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Independent Living Research Utilization
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Part II: The New Roles and Responsibility of the Statewide Independent Living Council (SILC) and Designated State Entity (DSE)

Their Relationship and Responsibilities for the Independent Living Program

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Evaluation Survey & Contact Information

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What You Will Learn

- The history and philosophy of Independent Living (IL) and how it impacts these roles and the regulations
- How the Statewide Independent Living Council (SILC) is organized
- The roles of the SILC and SILC autonomy
- How SILC and Designated State Entity (DSE) roles intersect

History

- The Independent Living (IL) movement began in the early '70's.
- Conceptualized by Ed Roberts, it is a moral imperative, rather than a social services model.
- IL responds to a belief that people with disabilities need and want to exert control over their own lives, including being in charge of decisions affecting their lives.
- The concept that the consumer is in control permeates the history, the law, and regulations.

Some Resources Exploring Disability History and Culture



- <http://www.youtube.com/user/itsourstoryproject>
- <http://www.ilru.org/il-history-and-philosophy-orientation-for-il-staff>
- <http://mn.gov/mnddc/ed-roberts/sixtyMinutes.html>
- <https://www.youtube.com/watch?v=j75aRfLsH2Y>
- <http://www.youtube.com/watch?v=WTO2vn0dkaU>

The Rehabilitation Act

History:

- 1972 – Passed / Pocket Veto
- 1973 – Passed / Vetoed
- 1973 – Passed / Signed
- 1977 – Regulations authorized
- 1978 – The Act is reauthorized to establish a new federally funded IL Program – thanks to advocates across the country

The Rehabilitation Act, cont'd.

History:

- 1973-1977 – No regulations for the Rehab Act
 - Demand for Sect. 504 Regulations to be issued
 - Nationwide sit-ins
 - HEW Sec. Califano caves in
- 1973-1978 – no funding to implement Title VII
 - Funding finally appropriated in 1978 Reauthorization
- 1979 – 10 grants were issued to fund 10 states and 11 Independent Living Centers (ILCs or CILs)

The Rehabilitation Act, cont'd. 2

History:

- 2014 – WIOA passed and signed, immediately in effect
 - IL moved from Rehabilitation Services Administration in Dept. of Education to Administration for Community Living (ACL) in Dept. of Health and Human Services.
 - Three new core services added for Centers for Independent Living (CILs).
 - Many changes for Statewide Independent Living Councils (SILCs).
 - New regulations were released in late October and can be found at <https://www.federalregister.gov/documents/2016/10/27/2016-25918/independent-living-services-and-centers-for-independent-living>

Regulatory Agencies, Laws & Requirements



- "The Act" - The Rehabilitation Act
- WIOA - The Workforce Innovation and Opportunity Act of 2014 (amendments)
- HHS - US Dept of Health & Human Services
- ACL - Administration for Community Living
- ILA - Independent Living Administration
- DSE - State entity that distributes Title VII Part B funds based on the SPIL
- SPIL - State Plan for Independent Living
- UAR - Uniform Administrative Requirements (Finance) 45 CFR 75

How is the Law implemented?

- Regulations
 - New Regulations for Title VII of the Act (the IL section) went into effect November 28, 2016.
- Indicators of Compliance
 - Standards & Indicators for Centers for Independent Living (CILs) are included in the Act
 - Draft Indicators of Compliance for Statewide Independent Living Councils (SILCs) are in the review process
- Guidance
 - May be issued around areas where clarity is needed.

Additional information available at: <http://www.ilru.org/topics/wioa-implementation>
For feedback on final rule, email ILFinalRuleFeedback@acl.hhs.gov

Subpart A—General Provisions, cont'd.

§ 1329.2 Purpose.

The purpose of title VII of the Act is to promote a philosophy of independent living (IL), including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and to promote the integration and full inclusion of individuals with disabilities into the mainstream of American society...

§ 1329.2 Purpose, cont'd.

