on information provided to TCDD grants staff. We have also attached the following items:

- TCDD Notice to Knowbility, Inc., of Intent to Termination Funding - 2-22-10
- Council Policies concerning Termination of Grant Funding
- Knowbility, Inc., request for reconsideration – 3-2-10
- TCDD acknowledgement of request for reconsideration – 3-10-10
- Letter of Support for Knowbility, Inc., project from Dolores, Gonzalez, City of Austin ADA/504 Coordinator



TEXAS COUNCIL *for*
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DISABILITIES

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Brenda Coleman-Beattie, Chair
Mary Durham, Vice Chair
Roger A. Webb, Executive Director

February 22, 2010

Sharon Rush, Executive Director
Knowbility, Inc.
3925 W. Braker Lane
Austin, TX 78759

Dear Ms. Rush,

The Executive Committee of the Texas Council for Developmental Disabilities (TCDD) reviewed activities and progress to date of the Knowbility Field Initiated Employment project during a Committee meeting on February 10, 2010. The Committee asked that we advise you of their intent to consider the termination of funding for this project effective June 30, 2010. The rationale for the termination action is provided in the following paragraph. The Committee will make a final decision about this matter at their next Committee meeting now scheduled for April 8, 2010.

TCDD Policies allow the Executive Committee to terminate grant funding prior to the end of a project's grant budget period if a grantee fails to comply with the terms of the grant, if anticipated outcomes or deliverables are no longer viable, or the original purposes for which funding was approved are no longer viable (copy attached.) The Committee's primary rationale for the termination of funding for this project is because of the lack of progress by the Knowbility Field Initiated Employment project during the current grant period. Further, the Committee's recollection is that it was in August 2009 that they first heard of the imminent State award of the PDF contract to Knowbility. With the State's financial forecast, the Committee anticipates it will be difficult for the project to secure PDF remediation contracts with state agencies during the remainder of the project period. TCDD, therefore proposes a final termination date of funding for this project effective June 30, 2010.

TCDD Policies allow grantees to request reconsideration of a decision to terminate funding prior to the end of the grant budget period. To do so, Knowbility, Inc., must submit a written request for reconsideration with the TCDD Executive Director not later than 10 workdays after receiving this notice of proposed termination. The Executive Committee will consider this item at a Committee meeting scheduled for April 8, 2010, in the TCDD Conference Room. We'll be happy to provide you with a copy of the agenda once it is finalized.

Please feel free to contact Grants Specialist Cynthia Ellison should you have any questions about this matter at (512) 437-5435.

With respect,

Roger A. Webb
Executive Director

C: Brenda Coleman-Beattie, Chair

KNOWBILITY: Field Initiated Employment

Expected Outcomes: (from the RFP)

Each project must:

1. Ensure that all project activities are consistent with the Council’s mission statement and commitment to self-determination for individuals with disabilities and their families;
2. Ensure that there is appropriate representation in all activities by people from diverse cultures and disabilities;
3. Demonstrate an innovative and strategic approach to addressing employment-related needs that results in documented long-term employment (or self-employment) for people with developmental disabilities;
4. Identify and address any barriers to employment that stem from the need to retain benefits (such as adequate healthcare, rehabilitation/habilitation services, and personal assistance services); and
5. Establish an effective and sustainable program, or create long-lasting change within an existing program, to address the barriers to employment experienced by people with developmental disabilities.

YR	PERIOD	GOAL	OBJECTIVE	HIRED	
1	8/1/07 - 7/31/08	Mystery Shopper	Employ up to 20	3	
2	8/1/08 - 5/31/09	Mystery Shopper	Hire up to 5	7	
	(3 mo extension) 6/1/09 – 8/31/09	PDF Remediation	Hire and train 2	0	
3	9/1/09 – 8/31/10	Mystery Shopper & Document Remediation	Hire up to 10 for remediation	5	Some of these numbers do both mystery shopping & remediation.

- The “Number of Individuals Hired” is based on information received from the Project Director, Ron Hicks, 3/8/10.
- Aside from the project numbers hired, Ron Hicks reports that they have hired 4 individuals with disabilities to work as staff on the project: Production Manager (FTE paid with TCDD funds at a rate of \$10/hr for 1032 hrs); Fiscal Authority (FTE paid with TCDD funds a total of \$13,104. For 50% time); Quality Assurance Specialist (PTE) aka Accessibility Experience Specialist (listed as an intern in the workplan and is paid with match funds); and, Web Accessibility Specialist (FTE) (also listed as an intern in the workplan and also paid with match funds.)

