**The DSE, SILC Roles and Responsibilities, and the Regulations: Part 2**

**March 8, 2017**

**Presented by Ann McDaniel and Paula McElwee**

TIM: Thank you for your patience. I am jumping in. We are ready to roll. We have our captioner and we will get started without further delay. Today is part two of our teleconference roles and responsibilities and the regulations. Today's presentation is brought to you by the SILC-NET. I have quick housekeeping I will go through this fast since we are a little behind from our late start. Of course, we have plenty of time for Q&A. There is a few ways you can ask questions. If you are on the phone, you can hit star pound and that will put you in the queue and we will go through them in the order we receive them. If you are on the Webinar, you can type your question in the chat box. Enter your question in the chat box under the list of attendees and you can share questions and comments during the call but we will wait until the break to address them.

We are recording the call and that will be available within 48 hours and that will be available sooner. If you want to review the call or share with colleagues you will be able to do so. Finally, take a moment after the call to fill out the evaluation form. I know some of you are participating in small groups, and that is great, but we would love to hear from each of you on the evaluation. Our final slide will include a link.

It was sent to you in a conformation e-mail but you can get it in the PowerPoint at the end of today's call.

I am going to introduce your presenters. We have Ann McDaniel, Ann is the executive corrector and Paula McElwee.

Thank you so much for putting together this material. When they started putting together the material for part one they realized it was a tremendous about of material. We are so glad you joined us. About a hundred of you. Great big audience. I will go to slide three where Ann and Paula offered their e-mail. My e-mail is simple. It is timm@oic.org.

Here on slide four, we have got our learning objectives for today. We will walk through the history and philosophy of IL and how it impacts these roles and regulations, how the SILC is organized and how the SILC and roles intersect. With that, I will go to slide five and turn it over to -- is this you Paula?

>> Paula: Yes, I am leading off. I wanted to add a note you have our e-mail if this is something you are dealing with but we are hearing that you are having difficulty with your annual report and entering it into the system. That is a separate issue. We are not going to go into a lot of detail here but we have a lot of training resources around that and Sharon posted that for you in the chat box. Copy that site and you can find some answers there. Those of you from the state entity, you have a lead role in this. If you are not aware of that, if you do need to talk to somebody and make sure you get online with getting that information entered. It is a critical piece of your reporting for the past fiscal year. So, it has been delayed because of new software but they are saying it is due on the 26th of March no matter what. If you haven't received that information and are not sure about that, please, contact one of us and we will guide you to how you can get going on that. Tuck that one away.

Different topic. Can't reach it today but at least we want you to know it is going on.

Let's talk a little bit about the history of the Independent Living movement because this is the foundation of why thinks work the way they do within the rehabilitation act and within title 7 and the roles and SPIKTs are very much based on this history.

Picture the '70s, those old enough or maybe those not old enough have heard about the '60s and '70s, but this is a time when the disability community began to look at what is happening for and with people with disabilities in different areas. There was very little access and in fact, there was this kind of caregiving assumption that all a person with a disability needed was to be taken care of, or if they were able to arrange that on their own they were a superhero and considered to be so exceptional. Ed Roberts came along and began to work on what this ought to look like. He said it is a moral imperative that society be accessible to people with disabilities just as much as it is accessible to others.

Rather than looking at a social service model where you come in, get the case manager, do the assessment, have a plan and finish the plan. Rather than that model, from the beginning we looked at how people with disabilities should be a part of everything. That was so important. Rolling out of the belief that independent living says that people with disabilities want to exert control over their own lives.

That concept of consumer control permeates the regulation and you will see that going forward.

Let's look at slide six. We included ways for you to look at the disability history and culture because it is a very rich history it is hard to get through all the information in this short period of time that we have and we really encourage you to take this page from our point and take the time to go through some of these. There is a project called it is our story. There is a 60-minutes interview with Ed Roberts from back in the day, YouTube videos and our own philosophy. All of those have good information and help you to see the breadth of this movement and how much it really did connect with all of us as beginning to say, wait a minute, it is our own story and not the story that some caregiver wants to give us. That became our emphasis. Let's look at slide seven.