- a) Providing financial assistance to States for providing, expanding, and improving the provision of IL services;
- b) Providing financial assistance to develop and support statewide networks of Centers for Independent Living (Centers or CILs);

§ 1329.2 Purpose. cont'd. 2

- c) Providing financial assistance to States, with the goal of improving the independence of individuals with disabilities, for **improving working relationships among partners including:**
- State Independent Living Services;
 - Centers for Independent Living;
 - Statewide Independent Living Councils
 - State vocational rehabilitation (VR) or Title 1 programs
 - State programs of supported employment services
 - Client assistance programs (CAPs)
 - Programs funded under other titles of the Act or other federal or non-Federal sources that improve lives of People with disabilities

Self-direction and Consumer Control

- SILCs are required to have more than 50% (51% or more) representation of people with disabilities who are not employed by the state or a CIL in the state (this does not restrict appointing CIL consumers & board members).
- CILs are required to have more than 50% people with significant disabilities on their boards, and more than 50% of the staff and of managers must be people with disabilities.
- Meetings, offices and other venues must be accessible and inclusive of cross-disability.
- Disability is self-identified; no medical reports required.

Comments? Questions?



DSE	SILC	CILs
1. Serve as the grantee for Part B \$.	1. Develop the SPIL.	1. Provide the Core IL Services.
2. Account to SILC for \$ and disbursement \$ per SPIL.	2. Monitor, review, & evaluate the implementation of the SPIL.	2. Provide other IL services consistent w/ Federal/State law.
3. Provide administrative support for IL Program.	3. Meet regularly – open meetings with advance notice.	3. Comply with CIL Standards & Indicators.
4. Keep records.	4. Keep records/submit reports i.e. SPIL fulfillment portion of Program Performance Report (PPR) Part I. (Formerly the 704 report.)	4. Develop SPIL with SILC.
5. Submit required reports/information, i.e. financial portion of PPR.	5. Coordinate activities with other entities.	5. Implement SPIL.
6. Retain not more than 5% of Part B for DSE admin costs. The DSE cannot hold funds.	6. Conduct Authorities as described in the law/outlined in SPIL.	6. Conduct Resource Development activities.
7. Sign the SPIL agreeing to serve as the DSE.	7. Shall NOT provide or manage IL services.	7. More than 50% of CIL Directors must sign the SPIL to approve content.
	8. Sign the SPIL to approve content.	

There isn't time to cover the roles of all partners in the network in detail.

However, the primary roles of the DSE are covered in our archived webinar, found at <http://www.ilru.org/training/dse-silc-roles-and-responsibilities-and-regulations>

You will see there has been a definite shift in responsibility and control from the DSU-transitioning-to-DSE to the SILC in regard to the SPIL and Resource Plan.

§ 1329.14 Establishment of a SILC.

- a) To be eligible to receive assistance under this part, each State shall establish and maintain a SILC that meets the requirements of section 705 of the Act, including composition and appointment of members.
- b) The SILC shall not be established as an entity within a State agency, including the DSE. The SILC shall be independent of and autonomous from the DSE and all other State agencies.

§ 1329.15 Duties of the SILC.

- 1) The duties of the SILC are those set forth in section 705(c), (d), and (e) of the Act.
- 2) The SILC shall develop the SPIL in accordance with guidelines developed by the Administrator; (and Sec. 704 of the Act)
- 3) The SILC shall monitor, review and evaluate the implementation of the SPIL on a regular basis as determined by the SILC and set forth in the SPIL;

§ 1329.15 Duties of the SILC. cont'd.

- 4) The SILC shall meet regularly, and ensure that such meetings are open to the public and sufficient advance notice of such meetings is provided;
- 5) The SILC shall submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and

§ 1329.15 Duties of the SILC. cont'd. 2

- 6) The SILC shall, as appropriate, coordinate activities with other entities in the State that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports, consistent with the SPIL.

- b) In carrying out the duties under this section, the SILC may provide contact information for the nearest appropriate CIL. Sharing of such information shall not constitute the direct provision of independent living services as defined in section 705(c)(3) of the Act.