Texas Council for Developmental Disabilities

Council Policies

SECTION X: TCDD GRANTS PROJECTS

K. Termination of Grant Funding

1. The Council or the Executive Committee may terminate grant funding prior to the end of the grant budget period if a grantee fails to comply with the terms of the grant, if anticipated outcomes or deliverables are no longer viable, or the original purposes for which funding was approved are no longer evidenced.
2. The Executive Director may recommend to the Executive Committee termination of grant funding if corrective actions are not taken during a suspension period or if the corrective actions are not sufficient to remedy the concerns. In such instances, the Executive Director shall provide a summary report to the Executive Committee including the reasons for which a termination of funding is recommended, additional information provided by the grantee pursuant to a request for reconsideration, if any, corrective actions proposed by the grantee, and the proposed date for termination of funding.
3. The grantee shall be provided written notice of the recommendation to terminate funding at least 10 workdays prior to the meeting of the Executive Committee to consider that recommendation. Such notice shall include the date and location of the Executive Committee meeting where the recommendation to terminate funding will be considered.
4. The decision of the Executive Committee is final.
5. The Executive Director may also recommend to the Executive Committee that grant funding be terminated without an initial suspension of funds. In such instances, the grantee will be provided written notice of the recommendation to terminate funding at least 45 calendar days prior to the proposed termination. That notice shall state the reasons for the termination of funding, the proposed date of termination, and the procedure for requesting reconsideration.
6. The grantee shall have the opportunity to request reconsideration of the proposed termination-by filing a written request for reconsideration with the Executive Director not later than 10 workdays after receiving notice of the proposed termination.
7. If circumstances warrant, grant funding may be terminated by the Executive Committee or Council for cause without notice of suspension when delayed action does not protect the interests of the Council. In such instances, TCDD staff shall provide written notification of the termination which shall include the reason(s) for such action and instructions for termination or closeout of the grant.
8. Grant funding may also be terminated may by mutual agreement or by the grantee when the grantee's authorizing official gives written notification to the Executive Director. TCDD staff shall provide written notification of termination by joint agreement, or written acknowledgement of the termination notice if by the grantee. Such notice or acknowledgement shall include written instructions for termination or closeout of the grant.
9. The TCDD Executive Director may approve TCDD assuming the federal share of any obligations that cannot be cancelled.
10. A grant, or portion thereof, may also be terminated at the grantee's request by approval of the TCDD Executive Director.
11. Between the time of the proposed termination and the final decision of the Executive Committee, TCDD may withhold further funding. In the event the Executive Committee's decision is favorable to the grantee, the funds shall be promptly distributed to the grantee.

Knowbility, Inc.

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512 305-0310

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Executive Director

Sharron Rush

March 2, 2010

Roger A. Webb, Executive Director
Texas Council for Developmental Disabilities
6201 E. Oltorf, Suite 600
Austin, Texas 78741-7509

Dear Mr. Webb:

I am writing to seek your guidance and request reconsideration of the Executive Committee's decision to terminate funding for Knowbility's Field Initiated Employment project on June 30, two months prior to the scheduled completion of the original funding period.

The project has made some significant progress in securing more remediation and user experience testing contracts, not only with state and federal agencies, but also with private corporations such as Humana, MetLife and Wells Fargo with whom we have recently submitted bids. The Humana bid is being considered over the next two weeks. Notification on the MetLife bid will come at the end of March-first of April. Wells Fargo has included us on their official vendors list for internal distribution. And we just finished a remediation job for Pearson Learning Solutions. We have a longstanding, good relationship with Pearson who continues to provide us with a steady stream of small projects.

Also from the private sector, project workers have been employed this year doing user experience testing as part of our web auditing services for companies like Southern California Edison, Alternative Energy Systems Consulting (AESC), eBay-PayPal, Goodwill International, the William and Flora Hewlett Foundation and others. We expect more work of this kind, which does not depend on state agency contracts. In fact, Southern California Edison has a \$100,000 standing purchase order for Knowbility services in 2010 and two of our project workers are currently working on an AESC job.

Concerning state agency contracts and the accessibility mandates that drive them, we have, in the past week, had indications from DIR personnel (in unofficial private conversation) that proposals we submitted almost two years ago may soon be accepted. The gist of the conversations has been that, despite recent budget constraints, compliance with accessibility mandates, after years of discussion and planning, has become a priority. The result is that agencies have budgeted for, and will soon begin seeking, project services to achieve compliance.

In another effort aimed at state business we, along with Synergy Electronics, are answering an RFO on March 10 (DIR-SDD-TMP-150) to provide services to the State of Texas. Partner, Synergy Electronics, is a HUB with more than 25 years of success in delivering products and services to state agencies and so we fully expect this RFO will generate significant income for the project.

All of these recent business development efforts proceed from our commitment to our workers and our intention to continue the project into the future after start-up funds from the 3-year TCDD grant have been expended. We hope that the Executive Committee will take these significant steps into account when reviewing project progress and reconsidering the decision to terminate funding two months early. Continued funding through July and August will be crucial for maintaining project stability in the time before we can invoice for any one, or any combination of, the above projects.

