**SILC Duties & Responsibilities**

**August 27, 2013**

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>> TIM FUCHS: Good afternoon. I'm Tim Fuchs with the National Council On Independent Living and I want to welcome you all to SILC‑NET's newest webinar, SILC duties & responsibilities. Today's presentation is being presented by the SILC‑NET. IL‑Net is operated through a partnership among ILRU, NCIL and APRIL with support by RSA at the Department of Education. We are recording today's call so we can archive it on ILRU's web site. We will break at the middle of the call and he again at the end to answer questions. For those of you on the webinar you can ask your question in the chat screen. If you're on the CART captioning screen that's separate today, I'm also logged into the chat there. You can ask questions ale' voice those during the Q&A breaks. On the telephone you can press star pound to ask questions. We will remind you each time we take a Q&A break.

I want to let you know that if you're not on the webinar, if you're listening just on the telephone today, and you don't have the PowerPoint in front of you, you'll want to make sure to open that up. That PowerPoint was sent to you in the confirmation e‑mail along with the phone numbers and connection instructions. If you don't have the PowerPoint handy for any reason, you can just e‑mail me. I'm at Tim@NCIL.org.

if you want a copy just let me know and I'll send it to you.

The other thing I want to point out is the evaluation form. As on all of our webinars, we have a brief evaluation form that's very important to us and it's also very brief for your benefit. Please do fill that out so we know what you thought of today's presentation. If you're participating in a group, that's wonderful, but please fill it out individually. We want to know what each of you thinks of the presentation today.

That's it for the announcements. I want to introduce our presenters, Mike Bachhuber and Ann McDaniel. I've had the pleasure of working with Mike and Ann and our training team over the last few months to put this presentation together. I want to thank them for their hard work. Mike Bachhuber has worked in independent living since 1997 and has been the Executive Director of the Independent Living Council of Wisconsin since 2007. Ann McDaniel is the Executive Director of the West Virginia SILC and Mike and Ann are both outstanding SILC directors and I know they've done trainings and provided guidance, formal and informal, to SILCs and their staff and council members all over the country. So you all, thanks again for putting this together. Without any further ado, Mike is going to get us started today. Mike, go ahead.

>> MIKE BACHHUBER: Thanks, Tim.

The first slide, slide number 2, talks about getting acquainted, and basically when I've done presentations around SILC duties and responsibilities, I usually like to ask these questions for folks in the audience to give appear sense of where we need to direct the training. These are all questions ‑‑ also questions you might want to use when you're recruiting new SILC members. So the first thing is what do you know about SILCs? And if you have the opportunity, you can maybe do an interview or a self‑evaluation. ILRU has a self‑evaluation about SILCs that was created by Bob Michaels that is very good. You might also want to ask why you're on the SILC, who tomb are you responsible as a SILC member, what is the most important part of your role as a SILC member, and what do you bring to your SILC role?. As a council member, you're not given ‑‑ you've been given the responsibility of identifying the needs of the independent living community in your state, but you've also been given the authority to develop and monitor a plan to respond to those needs jointly with the designated state unit. SILCs were established by the Rehabilitation Act of 1973 as amended to conduct the planning and coordination of planning for a state's IL program, and that amendment was actually in the early '90s. I think, '92.

Next slide.

The Rehabilitation Act of 1973 is the authorizing legislation for many disability‑related programs and requirements including the vocational rehabilitation services and the independent living programs. In 1998 the Rehabilitation Act was absorbed into the Workforce Investment Act, a comprehensive piece of legislation intend to do pull together dozens of vocationally related programs.

The Rehabilitation Act became Title IV of the Workforce Investment Act.

Slide 5.

When looked at separately, the Rehabilitation Act is broken down by titles. Title one defines Vocational Rehabilitation services. Title II provides for research and training of Vocational Rehabilitation personnel. Title III provides for professional development and special projects and demonstrations. Title IV creates the national council on disability. Title V has rights and advocacy provisions, including Section 504, that provides equality of access to federal programs and services that are funded through federal programs. Title VI provides for employment opportunities for individuals with disabilities, including supported employment. And Title VII is the one that folks in IL are most concerned with. It provides for independent living services and Centers for Independent Living.

Slide 6.

Title VII is broken down into two chapters, Chapter 1 is entitled individuals with significant disabilities and has three parts to it. Part A is just general provisions. Part B provides for the statewide independent living services program. And Part C provides for the Centers for Independent Living program. Chapter 2 provides for independent living services for older individuals who are blind. And we're going to be focusing mostly on Chapter 1.

I think this is where Ann takes over.

>> ANN McDANIEL: Okay. Thank you, Mike.

Section 705 is the section that specifically establishes Statewide Independent Living Councils. Every state and territory is required to have a Statewide Independent Living Council, and if they don't have a properly constituted statewide Independent Living Council they would not be eligible to receive Title VII funding. That's all of the title 7 funding. Also in Section 705 it details the requirements for a SILC or Statewide Independent Living Council, what is it that constitutes an appropriate, approvable SILC, and then it also details what the duties are of the Statewide Independent Living Council.

Next slide.