§ 1329.15 Duties of the SILC. cont'd. 3

- c) The SILC, in conjunction with the DSE, shall prepare a plan for the provision of resources, including staff and personnel that are necessary and sufficient to carry out the functions of the SILC.
 - 1) The Resource Plan amount shall be commensurate, to the extent possible, with the estimated costs related to SILC fulfilment of its duties and authorities consistent with the approved State Plan.

§ 1329.15 Duties of the SILC. cont'd. 4

- c) The SILC, in conjunction with the DSE, shall prepare a plan for the provision of resources, including staff and personnel that are necessary and sufficient to carry out the functions of the SILC.
- 2) Allowable resources include: Innovation and Expansion (I&E) funds authorized by 29 U.S.C. 721(a)(18); Independent Living Part B funds; State matching funds; State General Revenue; and/or other public funds (such as Social Security reimbursement funds); and private sources, consistent with the approved SPIL.

§ 1329.15 Duties of the SILC. cont'd. 5

- 3) In accordance with § 1329.10(a)(1), no more than 30 percent of the State's allocation of Part B and Part B State matching funds may be used to fund the Resource Plan, unless the approved SPIL provides that more than 30 percent is needed and justifies the greater percentage.
- 4) No conditions or requirements may be included in the SILC's Resource Plan that may compromise the independence of the SILC.
- 5) The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the Resource Plan.

§ 1329.15 Duties of the SILC. cont'd. 6

- d) The SILC shall carry out the activities in paragraph (a), to better serve individuals with significant disabilities and help achieve the purpose of section 701 of the Act.

- e) The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions under this section.

Legal Authority

- The Workforce Innovation and Opportunity Act (WIOA) of 2014 amended several Federal disability laws including the Rehabilitation Act. Specifically:
 - Under Section 705, SILC, (c) Functions:
 - (2) **Authorities**. – The Council may, consistent with the State plan described in section 704, unless prohibited by State law –
 - (A) in order to **improve services** provided to individuals with disabilities, work with centers for independent living to coordinate services with public and private entities;

Legal Authority, cont'd.

- (B) conduct **resource development** activities to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and
- (C) perform such **other functions**, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.
- (3) **Limitation.** – The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.

New IL Regulations

§ 1329.16 Authorities of the SILC

(a) The SILC may conduct the following discretionary activities, as authorized and described in the approved State Plan:

- 1) Work with Centers for Independent Living to coordinate services with public and private entities to improve services provided to individuals with disabilities;

New IL Regulations, cont'd.

- 2) Conduct resource development activities to support the activities described in the approved SPIL and/or to support the provision of independent living services by Centers for Independent Living; and
- 3) Perform such other functions, consistent with the purpose of this part and comparable to other functions described in section 705(c) of the Act, as the Council determines to be appropriate and authorized in the approved SPIL.

New IL Regulations, cont'd. 2

§ 1329.16 Authorities of the SILC

(b) In undertaking the foregoing duties and authorities, the SILC shall:

- 1) Coordinate with the CILs in order to avoid conflicting or overlapping activities within the CILs' established service areas;
- 2) Not engage in activities that constitute the direct provision of IL services to individuals, including the IL core services; and
- 3) Comply with Federal prohibitions against lobbying.

Placement and Autonomy of SILC

- The Council shall not be established as an entity within a State agency. Sec. 705(a)
- The conflict of interest policy at Sec. 705(e)(3), precludes staff and other personnel of the SILC from being assigned duties by the DSE or other agencies of the state that would create a conflict.
- It would be an apparent conflict of interest for the DSE staff who administer and monitor the IL Program to also serve as SILC staff.

SILC Resource Plan

- Must be included in the SPIL
- Can use more than 30% of Part B funds (including state match) if justified in the SPIL.
- Must be prepared in conjunction with the DSE.
- Resources include staff and personnel.
- Shall be commensurate, to the extent possible, with the estimated costs related to SILC fulfillment of its duties and authorities consistent with the SPIL (§ 1329.15(c)(1))

SILC Resource Plan, cont'd.