So, here is a little history for you around the rehabilitation act. It passed in 1972 but it didn't end up enforced because it was a pocket veto in that case. In '73, it came around twice. The first time it was vetoed and the second time signed but there were no regulations to go with it or money to go with it until '77.

So the regulations around the portion of the rehabilitation act that affects centers is that regulations didn't come until '77 and then funding later than including in '78, a reauthorization that established independent living programs and that came across thanks to advocates across the country who were seeing this had to happen.

This is 1978, I like to remind people, so the way advocates got to know each other and found each other wasn't on Facebook.

It wasn't in a quick, easy way that you get on a site, do a search, because the internet didn't exist at this time. Chain information went out to a physical mailing list with labels that you put on envelopes and put in the U.S. postal service. The advocates connecting with each other and being able to make it happen is quite remarkable if you think about that history of the time and how remarkable it was that people were able to find each other and to respond in a way that caused this law to come into being.

Let's look at slide 8; so, the history was there were no regulations related to us at all in the early day. The demand for section 504 regulations, or accessibility regulations, were the first thing we wanted to see issued. There were national sit-ins all over the country, San Francisco held out the longest in the federal office building there in San Francisco, and eventually the Secretary did cave in and there was no funding until '79. In '79, ten grants were issued, 11 centers, to be part of the very first wave of centers for independent living that were funding by federal funds. There were other existing centers for Independent Living in the country that predated this but these were the first federally funded ones. Slide nine.

Most recently in 2014, what was passed was another amendment to the rehabilitation act. This new amendment was called the Workforce Innovation and Opportunity act and affected just not title 7 of the rehab act but affected what a lot of you are doing in title 1. It also did add some things -- it specifically affected centers for Independent Living.

It moved Independent living into the administration for community living within the department of health and human services. So there was a shift in where we are located. We, meaning those who are funded under title 7, where we are located in the federal structure.

Also, another thing that happened with this most recent revision is new core services were added to centers for independent living and we won't talk a lot about that but we have a lot of information on our website about transition for youth, people out of nursing homes, and assisting people in avoiding being institutionalized. Those are all additional services that had not been specified for centers that are now a requirement of core services.

There were lots of changes in the state-wide Independent Living counsels and that is a lot of the n consent we will review today and in addition there were no regulations released in late October related to this revision to the rehab act and there is a link there for you to find those actual regulations and take a look at them if you would like to. Slide ten.

Here is just a little bit of a look at what the regulations are that apply. You will find more training on the different regulatory pieces on our website especially the things we don't have time to cover a lot today.

When we talk about the act, we are talking about the rehabilitation act. It is federal law passed by Congress which is really important for us to keep in mind. The most recent amendment was the WIOA. You might hear us use HHS, ACL and ILA, the independent living administration and those are the federal components we fall at the federal level. We mean talk about DSE and that is the state entity that distributes the plans. Those from the state entity that works with us is you.

The SPIL is the state plan for independent living and every state is required to have one approved at the federal level.

There are also requirements that are financial and they are called the uniform administrative requirements and there is a reference there.

Those are around finance. They are slightly different. One federal department to the next but not very much. They are substantially the same as you go from one to the next. Slide 11.

This is very much been the very brief, very fast, look at history. I can't emphasize enough how important it is to take a look at it when you get a chance. Use it as a training piece in each of the meetings.

We have materials you could project and take 20 minutes from the meeting. The law is implemented through regulations.

We have new regulations that went into effect November 28.

Independence of compliance is another one and that is a draft that is in the review process.

There is old ones for the centers for Independent Living that are not detailed in the act but they will be updated soon and have been detailed in the past. And then you will see sometimes guidance. Now, the federal department we work under, ILA, will go through their grant management people or legal people or finance people or whatever they need to do in order to get us answers to questions about how we implement the regulations. So you will find that we will post any guidance that comes out as it does and we will post that on our website along with all the other pieces. So, there is a link there at the bottom of the page if you would like to look at this further and get the feedback on the final rule there is your reference so you can do that. I will turn it over to Ann for a few slides here.