This is an organizational chart just to give you a framework for how the program, how the funding flows from the federal programs down to the state level programs and you begin with the U.S. Department of Education, which is where all of the programs under the Rehabilitation Act are located, and under that you have the national council on disability, which you see on the left of the chart, you have rights and advocacy on the right, and in the center you have the office of special education and rehabilitative services. And there's an assistant secretary of that department ‑‑ or that office, and we lovingly refer to that office as OSERS. So if you hear somebody say OSERS or see that acronym, that's what it stands for. Then the rehabilitation administrations program is directly under OSERS. From there are programs that are funded under them, which include, on the far left of the chart, the state VR program, the Title I program, also includes research and training and NIDR, national in institute on disability and rehabilitation research, it includes Centers for Independent Living, statewide independent living councils and demonstration and training projects. So the Department of Education you have OSERS and RSA that flow straight down. Secretary of the Department of Education is the head of that department. OSERS has an assistant secretary that reports to the second ‑‑

>> MIKE BACHHUBER: Ann, I think you're on the next slide now.

>> ANN McDANIEL: Yes I am. The commissioner of the Rehabilitation Services Administration then reports to the assistant secretary of OSERS and below RSA you have the state monitoring and program improvement division and the independent living unit, which are the folks that we normally communicate with if we need to talk with RSA. Within the IL unit there is a chief. Right now that gentleman's name is Tim Beatty and then there are five state teams which include a member of the IL unit and then the other units within RSA. They're the ones that do the site reviews, both of the state VR programs and of Centers for Independent Living, and then also of SILCs if and when they start doing that. Right now they've been including some review of the SILCs in the reviews that they do of the state VR units. So SILCs then would need to communicate any issues and concerns we have to our IL Unit representative and you can find out who that is through the IL Unit.

Then also affecting all of us and all of the Department of Education there are federal regulations, and it is 34 CFR ‑‑ Code of Federal Regulations ‑‑ and 364, 365 and 366 are the sections that apply to our program.

Next slide. Once you get to the state level you really have two different organizational charts and you're going to see them both. For Section 722, part of Title VII of the Rehab Act, those are states where the state puts in ‑‑ puts in less money for Centers for Independent Living than the federal government does. So you have RSA at the top. You have the state VR program. And Centers for Independent Living and Statewide Independent Living Councils under RSA because the funding goes directly to the Centers for Independent Living, and then with a dotted line you have the State Rehabilitation Council serving primarily as an advisory council to the state VR program.

Then in another section, Section 723, that is a state in which the state puts more money into independent living than the federal government does, and they may choose, then, to administer the funding for the Centers for Independent Living. There are only two states in the country that do that, that's Massachusetts and Minnesota, and the way the organizational chart looks there is you have RSA at the top, state VR program and Statewide Independent Living Council at the next level, then the state VR program underneath it has the Centers for Independent Living, the funding comes from RSA through the state VR program and is granted out to the local Centers for Independent Living, and then you still also have the State Rehabilitation Council in an advisory capacity.

Next slide.

So within section 705 of the act, when you talk about the formation and the make‑up of the SILC, the SILC is really to function as a partner with the DSU, the designated state unit, to ensure the existence of appropriate planning and coordination of resources to meet the independent living needs of people with disabilities in the state. They do that through the state plan. The term of appointment for a SILC member is three years, and council members may not serve more than two full consecutive terms. That doesn't mean once you've served two full terms you're off for the rest of your life. It means you can only serve two full terms in a row. And the SILC must be autonomous.

Next slide.

The duties of the SILC under Section 705 (C) of the act, the SILC has the following five duties, to jointly develop and sign, in conjunction with the designated state unit, the State Plan for Independent Living;

to monitor, review and evaluate the implementation of the state plan or SPIL;

to coordinate their activities with the State Rehabilitation Council, or SRC, and other councils that address the needs of people with disabilities;

and to ensure that all regular SILC meetings are open to the public and advance notice is provided;

and then to submit reports to the Commissioner, and the Commissioner is the Commissioner of the Rehabilitation Services Administration, and keep records and provide access to such records to verify the reports. So whatever reports the Commissioner asks us to submit we must submit and we also have to have records that back up what we put in that report.

Next slide.

So all the activities of the SILC have to fall within those five duties. However, there are some things required under the SPIL that include the SILC's participation, and those are found in Section 704 (i) of the act under coordination, cooperation, coordination and working relationships among various entities, and the state plan has to include all the steps that will be taken to maximize cooperation, coordination and working relationships among the independent living rehabilitation service program, and that's the program that's funded with Part B dollars, and we'll talk more about that. The Statewide Independent Living Council, and the Centers for Independent Living, and then also the designated state unit, other state agencies represented on the SILC, other councils that address the needs of specific disability populations, and issues, and other public and private entities determined to be appropriate by the SILC.

So in addition to those five mandatory duties, which can be very restrictive if you only look at the duties, when you look at this section you see we're supposed to be meeting with and talking to a great number of other entities, and we determine who all those include so that we can ensure that there is cooperation going on, that services are being coordinated, and that we have working relationships so that we can make sure they understand what the needs of people with disabilities in our states are.

And, Mike, I think it's time to turn it back to you.

>> MIKE BACHHUBER: Thanks.

That last one is pretty important because it shows that putting the SPIL together isn't just putting words down onto paper. It's about relationships. It's about how you're going to work together over the course of the SPIL. And you can describe that in the SPIL in the sections that talk about the relationships and then continue working on them during the course of the SPIL.

So under Section 705 (D) the SILC is that authorized to conduct hearings and forums deemed necessary by the SILC to carry out the duties and functions, and that's also all of the duties provided under section 705 are duties that would be appropriate to use the federal SILC resource plan funds for.

Next slide, 17, I think it is.