In deliberating about project status it may also be useful to know that, while our project goal is to employ 10 people with disabilities, at this half-way mark of Year-3, there are four persons with disabilities consistently employed by the project: Our Production Manager (FT), Fiscal Authority (FT), Quality Assurance Specialist (1/2 time) and Web Accessibility Specialist (FT). Of the six additional remote workers, we have provided additional training in document remediation and, for the three who have cognitive disabilities and were not effective at document remediation, we made special efforts to keep them employed, primarily with User Experience Testing, which involves more straightforward tasks. This worked well in that they, along with the other remote workers, contributed in auditing projects for the Hewlett Foundation, Southern California Edison, and eBay-PayPal. This is also an indication of our approach to the entire project, which is to accommodate our workers and provide them with every conceivable avenue for meaningful work, individual success and capacity for self-sustenance.

A peripheral benefit has been that by providing this kind of work during December and January, we reduced our total spending deficit of \$16,479 for the first quarter, to its present \$6,992, almost on schedule for spending down grant monies.

One additional note that may bear on your deliberations: We have been assured by a senior grants officer at the Meadows Foundation in Dallas that the project will receive \$80,000 in grant funding to be approved in March (with a proviso for an additional year's project funding in 2011). Because of this assurance and because we believe so strongly in the worth and lasting value of the project, on March 12, in partnership with New Horizons training center, we are going to provide document remediation training to five more workers, all of them veterans with disabilities, in San Antonio.

On behalf of our workers and our dedicated staff I would like to express my gratitude for TCDD support thus far. We believe it is changing lives for the better. I hope this letter will provide you with information that reflects positively on our business development efforts and their potential yield in the near future. Once again, with the greatest respect, we ask that the committee reconsider its decision to discontinue project funding on June 30 and allow funding to continue through to the end of the original grant budget period.

Sincerely,

A handwritten signature in cursive script that reads "Sharron Rush". The signature is written in black ink and is positioned above the printed name.

Sharron Rush, Executive Director



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Brenda Coleman-Beattie, Chair
Mary Durham, Vice Chair
Roger A. Webb, Executive Director

March 10, 2010

Sharon Rush, Executive Director
Knowbility, Inc.
3925 W. Braker Lane
Austin, TX 78759

Dear Ms. Rush,

The Texas Council for Developmental Disabilities (TCDD) is in receipt of your March 2, 2010 correspondence requesting reconsideration of the Executive Committee's intent to consider termination of funding for Knowbility's Field Initiated Employment project effective June 30, 2010. The Executive Committee will consider this action during a Committee meeting scheduled for April 8, 2010, 9:30 a.m. – 5:00 p.m. The Committee will meet at the Marriott Austin South located at 4415 South IH – 35 (44). We will provide an agenda for the meeting when it is finalized. TCDD staff can advise you regarding when that item will be considered during the meeting as we get closer to the date.

We appreciate your assistance in coordinating with TCDD Grants Specialist Cynthia Ellison as she gathered additional information from you and your staff recently concerning the current status of project activities. If you have any other information that you would like the committee to review please provide that to Cynthia as well.

With respect,

Roger Webb
Executive Director

C: Brenda Coleman-Beattie, Chair



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March 15, 2010

Roger A. Webb, Executive Director
Texas Council for Developmental Disabilities
6201 E. Oltorf, Suite 600
Austin, Texas 78741-7509

This letter is written in support of continued funding for Access Works in order that the program can continue to offer opportunities for employment to people with disabilities. Access Works holds several contracts with government and corporate entities, providing document remediation services, the conversion of documents such as Word, Excel, PowerPoint and Adobe into accessible documents that can be accessed by people with disabilities using assistive devices.

The program has allowed for the employment of people with disabilities in meaningful work who otherwise would not have been able to find work due to difficulties with transportation. The program provides a competitive wage that helps the employees to live independent lives and work in their own settings at a pace that meets their individual needs. More importantly Access Works provides online users with disabilities access to the documents that they need to conduct business with multiple entities online.

The consequences of cutting funding to this program earlier than the contract date would not only be detrimental to the ten employees that the program now employs, but would also affect the online users with disabilities by limiting them the ability to conduct business with the above mentioned entities. Without contracted document remediation services, users with disabilities would be unable to enjoy full access to online services that deal with their healthcare, income, as well as the social aspects that enable them to live free and independent lives.

We urge you to take these factors into consideration before a final decision is made on cutting Access Works grant funding. We know that both employees working on these contracts and the online users with disabilities will benefit greatly from continued funding of Access Works. These services help people with disabilities to live independent and meaningful lives. Thank you for your consideration.

Sincerely

Dolores Gonzalez
City of Austin ADA/504 Coordinator

The City of Austin is committed to compliance with the Americans with Disabilities Act.
Reasonable modifications and equal access to communications will be provided upon request.