>> Ann, are you on mute, maybe?

>> Ann: I am, thank you, Tim.

We want to start with the provisions and the purpose of the act and the whole purpose of the Independent Living program because it is key to understanding the rest of what is in the law and in the regulations with regard to the centers for independent living.

The purpose statement is long and I will not read it to you but this permeates the entirety of title VII. It is about consumer control, peer support, it is about promoting integration and full inclusion of individuals with disabilities into the mainstream of American society.

Next slide, Tim.

And along with that comes what the Federal Government is doing to help make that happen in states. One of those things is providing funding. In particularly, we are talking about title VII Part B funding that comes to the DSE providing financial assistance to support the network of centers and that is the title VII funding.

And the goal of that funding is to improve the independence of people with disabilities and to improve working relationships among the partners and the partners include the state Independent living services, which is the service funded with the Part B dollars, the centers for independent living, the state-wide independent living councils, the statewide rehabilitation or title I programs. They support employment services. And programs funded under other titles of the act and other federal or non-federal sources that improve the lives of people with disabilities. It is collaborating and coordinating efforts across the spectrum with regard to services and programs for people with disabilities.

Next slide.

Self-direction and consumer control are big concepts in independent living and you see them in every piece. The SILCs are required to have more than 50% of people on their council who are not employed by the state, and that is any state agency, and are not employed by a center for independent living.

Most SILCs have a far greater than 51% level of people with disabilities because there is always a few people who don't count in the majority. I would point out it doesn't restrict the appointment of consumers and board members of centers for Independent Living to the state-wide Independent Living council. They can be part of that 51%. There are options to gather people who do have a knowledge of independent living and centers.

Centers for Independent Living are required to have more than 50% people with significant disabilities on their board of directors and their staff and their managers must be at least more than 50% people with disabilities. Meetings and offices and other venues have to be accessible and inclusive of all people with disabilities. We are talking about cross disability and that independent living is always cross disability. And the disability of an individual who is going to receive services through independent living is self-identified. We are not looking at medical reports and diagnoses. It is the person coming in saying I have a disability and this is what it is. Next slide.

Comments or questions?

>> Tim: Our first Q&A break.

You can ask questions by pressing star pound or you can type it in the chat. While I wait to see if we have more I will start with two questions from Jim in Florida. The first is: Pam, for the SILC competition do universities count as part of state employees for the members?

>> Pam: I have asked that question and the answer I received was no, they do not count as state employment or not being employed by a state agencies. The universities don't count. So those individuals could count toward your more than 50% unless somebody from ACL tells me different.

>> Tim: And a follow-up, what about SILC board members since they are not employed and acting as volunteers. Do they count as representatives?

>> No, SILC board members and consumers are absolutely eligible to serve on the Statewide Independent Living council. They have the knowledge you would be looking for and not employed so they count in the majority.

>> I see we have a caller on the phone. Let's go there now. The caller, we will open up your line:

>> This is Adrian dunk n. I am wondering how this fits into the local and statewide when we access the information from the new provisions coming in. Will that make a difference as board members in terms of what we do as for outreach? Will that make a big difference in our outreach services?

>> When you saw how does this fit in?

>> You are saying there will be new provisions and requirements coming out soon that we haven't yet seen with details. Will that affect how we communicate or how we physically do whatever we do in terms of dealing our outreach?

>> The changes in the law have been out since 2014. The regulation were just released in October. So you will probably see more about those. But the authorities that have been added to the law for the SILCs do change and we will get into that more as we move through the webinar. But I think you will see things that change not only what you have to do but what you are allowed to do.

>> Great. That is what I need to know.

>> All right. Still have plenty of time so you can press star pound on the phone or type your question in the chat. Any other questions about this preliminary piece on the definition and history? While we are waiting, you know, I really appreciate all you of joining us today but especially I want to thank everyone joining us from the DSE. We have a relationship and know them well and I appreciate you finding time to join us and be part of the conversation today.

I will give about 15 more seconds just to make sure we don't miss any questions before we move on. Again, we do have two more Q&A breaks later in the call so there is plenty of time to ask questions.