RSA has issued guidance for SILCs in many different ways. Just in the last six years or so sometimes it's been done informally, sometimes it's been done through mandatory training sessions. In the course of issuing that guidance, they have made it clear that SILCs cannot administer Part B funds. That is a duty that the designated state unit, which is usually the VR agency, must do and cannot delegate to the SILC. Every SILC must perform all of the duties in Section 705 that Ann just went through. SILCs cannot do resource development with federal funding, but they're not prohibited from receiving other funding for activities that go beyond the Section 705 duties. SILCs can do advocacy as part of the SILC duties, and that's key to the piece about the cooperation, coordination with various agencies and entities. In the course of working with them to coordinate programs, SILCs can do advocacy as part of their duties. SILCs cannot do training of CILs, although they can train their own members and staff. And the SILC resource plan is only to be used for the Section 705 duties. The piece of guidance that is probably most helpful and puts together a lot of the various issues that RSA has addressed in the last several years is a document called a technical assistance circular that they issued at the beginning of this year, January 30th, 2013, and the slide as a link to where you can find that guidance online.

Next slide.

>> TIM FUCHS: Time for questions. All right. So if you have a question on the phone, you can press star pound and that will put you in the queue and we'll take those in the order that we receive them. If you're on the webinar today and want to ask a question you can type your question in the chat box. That's the small text box under the list of participants. And if you're listening ‑‑ or reading, I should say, on the CART screen, I'm logged in there, you can ask questions on the CART chat as well.

We'll give the folks a second to dial in or type out their question.

Patricia, if someone ends up in the question queue on the phone if you could just let us know.

>> OPERATOR: Absolutely. And it looks like we do have a couple questions on the phone lines. One moment, please, for our first question.

>> PARTICIPANT: Hello, can you hear me?

>> TIM FUCHS: Yes, go ahead.

>> PARTICIPANT: Hi, this is Regina Bleye with the Texas SILC and I was wondering if you could expand, Mike o what you mean by the SILC cannot train the CILs.

>> MIKE BACHHUBER: That's one of the training issues that they came out with early on, is that some of the SILCs were providing training for the whole IL community in the state, and RSA indicated that SILCs are supposed to do the five duties that are stated in section 705 (C) and only those five duties, and so that things like training activities for the IL community are not within those duties.

Does that clear it up any more?

>> PARTICIPANT: Is that like referring to like conferences?

>> MIKE BACHHUBER: Right. So a SILC can do a conference, but you can't use your SILC resource funds to do that unless it's a conference just for SILC members.

>> PARTICIPANT: Okay. Gotcha. Thank you.

>> MIKE BACHHUBER: That's my understanding of what they were trying to say, and there may be other ways of doing that, but you tread carefully because you're running into something that RSA has made it clear they don't want us doing.

>> TIM FUCHS: All right. Thanks. Patricia, you mentioned there was another question waiting?

>> OPERATOR: There is another question. One moment, please.

>> PARTICIPANT: Hi, this is Tony DeRienzi, Arizona SILC, my question might be premature, and if it is, say so, but can you address the point of 501(C)(3)s and SILCs, how you integrate that with that SILC duties and responsibilities? Because many of the SILCs around the country are 501(C)(3)s.

>> ANN McDANIEL: Tony, this is Ann, and we are going to talk about that after this question session and if you still have questions, you'll have another opportunity to ask. But I think at this point let's see if we're going to answer you with what we already have planned. Is that okay?

>> PARTICIPANT: That's fine. Thank you, Ann.

>> OPERATOR: Thank you. And I'm not showing any further audio questions at this time.

>> TIM FUCHS: All right. Let's just give one second to see if anything comes in on the web. And it doesn't look like it. So let's see, I will turn it back over to you, Mike. I'll go ahead to slide 20, and if you are thinking of a question or you think of one in a moment, don't forget, we'll have our final Q&A at the end. Thanks.

>> MIKE BACHHUBER: Thanks, Tim.

So the SPIL parts under section 704, section 704 is the part of the Rehabilitation Act that defines what's supposed to be or what is required for the State Plan for Independent Living. The first set of requirements are around mission, goals and objectives, and those are things that we end up spending a lot of time developing when we're engaged in our SPIL development.

Also in Section 1 of the SPIL we have to identify unserved and underserved populations and steps that we're going to take for outreach to those populations.

Also in Section 1 of the SPIL we have to provide a financial plan, which is supposed to lay out, and the actual spending is never going to equal exactly what you have here, but generally you're supposed to lay out what sources of funding you expect to have during the term of the SILC and what category of spending those will go for. The SPIL has four categories that they ask you to identify within the financial plan.

And then you have a narrative part to describe it.

Also in Section 1 of the SPIL are provisions regarding cooperation and coordination of services. There's one provision regarding how the IL program is going to work and how the various entities within the IL program are going to work together. The next section talks about how services ‑‑ how services for people with disabilities will be coordinated within the state to avoid duplication of services. And that is the area that Ann identified earlier that gets to be real important. If you think that there are agencies that you need to work with, to have them identified within the plan and have a plan for maintaining regular contact with the agencies. And if some advocacy regarding the IL programs happens in the course of the communications you're engaging in, RSA has indicated that that's generally allowable.

Section 2 of the SPIL is devoted to the scope, extent and arrangements of independent living services, and there's both a table to fill in and narrative there.

Section 3 is the design for the network of centers and that's divided into two subsections, one which identifies areas of the state that are currently served by Centers for Independent Living, and the second section identifies expansion of the network of centers. That is a section that became really important when we had the additional funds for the Recovery Act a couple of years ago. It should identify how new funds such as that are going to be distributed in the state.

Then the next few sections of the SPIL identify the roles of the designated state unit, the Statewide Independent Living Council and service providers within the state.

