**DRAFT Standards & Indicators**

**NCIL Rehab Act Committee[[1]](#endnote-2)**

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| **Law** | **Standard** | **Recommended Language** | |
| **Indicator(s)** | **Guidance/Best Practices** |
| Sec. 705 (a) & (b) | 1. The Council is established and maintained in compliance with Section 705(a)&(b). | * 1. The SILC is not established as an entity within any state agency as demonstrated by state law, an executive order, memoranda of understanding, or other such written documentation.   2. Appointment: Members of the SILC will be appointed by the governor or other appointing authority if applicable.   3. Composition: The SILC membership shall always include a majority of people with disabilities, as described in section 7(20)(B), who don’t work for a CIL or state agency.  1. The SILC will have as a voting member at least one CIL director chosen by the directors of CILs in the state that comply with Section 725. 2. In a State in which 1 or more centers for independent living are run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations, the Council shall include at least one representative of the directors of such centers. 3. The SILC will have as ex-officio, non-voting members a representative of the DSE and representatives from other State agencies that provide services for individuals with disabilities.    1. Qualifications: The membership of the SILC shall provide statewide representation, represent a broad range of disabilities, have diverse backgrounds and are knowledgeable about CILs and Independent Living services.    2. Election of a Chairperson: The SILC shall select a chairperson from among the voting membership of the SILC. [In states where the Governor does not have veto power, the Governor may designate a voting member of the SILC to serve as chairperson.]    3. Terms for SILC Members: Each SILC member shall serve for a term of 3 years, unless appointed to fill a vacancy, and cannot serve more than two consecutive full terms.    4. Vacancies: Any vacancy shall be filled in the same manner as the original appointment. | 1.1   1. The SILC, through bylaws, policy or other statement, identifies what it works to achieve, including such elements as its vision and mission. 2. The SILC reviews and monitors progress on its own work. 3. The SILC influences the appointment process to ensure compliance with requirements of the Act by recruiting and recommending members and communicating with the appointment authority about how candidates would affect compliance. 4. The SILC has freedom to advocate about issues of its own choice. 5. The SILC develops statutory authority, procedures, and other systematic methods for gaining, maintaining, and protecting its autonomy. 6. The SILC accounts for its decisions and actions. 7. The SPIL describes the status of the SILC and how that status demonstrates the autonomy of the SILC. 8. The SILC has a code of ethical behavior, including regulation of conflicts of interest, for council members. 9. The SILC has a plan for orientation and training of members which may include mentoring of new members.   1.2 The SILC will develop a method for recruiting applicants and receiving applications and, on at least an annual basis, forwarding recommendations of qualified, knowledgeable, and diverse candidates to be appointed by the Governor/appointing authority.  1.3   1. The majority of voting SILC membership shall consist of individuals with disabilities who are not employed by any state agency or CIL. 2. Additional members may include other representatives from centers for independent living, other individuals with disabilities, parents and guardians of individuals with disabilities, advocates of and for individuals with disabilities, representatives from private businesses, representatives from organizations that provide services for individuals with disabilities, and other appropriate individuals.   1.4   * 1. SILC will provide training to its members on the Rehab Act and Independent Living at least annually.  1. The SILC shall provide each newly appointed member with training and orientation prior to voting. 2. Every SILC shall complete and submit an assessment of the SILC training needs to SILC-NET and or other federal designee on an annual basis. |
| Sec. 705(c)(1) | 1. The Council fulfills all the duties in Section 705(c)(1). | 2.1 SILC is responsible to ensure the development and submission of the State Plan for Independent Living (SPIL).  a. Documents the process for development of the state plan with the Centers for Independent Living within the state, which includes representatives of the Centers and input from people with disabilities and other stakeholders.  b. The SPIL is developed in collaboration with the Centers for Independent Living as documented by the signatures on the SPIL.   * 1. The SILC monitors, reviews and evaluates the implementation of the SPIL.  1. The SILC and CILs collaborate on the design of tools and processes to evaluate implementation of the SPIL and assess consumer satisfaction with services. 2. The SILC utilizes the tools to review and evaluate the implementation and effectiveness of the state plan.    1. The SILC meets regularly, ensures that such meetings of the Council are open to the public and provides sufficient advance notice of such meetings.    2. The SILC submits and maintains copies of reports requested by the Administrator and maintains records to verify the information in such reports.    3. The SILC identifies entities with which activities are coordinated to conduct systems change.   2.6 The SILC has the freedom to advocate for issues of its own choice related to SILC duties and authorities.1  1 Per guidance provided by RSA in Technical Assistance Circular - RSA-TAC-13-01 | 2.1   1. The SILC will work with the Centers for Independent Living within the state to conduct public hearings, review annual (704) reports and use other mechanisms to identify needs and trends and gather information for the development of the state plan, including input from consumers and other stakeholders in unserved and underserved areas and populations 2. The SILC shall work with the Centers for Independent Living as defined in Sec. 702 in the State to define the Network of Centers, including clear identification of those Centers which shall be counted under Sec. 704(a)(2) for development and signing the State Plan for Independent Living. 3. The SILC will collaborate with CILs to describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities. 4. The SILC and CILs shall identify steps to serve unserved and underserved people and areas better, and describe strategies for providing independent living services on a statewide basis, to the greatest extent possible. 