I don't see anything else so I am going to slide 17 and we will have more breaks later.

>> Ann: This is our attempt to lay out graphically so you can see the roles of the designated groups and we are all partners with distinct roles to play.

The DSE account to the SILC with how it is spent. They provide administrative support for the Independent Living program and the program is whatever it is described to be in the state plan. They have to keep records.

They have to submit reports and information. For example, the financial portion of the 704 report or the program performance report as they are starting to call it in the newer versions. The DSE may not retain more than 5% of the Part B funds for their administrative funds and they cannot hold funds. Once they have drawn them down, they have to disperse them and follow the state plan for Independent living how they are to disburse the plans. And to be clear, that signature indicates they are agreeing to serve as the DSE and fulfill the responsibilities of the law.

The center column is the SILC and they have a duty to develop the state plan, monitor, reviewing and evil -- evaluate the plan. They have to meet regularly and have open meetings. They have to provide advance notice so that Public knows when where they are meeting. They must keep records and submit reports. For example, the 704 report, the current annual report has a portion that talks about the fulfillment of the golden objectives and the state plan for independent living and that is something that will SILC would be responsible for tracking and reporting on. They have to coordinate with other entities in the state and SH are required but for the most part they get to decide who the entities are.

They have to conduct authorities as described in the law and outlined in the plan. They have authorities that are allowed to conduct, duties they must conduct, but the authorities, if the SILC choses to do an authority, then they have to include that in the state plan.

You have to say you are going to do what you are going to do under on authority. So that is your detail of what you are going to do as far as the authorities go. The SILCs have one restriction.

They cannot provide or manage independent living services directly and must sign the state plan to approve the content.

Then, if you look at the centers for independent living column, they have to provide to core independent living services and as Paula says they have been expanded in the newest amendments to the law. They are to provide other independent living services consistent with federal and state law and there is a wide array of things they can provide and they get to choose what those are. They have to comply with the standards and indicators for independent living included in the law.

Another new one for the centers is they have to develop the state plan for Independent Living with the SILC. That was not a requirement before. They are often the entities that implement a great deal of the plan. They have to conduct resource development activities.

And more than 50% have to assign the bill to approve the content.

Those signatures have to be on there before the state plan can be submitted for approval by the ACL. Next slide.

There isn't enough time to cover in details all of these roles but the primary roles of the DSE are covered in the archive Webinar that was part one of this. You see the link on your slide to access that if you did not participate in part one I would recommend you do that because there is a lot of change in the role of the DSE as well as the SILC and you will see there has been a shift in responsibility and control from the DSU, which is the state unit rehabilitation program transitioning to the state entity with title 7 and with SILC and the resource plan.

Next slide.

Part of the regulation and law is that states and territories have to establish a statewide Independent Living Council and in order for states to receive funding under title VVII it has to be meet the requirements of the 705 act. It has to be antonymous from the DSE and other agencies. That is a key detail that we have not seen in the past.

The duties of the SSILC are detailed in 705 of the act and this session of the regulation.

Developing the state plan for independent living in accordance with the guidelines developed by the administrator, monitor review and evaluate the implementation of the plan. The evaluation plan is part of the state plan.

Next slide.

SILC has to meet regularly, ensure the meetings are open to the public and advance notice is provided. And also provide accommodations, disability accommodations. The facility has to be accessible and the program has to be accessible and the information has to be accessible. If someone lets you know they are coming to the meeting and need a signing language interpreter the SILC is responsible for making that happen. The SILC has to submit reports to the administrator of the ACL and keep records to back those up.

Next slide.

They are to coordinator services with other entities that provide services similar or complimentary to the other services that facilitate the provision or provide long-term services consistent with the state plan for Independent Living. In carrying out their duties, the SILC may provide contact information for the nearest appropriate center for independent living. If you are aware, the core services that the centers must provide include individual and system advocacy, peer support, information and referral. With the SILC not being able to provide services we want to be sure if we refer someone to an independent living center we are not breaking the law. We are allowed to do that.