And then the last couple of sections in the SPIL identify how you're going to evaluate how you're doing with the SPIL and any state particular requirements.

Next slide, please.

The evaluation of SPIL implementation has its own section in the SPIL, and it's something you need to be thinking about as you're developing the rest of the SPIL, how you're going to evaluate success on this, and then you describe that within Section 7 of the SPIL. The evaluation should address all of the objectives in the SPIL. The tool that RSA is using to evaluate state plans this time also indicates that it should address how you're going to measure consumer satisfaction. Among the things that you may want to consider is...

are you going to use 704 reports for the evaluation of the SPIL? How you're going to do that. Sometimes I know that centers that put a lot of time into writing their 704 reports kind of have the feeling that no one looks at them. So I think that giving feedback on what they're reported and how that relates to the state plan can sometimes be helpful for the program.

Next slide, please.

And I think that's Ann.

>> ANN McDANIEL: I think it is.

So we're going to talk about the SILC resource plan, and the SILC resource plan is specifically the funding that you identify in your state plan that is going to be used by the SILC to support it in accomplishing its duties under Section 705, and then that coordination and collaboration stuff.

We'll talk more about what it looks like if you are a nonprofit later, but this is just specifically the funding that funds the SILC to do what SILCs are required to do. It's a required component of the state plan. If you don't have a SILC resource plan in your state plan, they aren't going to approve it. The allowable sources of funding for the SILC resource plan include Title VII Part B funds, and Part B is Title VII Part B of the Act is where the state independent living services program is funded. That funding can also be used to fund the SILC resource plan. It can include Title I, innovation and expansion funds. In fact, the law says that the state shall set aside a portion of the Title I funds for innovation and expansion activities and to support the SILC and the SRC. So if you're not currently receiving Title I funds as part of your SILC resource plan, that's something you need to talk about.

And then other public and private funds may also be used ‑‑ funds may also be used in the SILC resource plan. The plan has to be controlled by the SILC. They have to control their own resource plan. You can't be micromanaged by the DSU. It does fall under federal and state requirements in terms of authorized uses of funds.

Next slide, Tim.

Then funding that may be used for independent living services comes from Title VII Part B, which is the state independent living services program, Title VII Part C, which is the funding for Centers for Independent Living, Social Security reimbursement funds, which are basically program income funds generated by the Title I VR program. They get a reimbursement from the Social Security Administration when they work with someone who is on Social Security and by virtue of going through the rehabilitation program and becoming reemployed, they end up going off of Social Security, and Social Security then provides a reimbursement for their services. And that funding gives states lots of flexibility what they can do with their Social Security reimbursement funds, but one very specific thing is that it can be used for independent living services.

And then if you get state funds appropriated for independent living services, obviously those may be used, and other public and private funds that the Centers for Independent Living and the DSU may seek or generate for services. I want to be clear that it may be in the state plan that you're going to use other public and private funds for services, but the SILC cannot be the one that seeks those funds. That's not a SILC role.

Next slide, Tim.

Then when you look at funding there are a lot of requirements that are going to apply. Federal funds may not be used by the SILC to perform or participate in any activities outside their SILC duties. So even ‑‑ whatever is included in your SILC resource plan, it's not just Part B, it might be I&E funds, you can't use those to do things other than your SILC duties.

The uses of funds and the reporting of how funds are being used are governed by the EDGAR, which is the education department general administrative regulations. That's why we call it EDGAR. Too long a name. Those are part of the Code of Federal Regulations. You can get those, get them online as well, access to the language.

Then OMB Circular A‑122 audit is required if you are a nonprofit and you receive $500,000 or more in all of your federal funds combined. So if you're a nonprofit SILC, that's a requirement regarding funding that you need to be aware of. Then there may also be state fiscal requirements that could apply to the SILC because their funding comes through a state agency. Also if the state were to appropriate any funding for the SILC there will be state fiscal requirements and you need to be aware of what those are.

Next slide, Tim.

Part B, Section 713 of Title VII of the Rehab Act shows what all the authorized uses of funds are for the Title VII Part B funding. The state may use funds received under this part to provide the resources described in section 705 (E) relating to the Statewide Independent Living Council. That's the SILC resource plan. And may also use these funds to provide independent living services, demonstrate independent living services, support the operation of Centers for Independent Living, increase the capacities of organizations, and conduct studies and analyses and develop model policies and procedures and make recommendations on policies and procedures.

Next slide, Tim.

Additionally, these funds may be used to train individuals with disabilities and individuals providing services to individuals with disabilities and other people regarding the independent living philosophy. And I want to be very clear here, you may put in your state plan that you're going to have a state conference on independent living, and you may use Title VII Part B funds to support that conference, but that funding cannot go through the SILC, and the SILC cannot be the ones providing the training. Unless the SILC has other resources that are not part of the SILC resource plan that they can use to support that.

>> MIKE BACHHUBER: Thanks for clarifying that, Ann.

>> ANN McDANIEL: And then you may also may use Part B funding to provide outreach to populations that are unserved or underserved, but also want to be clear here, when we're talking about all these uses of Part B dollars, these are the things you're going to detail in your state plan that you're going to use this funding for, but the SILC is not to be the entity who is implementing your plan. So while all of these things may be done with Part B dollars, the SILC cannot do them with the Part B dollars that are in the SILC resource plan. Those funds are only to support the SILC performing its SILC duties. These things can be part of your overall state plan, but somebody else is the one that's going to actually be doing them, and the SILC is the one that's going to be evaluating how effective the plan is.

Next slide, Tim.