5. Signatures on the SPIL shall include:  * The SILC Chair, at the direction of the SILC; at least 51% of the centers for independent living; and the Director of the DSE, designating only agreement to serve and fulfill the responsibilities of the DSE.   2.2  a. The SPIL shall include procedures to monitor, review, and evaluate implementation of the SPIL that include descriptions of the role of the DSE and provider reports in the evaluation process.  COMMENT:  It is very difficult to determine how to do this. We need guidance on how to do this and navigate the line between monitoring the SPIL and not monitoring the CILs. \*\*\*  2.3   1. The SILC meets regularly and maintains copies of advance notice, minutes, and other documentation of the meetings. 2. SILC meetings are open to the public except for confidential matters such as those which the state's open meetings or sunshine law would allow to be held in closed session. 3. The SILC holds meetings in locations accessible to people with disabilities and provides such effective communication and reasonable accommodations as are necessary to make the meeting accessible to people with disabilities.   2.4 The SILC shall maintain records, e.g. minutes of meetings, 704 Reports, member activity reports, to demonstrate evidence of actions and accomplishments  2.5 Consistent with Technical Assistance Circular - RSA-TAC-13-01:   1. The Council and CILs will identify the partners with whom they work in advocacy efforts to address systemic change issues 2. In partnership with CILs, the SILC will maximize cooperation, coordination, and working relationships to strengthen independent living within the state. 3. The Council will work with the CILs to establish statewide advocacy networks that partner with coalitions and others who are addressing common systemic change issues. |
| Sec. 704(c)(2) | 1. The Council shall specify, in the State Plan, the additional activities, if any, it will engage in under the authorities in Section 704(c)(2), unless prohibited by state law. | 3.1 The SILC identifies objectives and documents progress under authorities. | 3.1 Examples may include but are not limited to:   1. The SILC may develop a broader policy agenda consistent with the purpose of Chapter 1, Title VII of the Act, and the State plan described in Sec. 704, unless prohibited by State law. 2. The SILC, in partnership with the CILs, shall direct and develop the resources (included but not limited to restricted and unrestricted funds, staff, volunteers, council members, and partners) necessary to implement advocacy for systems change. 3. Gathering information through surveys, focus groups, CIL consumer satisfaction surveys, town hall meetings, and similar activities designed to seek public input; 4. Designing, delivering organizing or participating in training events for people with disabilities, potential SILC members, current SILC members, partners, providers and relevant others 5. Educating policy makers on the IL philosophy, services and impact of CILs as well as policy issues affecting people with disabilities in the state; 6. Resource development activities that address policy barriers and that support & strengthen the CIL network or any other resource development matter identified by the SPIL; and 7. Leadership development for the SILC members, for people within the IL network & disability community within the state. 8. The SPIL may include objectives giving the SILC the ability to address emerging issues. |
| Sec. 705(c)(2) | 1. The Council shall not provide independent living services directly to individuals with disabilities or manage such services. | * 1. SILC activities under the State Plan do not include the provision of direct services. |  |
| Sec. 705(d) | 1. The SILC conducts hearings and forums necessary to carry out its duties. | 5.1 The SILC maintains registration lists and documentation of input gathered at hearings and forums conducted. | 5.1 Purposes for such hearings and forums may include but are not limited to:   1. Task forces or committees convened to address barriers to independent living 2. Task forces or committees convened to develop strategies to promote independent living |
| Sec. 705(e) | 1. The Council shall have a resource plan sufficient to carry out the functions of the SILC. | * 1. The resource plan details funding included from:   2. Sec. 110 as authorized in Sec.101(a)(18) Innovation and Expansion activities;   3. Other public sources; and   4. Private sources.   5. If the resource plan includes Title VII, Part B funds, the SPIL provides justification of the percentage of Part B funds to be used, particularly if the percentage exceeds 30%.   6. The resource plan describes the level of need for resources.   7. The Council has and follows policies and procedures for the supervision and evaluation of staff/personnel.   8. The Council maintains personnel records that include performance evaluations.   9. The Council oversees the assignment of duties to staff/ personnel to ensure there is no conflict of interest. | 6.1 The SILC develops, adopts, and controls its own budget, subject to financial provisions of the SPIL, which may authorize expenses consistent with its functions and federal regulations.  6.2 The SILC shall prepare, in conjunction with the DSE, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the SILC.   1. The SILC develops, implements, and maintains sound fiscal and personnel policies and procedures.    1. Resources may include but are not limited to: 2. Staff/personnel; 3. Operating expenses; 4. Council compensation and expenses; and 5. Meeting expenses including meeting space, alternate formats, interpreters, and other accommodations.   6.4 The SILC shall, consistent with state law, supervise and evaluate personnel necessary to carry out the functions of the SILC.   1. The SILC shall hire, supervise, and evaluate its staff directly or through a designated SILC official, as consistent with state law. 2. The SILC shall make decisions regarding staff, including whether the staff are employed by the State, by a non-profit entity controlled by the SILC, or through some other arrangement, except as prohibited by a state law of general application. |

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1. The SILC Congress Standards & Indicators Committee submitted a parallel document to ACL with almost identical language to NCIL’s proposal. The only difference was under Sec. 705(c)(1), indicator 2.6, NCIL proposed “The SILC has the freedom to advocate for issues of its own choice related to SILC duties and authorities;” whereas the SILC Congress version does not include “and authorities.” [↑](#endnote-ref-2)