And in conjunction with the state entity the state has to prove resources that are necessary and sufficient to carry out the functions of the SILC. So it has to be commensurate with the estimated cost consistent to the approved state plan funding. If you are a DSE you should be working with your SILC to identify where the resources are coming from and what the amount S. If you are with an SILC you need to be working with your DSE. It is clear that is the expectation in the regulation.

Next slide.

The recourse plan for the SILC includes staff and personnel and that is whether it is paid for with money from the resource plan or what was provided as part of the resource plan.

Allowable resources include innovation and expansion funds, or I&E funds, independent living funds out of title 7, state general revenue, or other funds such as social security reimbursement funds. Private funds and other sources consist want with the approval SPIL.

Next slide.

Okay. No more than 30% of the state’s allocation of Part B and Part B state match is supposed to be used to fund the SILC resource plan unless the approved state plan for independent living provides that more than 30% is needed and justifies the greater percentage. That exception is intended to provide flexibility to the SILC and DSE in figuring out how the plan is going to be funded. The 30%, if you think about different levels of appropriation that come to the state, 30% is not much. In some states, 30% is more than others is what I am saying. There can't be any conditions or requirements in the SILC compromise plan that impairs the ability of the SILC to function in an antonymous way and the SILC is responsible for the proper expenditure of funds and the funds it uses.

Next slide.

The SILC has to carry out the activities in paragraph A which is the duties section to better serve individuals with significant disabilities and help achieve the purpose of section 701. Remember, I started with the purpose of title 7. The purpose in section 701 that carries all the way through all of this. The SILC consistent with state law has to supervise and evaluate its staff and other personnel as may be necessary in order to carry out the functions and the functions include the duties and the authorities. I am going to through it back it Paula.

>> Paula: Okay. There was just a little bit more while we talk about these authorities because I think there are probably going to be questions on this so let us try to get around most of it here.

The last rehabilitation act amendments in 2014 specified some authorities for the SILC.

Under section 705, and the SILC functions, they talk about authorities. The authorities include that the council make consistent with the planned it describes in section 704, unless prohibited by state law, in order to improve services, provided to individuals with disabilities, work with the centers. Now, that is a long complicated sentence but basically what it is saying is that the council can work with the centers for Independent Living to coordinate services with public and private entities if their goal is to improve services overall.

Let's look at slide 28.

They can also conduct resource development activities. This is new. Centers have been required to provide resource development activities in the past. It is permissive, not required in the case of the SILC. But you want to make sure you have provided for that actually in your SPIL.

That is true of anything you are doing here. Your state plan should capture what it is you are doing and everyone in the partnership agrees to that. The third one is other functions. We love that one because it tells you in keeping with independent living philosophy, if it makes sense and the partners and the state agree to with it the state-wide plan it makes sense it would be part of the legal authority you have with the SILC.

The SILC has the legal authority to do resource development but other functions if they are consistent with the purpose.

Now, as that very first slide that Ann was talking about with the purpose of title 7. There are limits. The council shall not provide independent living services directly to individuals with significant disabilities or manage such services. So, if you have a vacancy in an executive director positions in one of the centers and the council said we could provide the interim position we can do that. No, you can't. The council is limited in providing direct services and directly managing a center. Keep that in mind.

Let's look at the next slide.

As we said, the new regulations include the authority of the SILC and it may conduct the following discretionary activities as authorized in the key state plan. Can you see that? If is in your plan, that means the centers have talked about it. Half of them signed off on the plan. The SILC talked about and the DOC talked about and these are authorized by what was a put in your state plan and what everybody agreed to.

The first is to work with centers for Independent Living and coordinator services with public and private entities to improve services provided to individuals with disabilities. I bet all of you can think of a statewide entity where the SILC's idea could be an advantage. If there is a private or public entity that has something to offer to improve services in your statewide need work that is one of the things the SILC may be doing if it is identified in your state plan.

Let's look at 30.

We can conduct the activities described in the plan or to support the provision of independent living services by centers for independent living.