Then you have Title VII Part C. Part C is part of the funding of at least most of the Centers for Independent Living. That's the section of the act, if you'll recall, Part C is about Centers for Independent Living. Just food for thought... RSA considers each one of the grant awards made out of Part C separately. Even if a center has more than one grant. And also if a center ‑‑ you're operating more than one center under the same grant. They only count ‑‑ they count each grant award as a separate center, quite frankly, which can cause a lot of confusion.

And then when appropriations are made under Part C, the first thing that funding is used for is to level fund the existing Centers for Independent Living. So RSA has to set about how they're going to fund all the existing centers, unless there's an across the board cut of everybody they would level fund centers first. And then based on the funding formula centers may receive a COLA, or a cost of living allowance, that would be an increase in their funding, and then finally new centers may be funded, and they have to follow your State Plan for Independent Living in determining where those centers are going to go.

And this is just a reminder, in every state except Massachusetts and Minnesota, the Part C dollars flow directly from the Department of Education through RSA to the Centers for Independent Living. In Massachusetts and Minnesota, those are the Section 723 states. The states provide more support than the feds and the state elects to receive the funding directly. There are other states where there is more state funding than federal funding for centers, but the state has elected not to administer those funds, and so they fall under Section 722. So if the state does choose to receive the funds directly, they grant it out to the centers, but it's my belief and understanding that they have to follow those same priorities that RSA has to follow in terms of funding existing centers first, looking at cost of living within the funding formula, and then funding new centers.

And then the state runs the program in a Section 723 state, and they may have additional requirements that they put on their centers. They have special rules within the Rehab Act for how Section 723 has to operate that the state has to follow.

And I'm going to give it back to Mike.

>> MIKE BACHHUBER: Thanks, Ann. So Tony asked about SILC as a board, and this is something that is real key. As you know, the Rehabilitation Act provides that the SILC cannot be part of any state agency, and as a result, for most of the period that the SILC requirement has been in the Rehabilitation Act RSA was strongly encouraging SILCs to be outside of all state agencies. And oftentimes ‑‑ that meant that a SILC became incorporated as a private corporation, had a Board of Directors, and so the Independent Living Council serves a dual function as Board of Directors of a nonprofit. He as you know, there are some states that have SILCs that are still located within state government, either as its own agency or as a governmental entity or as kind of a looser arrangement where there is some external organization that provides support for the SILC under contract to the designated state unit and which still allows the SILC to control its staff and its funds. I'm going to focus on the nonprofit SILCs because I believe that's the most common arrangement these days.

So for most of the SILCs that are organized as a nonprofit, the SILC council, the IL council, also functions as the Board of Directors, and that means that they have responsibility which differs slightly from state to state, but in general it requires the board to govern the nonprofit corporation. It requires the Board of Directors to ensure fiscal soundness and responsibility. It requires the board to ensure compliance with laws and regulations. And in general it requires ethical responsibilities of the Board of Directors, such as to avoid conflicts of interest and to act in the interests ‑‑ to act solely in the interests of the corporation.

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The potential advantages of a nonprofit as a way of organizing the SILC is that the autonomy is clear. The nonprofit is an entity that's recognized by state and federal law. And because it's its own entity, then there's usually a contractual arrangement between the corporation and the designated state unit that identifies what responsibilities the SILC has. Usually that will require some level of negotiation between the state and the nonprofit. It's clear that as a nonprofit the SILC can hire and fire its own staff. It's clear that they can manage ‑‑ in fact, they have a duty to manage their own fiscal responsibilities, including filing tax forms and everything else that goes with the nonprofit. As a nonprofit, they have ability to seek other funding that does not go through the designated state unit. They have the ability to conduct activities outside the SILC duties as long as they have funding for them. And it's important to note that when you use staff time to do something you're using whatever funding is paying for that staff time. So if you're paying staff out of the SILC resource plan funds you have all the restrictions that go along with those funds, but if you pay your staff with other funds, that's where you get the flexibility.

Because it's a recognized entity, a nonprofit is a recognized entity, the partnership with the DSU can be stronger because you can actually negotiate around the issues that are important to you. And you have your own separate identity. A nonprofit organization can basically do anything, again, depending on the specifics of your state law, but generally a nonprofit can do any legal activity that's consistent with the purpose of its nonprofit charter, and that includes things like advocacy, resource development and other activities you have funding for. Again, just a note that you can't ‑‑ the restrictions from the SILC resource plan ‑‑ to apply to anything you're going to do with the SILC funding.

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Advocacy versus lobbying. Lobbying is advocacy to influence specific legislation. It's important to recognize the difference between advocacy and lobbying because lobbying is specifically regulated for recipients of federal funding. Earlier in the program Ann was talking about the education department general administrative regulations. Those regulations include provisions of allowable uses of federal funds, and there are different OMB circulars that define what those allowable uses are, and if you're a state agency it's a different set of restrictions than if you're a nonprofit. But in either case, lobbying is identified as a set of activities. You cannot do lobbying with federal funding as a result of those rules.

Advocacy can be any kind of work that you're doing to achieve an end that you've identified as a need, and so it may be lobbying. It may be advocacy with legislative or governmental officials to change governmental policy, but it may also be advocacy with private entities or even advocacy within government that doesn't fall within the definition of lobbying.

It's important to note that even the lobbying is generally proceed behind with federal funds. There are a couple of important exceptions. One of them relates to if you have a documented request from a legislator or a legislative committee, you can provide a technical and factual presentation of information on a topic directly related to the performance of a grant in response to a documented request. You can also influence state legislation in order to reduce the cost or to avoid impairment ‑‑ material impairment of the organization's authority to perform the grant, and those are types of lobbying that are specifically excepted and allowable using federal funds.

