



Webinar on WIOA and Independent Living for SILCs

January 27, 2015




Goals & Format of Today's Webinar

- Update stakeholders on transition.
- Review some of the key changes in the Workforce Innovation and Opportunity Act (WIOA).
- Explain the rulemaking process.
- Provide information on how you may provide ongoing comments and questions throughout the process.
- Answer questions previously submitted.

Updates

- We are working to implement WIOA, which moves responsibility for some of the Independent Living programs from the Department of Education to ACL.
- A reorganization plan to formally incorporate the IL programs is underway. In the meantime, Jamie Kendall is acting director of the Independent Living programs during the transition.
- We are committed to ensuring continuity of operations. We ask for your continued patience and support as we navigate the transition.
- We are moving forward with the policy changes made in the law.



Key Provisions in the
Workforce Innovation and Opportunity Act
(WIOA)

(Title VII of the Rehabilitation Act of 1973, as amended)



Information on Current Requirements

Technical Assistance on the Independent Living Programs and Informational Update regarding the Transition from the Department of Education to ACL, http://www.acl.gov/NewsRoom/NewsInfo/2014/2014_09_29.aspx

State Plan for Independent Living (SPIL)

29 U.S. Code §796c(a)(2) [Rehabilitation Act, as amended, section 704(a)(2)]

The plan shall be jointly—

developed by the chairperson of the Statewide Independent Living Council, and the directors of the centers for independent living in the State, after receiving public input from individuals with disabilities and other stakeholders throughout the State; and

signed by—

(i) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council;

(ii) the director of the designated State entity... and

(iii) not less than 51 percent of the directors of the centers for independent living in the State.

Collaboration in SPIL

§796c. (a)(3) [§704(a)(3)]

The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for-

- working relationships **and collaboration** between-
 - (i) centers for independent living; and
 - (ii)(I) **entities carrying out programs that provide independent living services, including those serving older individuals;**
 - (II) **other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities; and**
 - (III) **entities carrying out other programs providing services for individuals with disabilities.**

Designation of State Entity (DSE)

§796c (c) [§704(c)]

The plan shall designate a State **entity of such State (referred to in this subchapter as the "designated State entity")** as the agency that, on behalf of the State, shall...

(5) retain not more than 5 percent of the funds received by the State for any fiscal year ... for the performance of ... services [including receiving, accounting for, and disbursing funds, providing administrative support services and keeping records].

Statewide Independent Council (SILC) Composition

§796d. (b)(2) [*§705(b)(2)*]

The Council shall include —

(B) among its voting members, for 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, at least 1 representative of the directors of such centers

SILC Duties

§796d (c)(1) [§705(c)(1)]

The Council shall—

- (A) **develop the State plan as provided in section 796c(a)(2) of this title;**
- (B) monitor, review, and evaluate the implementation of the State plan;
- (C) meet regularly, and ensure that such meetings of the Council are open to the public and sufficient advance notice of such meetings is provided;
- (D) 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
- (E) **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.**

SILC Authorities

§796d (c)(2) [§705(c)(2)]

The Council may, consistent with the State plan, 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;**
- **(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 part and comparable to other functions described in this subsection, as the Council determines to be appropriate.**



SILC Limitation

§796d (c)(3) [*§705(c)(3)*]

The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.

SILC Resource Plan

§796d (e)(1) [§705(e)(1)]

The Council shall prepare, in conjunction with the **designated State entity**, 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 Council under this section, with funds made available under this chapter, and under section 110 (consistent with section 101(a)(18)), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

§796e2 (a) [§713(a)]

The State may use funds received under this part to provide the resources described in section 705(e) (but may not use more than 30 percent of the funds paid to the State under section 712 for such resources unless the State specifies that a greater percentage of the funds is needed for such resources in a State plan approved under section 706), relating to the Statewide Independent Living Council.

SILC Training and Technical Assistance

§796e–0 (a)(b) [*§711A(a)(b)*]

The Administrator will reserve 1.8 to 2 percent of the funds to provide, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to SILCs and shall conduct a survey of SILCs regarding training and technical assistance needs in order to determine funding priorities.

Fifth IL Core Service

§796a(2)(B) [§702 (2)(B)] The term “center for independent living” means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency for individuals with significant disabilities (regardless of age or income) that provides an array of independent living services, **including, at a minimum, independent living core services as defined in section 7(17).**

§705(17) [§7(17)] The term “independent living core services” means (A) information and referral services; (B) independent living skills training; (C) peer counseling (including cross-disability peer counseling); (D) individual and systems advocacy; **and services that-**

- **facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, with the requisite supports and services;**
- **provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community; and**
- **facilitate the transition of youth who are individuals with significant disabilities, who were eligible for IEPs under section 614(d) of IDEA, and who have completed their secondary education or otherwise left school, to postsecondary life.**

CIL Monitoring and Reporting

- On site compliance reviews – no longer required to be selected on a random basis.
- ACL will develop and publish indicators of minimum compliance for CILs and SILCs as required in **§796d–1. (b) [706(b)]**.
- ACL will evaluate how monitoring and reporting activities are conducted.



What Is Rulemaking?

Congress passes the broad statutes that govern us, but many of the details are left to federal agencies to figure out through the rulemaking process.

Generally, rulemaking is governed by the Administrative Procedures Act (APA). The APA defines the basic process generally used by agencies to issue legislative rules.

Sequence for Federal Rulemaking

- Rulemaking initiated by federal agency
- Stakeholder engagement
- Prepare proposed rule (Notice of Proposed Rulemaking or “NPRM”)
- Publication of Proposed Rule in Federal Register
- Public Comment
- Preparation of Final Rule (respond to comments, revise NPRM)
- Publish Final rule

What is a Notice of Proposed Rulemaking (NPRM)?

1. Gives notice to the public that the agency will consider a rule change as a result of statutory change & provide public comment period.
2. Dialogue with the public that explains what the proposed regulations will say and why.
3. Final rule is published with responses to comments



In Closing

Thank you!

- To provide additional feedback, please send an email to wioa@acl.hhs.gov.
- We encourage everyone to file comments on the NPRM.
- We look forward to working with you!



Questions and Responses

Evaluation Survey

- Your feedback on this webinar is important to us. Please click the link below to complete the evaluation:
- <http://www.surveygizmo.com/s3/1950588/SILC-NET-Webinar-Evaluation-RSA-Regulations-Update-January-27-2015>