So in your resource development, you may come across, again, a statewide resource. That statewide resource has an advantage to all the centers in the state. And perform other functions consistent with the purpose as described in section 705 C of the act as council determines to be appropriate and is authorized in the approved bill. I don't want to beat that approved spiel but I am not sure I can emphasize it enough. The SPIL identifies all of what you are doing in the state plan and it is all these different functions and resources.

Let's look at 31.

Authorities of the SILC need to be COORDINATED. You will not engage in activities that are direct with the independent living services and you must comply with the federal prohibition with lobbying because they are funded with federal dollars and lobbying with federal funds is prohibited. So keep that in mind.

And slide 32.

Ann mentioned about the autonomy of the SILC and we want to emphasize that again. The council is antonymous and cannot be reporting to somebody within a state entity but instead should be reporting -- the staff should be reporting to the council and the council is appointed boy -- by the governor and responsible for what applies. Also, think about the fact it precludes staff and other personal from the SILC from being assigned duties by somebody else in the state.

The DSE doesn't get to go to the SILC director and say it would be convenient if you did this job over here. They have to be separate so there can't be a conflict of interest there. It would be an apparent conflict of interest for the staff monitoring the program to be the SILC staff also. We want to think about those things. I will let Ann pick it up because I think she probably has good observations about that item.

>> Ann: Yeah, if you think about the SILC is monitoring the state plan and the aisle program is part of that state plan. It would be difficult for the staff of the SILC to be administering IL program. It would create a conflict you want to try to avoid.

Next slide.

Let's talk a bit more about the SILC resource plan. It has to be part of the state plan for Independent Living, you can use 30% of the Part B fund if you put in the SPIL why you are going to do that and it is approved. It has to be prepared in conjunction with the DSE. The SILC can't write up a plan and give it to the DSE and say give us money but on the other side the DSE can't say here is the plan and this is what you get.

It has to be a conversation that is jointly developed. The resources can include staff and personnel and shall be commensurate for the extent possible with the estimated cost of the SILC fulfillment of its duties and authorities consistent with the IL plan.

Available resources include innovation and expansion funds.

INE funds that are authorized in section 721 A-18. Independent living Part B funds, state matching funds, state general revenue, other public funds specifically social security reimbursement funds and funding from private sources which obviously could be generated through resource development activities.

Next slide.

The plan should include staff and personnel or funding for staff and personnel, operating expenses, council compensation and expenses, meeting expenses including public hearing expense. Folks are allowed to conduct hearings in public spaces and those expenses could be meeting space, alternative formats of materials, interpreters and other accommodations, should include resources to secure training for staff and council members and other costs as appropriate. This should be a healthy conversation to look at what it really takes to do these things.

The SILC resource plan may be used to: With the centers for independent living cord nature with public and private entities to improve services provided to individuals with disabilities in your state, to conduct resource development activities, to conduct public meetings, conduct hearings and forums -- those are particularly helpful when you are in the process of preparing to develop the state plan for independent living. They are also helpful when you are in the process of monitoring the effectiveness of a state plan for independent living. And then also the funds and the resources may be used for other such functions consistent with section 701 which is the purpose statement as determined appropriate by the SILC and authorized in the plan such as studying your state's specific needs, conducting training, conducting out reach.

Next slide.

Okay. I didn't get this one in there but it can always include advocacy activities which fit in with other things we previously discussed. And can all the resources in your resource plan be used for the authorities of the SILC? Yes, they can. They may be used for activities with the authorities, duties, compensation and expenses for members, hearings and forums.

Next slide.

How much money does that take?

What kind of resources are we talking about? Well, I keep telling people I have learned --

I have been around long enough to know the answer to most question is it depends. So it depends on what your SILC needs.

You to think about what is critical to the autonomy of the SILC which is clearly required in the law and regulation. The ability of the SILC to fulfill duties and conduct authorities, and to fulfill all of their responsibilities in the state plan for independent living. The things that are detailed out in the plan that the SILC are supposed to do are going to require resources. You should also, as you are having this conversation consider what kinds of resources can be obtained in-Kind without impairing the autonomy of the SILC.

What does it take to conduct SILC authorities? These are new.