And, of course, you can do other advocacy that doesn't fall within the definition of lobbying.

Next slide.

What advocacy is appropriate for SILCs. Earlier on I mentioned the technical assistance document that RSA issued this year that has a section around advocacy and how a SILC may engage in advocacy work. Some of the areas where advocacy is appropriate for SILCs include activities that flow directly from the SILC's fulfillment of statutory duties, whether those are the duty to develop the State Plan for Independent Living, monitor, review or evaluate the state plan, work with the rehab council and other disability councils or the more general responsibility to coordinate ‑‑ to work to coordinate disability services with agencies that are responsible for providing them. The advocacy rule is also appropriate to listening to and sharing the concerns of individuals with significant disabilities during SPIL development. It's appropriate in monitoring the implementation of the SPIL to ensure that needs are addressed. And in areas where the SPIL may not be effectively implemented it may require advocacy with the DSU to change the method of implementation. And advocacy is also appropriate by recommending new approaches in the next SPIL.

Next slide. Advocacy is also appropriate in coordinating efforts with other entities, so, the state transportation agency trying to have them increase services for transportation for people with disabilities. A lot of times we do this. We have a couple of centers that are heavily engaged in providing transportation services in their parts of the state. They have quite a distance to Madison, our state capitol, and I sometimes have taken the role of working with them and other transportation advocates to ensure that they have an opportunity to talk to the policymakers at the Department of Transportation. It's also appropriate to do advocacy through interaction with other disability related councils, commissions, and organizations.

Next slide.

When planning to do advocacy, you probably want to make sure that it's reflected in the SPIL. So you want to make sure that you're describing, for instance, how you're going to relate to the disability councils or state agencies providing disability services in ways that ensure you have an ongoing communication with those entities, and that the advocacy can then flow out of that more general role of SPIL development and SPIL monitoring.

You also, when you're outlining your evaluation, you have an opportunity to describe how you may interact with independent living centers and have a ‑‑ an ongoing role there.

Next slide.

And that's back to you, Ann.

>> ANN McDANIEL: And we wanted to give you some examples of coordination and collaboration, things you may do with other entities., and in West Virginia I have several that I thought might be useful to you. We collaborate with the Centers for Independent Living and our DSU to assess consumer satisfaction. We do that collaboratively. The centers all provide mailing addresses and we send a written survey out to every independent living consumer in the state every year. We also have a contract with an independent consultant who not only receives the responses to the written surveys but also conducts telephone surveys of at least 50 individuals evenly distributed amongst all the centers' service areas, and then a statewide report is developed that from that we all use, the DSU uses, the centers use and the SILC uses when we're doing planning and evaluating activities. The centers also receive raw data on the responses of their own consumers, and we all chip in to pay to have this done. So we all help cover the cost of doing it. The hard costs of sending out ‑‑ printing and mailing surveys and then the cost for the consultant as well.

Another collaboration that we have, and I use the DD council as an example, but there are a lot of entities involved, is in our West Virginia Disability Caucus. We've been told by RSA that the caulk us is a really great way for us to get input and feedback from consumers but we're limited in how we can use our funds to support the caucus. We can't support people's cost to attend or anything like that. So we collaborate with our DSU, our DD Council, the Fair Shake Network which is our statewide grass roots advocacy organization, our protection and advocacy organization, our university center for excellence and disabilities and everybody else we can wrangle together to piece together funding to support the full cost of the caucus, and the SILC's role is more specific to what we're allowed to do, but then the overall caucus is allowable because of all the partnerships we have in doing that.

Another collaboration that we have is with the commission for the deaf and hard of hearing in West Virginia, and we actually are serving as the fiscal agent for them for a couple different grants. One is to provide smoke alarms for people who are deaf and hard of hearing, because our state fire marshal's office for quite some time has been providing smoke alarms free of charge to the public, but they didn't have smoke alarms that were accessible to folks who were deaf or hard of hearing. So the commission secured funding for that, and that we processed that funding and serve as the fiscal agent.

Similarly, they're trying to increase the availability and capacity of interpreters in West Virginia and receive some funding to help interpreters take trainings and the national exams, and we're processing those fundings.

We also have a contract with our Fair Shake Network. I mentioned they're the statewide grass roots advocacy group. They're a small nonprofit and they get grants from several sources and they contract with the SILC to assist them with their assistance advocacy, and that enables me to reflect in my full budget, not just my SILC resource plan, but in my full budget that part of all of our time and expenses is covered by this other source of funding so that we can do things more closely related to lobbying and other systems of advocacy.

Of course, there are other councils and boards and advisory councils that I serve on and/or council members serve on, including our state Olmstead Council. There is a state advocacy project created as a result of two class action suits, and I'm on that advisory council. There is right now an advisory committee that was created by legislation specifically to advise the legislature in West Virginia about the delegation of duties to unlicensed personnel to make it more practical and affordable for people to be able to receive community‑based services and live at home, and I'm ‑‑ my council is included on that council ‑‑ on that committee, rather, and I'm the person who serves in that position. And many, many other examples of boards and councils, commissions, advisory committees that are out there that myself, my staff, my board may serve on that give us opportunities to work with a lot of other entities and to have an influence on the kinds of decisions that are being made and making sure that people with disabilities don't get lost in the shuffle, that we're looking at people first, that we're cross disability wherever we can be, and that's a really good way of doing systems advocacy.