- Available resources may include: § 1329.15 (c)(2)
 - Innovation and Expansion (I&E) funds authorized by 29 U.S.C. 721 (a)(18)
 - Independent Living Part B funds
 - State matching funds
 - State General Revenue
 - Other public funds (such as Social Security reimbursement funds)
 - And private sources

SILC Resource Plan, cont'd. 2

- The plan should include: § 1329.15 (c)(6)
 - Staff/personnel
 - Operating expenses
 - Council compensation and expenses
 - Meeting expenses, including public hearing expenses, such as meeting space, alternate formats, interpreters, and other accommodations
 - Resources to attend and/or secure training for staff and Council members, and
 - Other costs as appropriate

Some key points for SILC Resource Plan

- May be used to:
 - With CILs, coordinate with public & private entities to improve services provided to individuals with disabilities
 - Conduct resource development activities
 - Conduct public meetings
 - Conduct hearings and forums
 - Perform such other functions consistent with Sec. 701 as determined appropriate by the SILC and authorized in the approved SPIL, such as:
 - Study your state's specific needs
 - Conduct trainings
 - Conduct outreach

Can all sources be used for Authorities?

- All sources of funds that are allowed to be included in the SILC Resource Plan may be used for authorized SILC activities including:
 - SILC Duties
 - SILC Authorities
 - Compensation and Expenses (for SILC members)
 - Hearings and Forums

Amount of Funding needed?

- Consider what is critical to:
 - SILC autonomy
 - Ability to fulfill SILC Duties
 - Ability to conduct SILC Authorities
 - Ability to fulfill SILC responsibilities in SPIL
- Consider what can be obtained In-Kind without impairing autonomy.

Amount of Funding needed? cont'd. 2

- To conduct SILC Authorities?
 - These are new (or haven't been done in a decade).
 - What Authorities are included in the SPIL?
 - What resources will be needed?
- Remember – the SILC Resource Plan must include “necessary and sufficient” resources to accomplish SILC Duties AND SILC Authorities (authorized by approved SPIL).

Comments? Questions?



How SILC & DSE Roles Intersect



DSE	SILC
Serves as grantee for Part B funds	Responsible for developing SPIL and grant application for Part B funds
Accountable for use of Part B funds per SPIL	Responsible for evaluation of SPIL implementation (including use of Part B funds)
Monitor grants and services provided with Part B funds	Monitor effectiveness of SPIL
Maintain records and provide reports	Maintain records and provide reports
Provide funding/resources for SILC Resource Plan	Oversee SILC Resource Plan including staff/personnel (whether hired directly or provided by DSE)
Retain not more than 5% of Part B funds (federal allocation + state match) – hard cap in law Sec. 704(c)(5)	Use not more than 30% of Part B funds for SILC Resource Plan (federal allocation + state match) unless justified in SPIL
Provide administrative support for ILS program	

Collaboration is a Must

- In development of SILC Resource Plan
- In gathering data on the ILS program and SPIL implementation
- In preparing the Program Performance Report (formerly the 704 Report)
- To maintain/ensure SILC autonomy

DSE Role vs. ACL Role

DSE	ACL
Sign SPIL agreeing to serve as DSE.	Review and approve the SPIL.
Receive, account for, and disburse Part B funds (and Part C in 723 states) per the SPIL - §1329.12 (a)(1)&(2) and (b)(1).	Monitor the DSE to account for Title VII, Part B funds, including ensuring DSE monitoring of contracts/grants with CILs and SILC.
Monitor grants and services provided with Part B funds.	Monitor operations of CILs funded with Part C funds.
Allocate necessary and sufficient resources for the SILC Resource Plan §1329.12 (b)(2).	Review and approve annual program performance reports for all grantees.
Account for funds provided to the SILC, CILs, & other ILS providers.	Issue Title VII, Part B formula awards to DSEs and Title VII, Part C awards to CILs.

Comments? Questions?



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Evaluation Survey



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