And, Tim, I think we're ready for the next question slide.

>> TIM FUCHS: Thank you, Ann.

Again, if you're on the telephone, you can press star pound to indicate you have a question, and that will put you in the queue. We'll take those questions in the order we receive them. I'm going to start, though, while you all line up, so to speak, with some questions that came in over the web during the last session.

I'm going to start here with a couple questions from Tina, and the first one is a series of questions that says: In RSA guidance where RSA requires the DSU to administer Part B funds, can this be done through receiving the funds, disbursing them, and accounting for them, and can the disbursement, such as funding centers, be done by another entity that the DSU might contract with?

>> ANN McDANIEL: I'll take a stab at that. What we have been told is the administrative duty administering those Part B dollars is that a delegable duty, that the DSU cannot contract that out to anybody. That's what we've been told by RSA.

>> TIM FUCHS: Okay. So her follow‑up question: If so, can that entity be the SILC wouldn't apply because it can't be contracted out?

>> ANN McDANIEL: Correct.

>> TIM FUCHS: Tina has another question as well but let's see if anybody is waiting on the phone first. Patricia?

>> OPERATOR: We currently have no questions on the phone lines at this time.

>> TIM FUCHS: Again, you can press star pound if you have a question or you think of one in the next few minutes.

The second question from Tina, who is the SILC director in Oregon, is when you're determining whether you are a 722 or a 723 state, do Part B funds once received by the state and then disbursed, are they ‑‑ excuse me ‑‑ are those funds taken into account for this purpose, not counting the state match?

>> MIKE BACHHUBER: First, Section 723 states, there's ‑‑ are so named because Section 723 of the Rehab Act deals with them, and that deals only with the Part C funds, the Center for Independent Living funds. So it doesn't take Part B funds into the equation when it's making that determination.

>> TIM FUCHS: Okay. Thanks. And she also asks: If a state is providing more state than federal funds to centers, and the state determines whether to administer the CIL funds directly, who makes that decision, the DSU or the SPIL signatories?

>> MIKE BACHHUBER: The director of the designated state unit.

>> ANN McDANIEL: Yeah, it's the designated state unit. But once a DSU has decided to be a 722 state, even if they are providing more funding, then ‑‑ than the federal government is, they can't change back and be a 723 state.

>> TIM FUCHS: Okay. All right. Good. Thank you very much. Is anyone waiting in the queue on the telephone?

>> OPERATOR: And there are currently no questions.

>> TIM FUCHS: Okay. Well, they continue to roll in on line, so no problem. Suzanne Paulson is looking for clarification on the SILC duties. Suzanne says the statements on slides 26 and 27, it looks like the SILC can provide IL services, train individuals with disabilities, but these are not SILC duties. Would you please clarify? Ann, do you want to ‑‑

>> MIKE BACHHUBER:.

>> ANN McDANIEL: I would be happen to clarify. Those are authorized uses of Part B funds and I thought I was clear about this, but I will be happy to clarify again. The fact that it's Part B funds does not mean that it can be performed by the SILC. This would be the things you choose to do with Part B dollars within your state plan and the SILC does not implement that plan. So the SILC can only use Part B dollars and Title I dollars if they have them to perform SILC duties. You can use Part B funds to do these other things but the SILC would not be the entity actually performing these things. The SILC would only be performing their SILC duties, and then one of those duties, obviously, is to evaluate how effective these things are within your state plan. How you're using Part B funds, whether it's to provide independent living services or to increase the capacity of your centers. Then the SILC looks at, is that working, is it effective to use the dollars in this way? Are we getting ‑‑ are we accomplishing what we intended within our state plan to accomplish?

Does that make sense?

>> TIM FUCHS: I think so. Thank you, Ann.

Okay. Then Brian Wagner is asking Ann if you could take one step further back and just briefly cover that discrepancy, that difference between Part B and Part C dollars.

>> ANN McDANIEL: Oh, of course.

Within Title VII of the Rehabilitation Act you have chapter 1, which includes Parts A, B and C. Part A is the general provisions of Chapter 1, why this title even exists, what kinds ‑‑ the definitions, what the eligibility is for people to be able to receive services, et cetera. Part B is specifically with regard to the provision of services not tied to Centers for Independent Living necessarily. Every state gets a pot of Part B dollars to provide independent living services with. Many states for many years the DSU retained those funds and had a field program as part of their program that provided independent living services to people who didn't have the capacity to work, or had been determined not to have the capacity to work. And some states used all of that funding to support Centers for Independent Living to provide services. Some states did a combination of those things and used some of it for state provided services and some of it for centers to provide services. But that is a specific pot of money, and that is the pot of money that is governed by the State Plan for Independent Living. The state plan determines how the Part B dollars will be used, and as you know, the DSU and the SILC have to jointly develop the plan and agree upon it and sign it before it can be submitted. So it has to be an agreed use of what you're going to do with that money, and in the materials that you read, like the state plan preprint and the 704 Report, when it talks about the state independent living services program, SILS, it's not talking about the Centers for Independent Living. It's talking about whatever services it is that you're providing with the Part B dollars. Then the next section of the plan is Part C, and Part C is specifically Centers for Independent Living, and it's a much larger part of money, and it is used to fund centers for independent living all over the country. The grants are judged by RSA and are funded directly from RSA to the centers except in the 723 states, and those are Massachusetts and Minnesota. So we're talking about two different pots of money. Part B may be used to fund operations of centers. Part C may only be used to fund operation of centers. Part B is governed by the State Plan for Independent Living. Part C is grant funded but is ‑‑ guidance is provided to RSA about what would happen with any new Part C dollars that come to a state in the state plan. When you talk about the section of the state plan that explains the statewide network of centers and what you want to do to expand your network of centers, that's where you provide guidance to RSA about what to do with any new Part C funding that your state is eligible for. That's part of your state plan. But Part B governs ‑‑ Part B is totally governed by the state plan in terms of what you're going to use the money for, who you're going to give it to, what kind of services you're going to provide, what other things are you going to provide, are you going to support the general operation of centers, are you going to do something different to increase capacity of providers. All that falls under Part B.

>> TIM FUCHS: All right. Great. Thank you, Ann.

Let's check in on the phone and see if there are any questions in the queue.

>> OPERATOR: And there are currently no questions.

>> TIM FUCHS: Okay. So let's see, Liz, the folks from California, are wondering if we can highlight again strategies for SILCs to serve as catalysts for expanding the reach of the independent living program within their states. Mike, do you want to start off addressing that?

>> MIKE BACHHUBER: Sure.

I don't think that we said a lot about that, which might be why you wanted some clarification. Part of the State Plan for Independent Living that deals with the network of independent living centers is basically guidance to RSA on how they're going to distribute any funds above and beyond cost of living increases for the Centers for Independent Living program.

So at one level the role of the SILC can be ‑‑ that's the minimum level that a SILC gets involved in expanding the reach of the independent living program within the state. I think on a broader level people who are involved in SILCs get involved to do more than that. We really think that this is an important program and want to see it happen, and so that kind of gets into the advocacy role of the SILC.

When I'm meeting with people from state agencies who might be in a position to support the independent living centers, that's a topic that will frequently come up. I think as members of SILCs you have complete autonomy to do advocacy, and even lobbying, as long as the SILC isn't paying for you to do it, as long as you're doing it as an individual rather than as a representative of the SILC as a whole. To talk to legislators, to go out and see what other funding opportunities are available to support programs that the independent living centers can provide and work with, working with the statewide coalition or organization of independent living centers, helping ‑‑ giving a forum for people from independent living centers to get together and try to coordinate the advocacy they're going to be doing ‑‑ I mean, there's really no end of how SILCs can do this as long as ‑‑ as long as any lobbying is being done with nonfederal funds or as individuals, and as long as any advocacy is done consistently with other SILC roles. So I'm not sure if I've fully answered, but ‑‑ if you have a follow‑up, I'd be happy to address it.

>> TIM FUCHS: I think ‑‑ I think, too, Mike, that that's good, but I think she's also looking for maybe some tips on expanding the reach of their program within the state. So I took it to mean more about working within the SPIL process to look at unserved areas and strengthen the IL network as well.

>> MIKE BACHHUBER: Okay.

Well, one of the things that we do in Wisconsin is we do review the 704 reports and look at a county‑by‑county analysis of how many people are being served compared to how many people with disabilities live in that county, and that is something that we've done as a SILC. I think it's consistent with our duty to monitor, review and evaluate implementation, but the primary target of that information actually goes to the centers, which can then guide their outreach activities. So that would be one kind of activity, I think. That's good. App, do you have anything to add?

>> ANN McDANIEL: I think the whole thought of when you are working with other entities, whether they be policymakers or just other councils, groups, commissions, committees, making sure they know what the role of the centers are, the things that centers can provide to people, and then whatever limitations currently exist within your center network. Because then you grow other people's understanding of the value of centers, and that can maximize opportunities when they come for additional capacity for the centers and/or new centers.

>> MIKE BACHHUBER: That just spurred another thought on my account, thanks, Ann.

Our network of centers covers the entire state of Wisconsin, so sometimes when we are in these groups with other agencies they're looking for how to implement the program, and we don't fail to bring up the strengths that the network of centers in Wisconsin can bring to implementing a program. It gives an opportunity to the centers to perform a fee for service, increase their ability to serve consumers, and can support a state agency in implementing a disability program effectively.

>> TIM FUCHS: Okay. Great. Thanks, you all.

That's the last of the web questions that have come in. Let me check in briefly with Patricia to see if any questions are waiting on the telephone.

>> OPERATOR: And I'm showing no questions in the queue at this time.

>> TIM FUCHS: Okay. Well, I think, then, we'll begin to wrap up the call.

Mike and Ann, I want to thank you so much for this excellent overview of the SILC's duties and responsibilities. I know this is not easy to do in a 90‑minute presentation. I want to thank all of you, our audience, for being with us today, too, and please be in touch with us if you have any questions, whether it's in a few hours or whether it's in a few weeks. Ann and Mike have been generous enough to provide their contact information. So that's here on slide 38. I also want to give you mine again. That's Tim@NCIL.org. So please don't be shy. If you have any questions that you think of, anything that comes up, just let us know. In addition to this training, the IL net is a year‑round training and technical assistance program. So we're here to help if you have any questions, need additional resources, answers, materials about these issues. So please do be in touch.

I'm going to flip back to slide 37, and that's our evaluation form. If you're on the webinar today, that's a live link, you can click right on that and it will take you to the evaluation form. Again, please do fill it out on your own. So if you're participating in a group, that's great, but we want to know what each one of you thinks of the presentation today. And also, if you're on the telephone only and you don't have the PowerPoint in front of you or if you're looking at a printed copy, you can get this link in the confirmation e‑mail that was sent to you. So please do take a moment to fill out the evaluation.

Mike and Ann, thank you again, to our audience, thank you, have a wonderful afternoon. We'll talk to you soon. Bye‑bye.