What authorities are included in the SPIL? What resources does it take to conduct those activities? You need an in-depth and analysis of conversation about that. Remember, it has to include necessary and sufficient resources. Necessary and sufficient are key words that for the resources that are necessary and efficient for the SILC to accomplish their duties and their authorities authorized by the approved state plan for independent living.

Next slide.

>> Here we have at the next Q&A breaks. We have a few on the chat I will start with. Let me remind you, you can press star pound on the phone or type it in the chat. I meant to mention earlier. I am logged into the streamtext so there is the addition of full screen of CART I know some of you use from time to time and there is a chat feature there and I am logged in and you are welcome to use that that.

I missed one at the last break.

Jim was wondering about the [inaudible]

Toward the majority of the council and state employment and if parents of people with disabilities are not state or SILC employees that is fine. But just remember they have to have a disability themselves to count toward the 51%. So just because someone is an advocate for people with disabilities doesn't mean they count toward that majority. They have to be a person with a disabilities themselves. Sean is wondering regarding the definition of a person with a significant disability, are there disabilities that would not qualify as a significant disability? Ann, do you want to take a stab at that. What definition do you all use at your SILC?

>> The definition is in the law but it is in title I so you have to go back to there. That definition in title I is the definition they are referring to when they talk about significant disability in title 7. I am not pretend I remember it word-for-word but it is specifically in that part of the act. If you cannot find that, you have my e-mail address, I will send it to you. Just send an e-mail and ask for it.

>> Paula: I might add something and remember this is self-disclosed. It is not a disability that has to be proven to anybody. You read the definition and you say do you is a significant disability and if the answer is yes, the answer is yes. Typically it has to do with does your disability affect major aspects of your life is kind of the way to summarize that. But again it is self-disclosed. When you ask are there disabilities that would not qualify as a significant disability that is up to the person who is describing their own disability to determine if it is significant.

>> Great. Thanks. Yeah, it is easily Google-able and Sean, if you have problems finding it let us know. Jennifer is wondering, Ann, would it be a conflict of interest for a member of the DSE to participate in the board of directors?

>> Ann: There is not a conflict. There has to be one member from the DSE there but they are not able to vote. There can be others but they would count against the group of people if they had a disability they would not be included in the more than 50% majority because they are an employee of a state agency.

>> All right. Great. One of our attendees is wondering if an SIL is under performing or outright negligent of carrying out their responsibility what is the responsibility of the SILC to bring them up to where they should be?

>> The responsibility and authority to monitor what the centers for Independent Living are doing or not doing and how well they are doing go back to the funding source. So if is a Part C funded Center, it is ACL's responsibility. If they are funded under part D, the designated state entity has the responsibility and how that works is something you should look at when making the plan.

What kind of accountability are you requiring with regard to activities included in the state plan, what it is they are supposed to be accomplishing with those Part B funds. The SILC is looking at how affective the plan so doesn't fall on them but it goes back to the direct funding. Part-B funds when they go to the centers make them a sub-grantee of the DSE and they have that responsibility but you really need to talk about it in your state plan.

>> Okay. Great!

All right. Jack is wondering how does the state match apply. Does that mean there are extra funds over what was awarded that also can be spend or maybe used if necessary? For instance if the SILC award is $400 and the match is $40 does that mean there is $440 in the resource plan?

>> All of the Part B dollars have to have matching funds from the state in order for instate to be eligible to receive the grant. The way it is calculated is confusing to some people. But what happens is the total appropriation for your state, in West Virginia, it is around $300,000. You divide that by nine. That amount is your state match because then when you add it all together your state match is 10% of the total. And, yes, those are all available and should be accounted for in your state plan for Independent Living when you are figure out what you will use the money and how much goes for what. But remember part of the state match can be In-Kind and you need to know that up front and the DSE needs to have a conversation with the SILC on how it will work so you can show that. One thing that happened in our state when it changed and the state match was included in the money that could be used for all of the things you are covering in your state plan and limitation was placed on the DSE that they could only use 5%, our D OC had been using all In-Kind state match and were trying to figure how to handle that. The bottom line was unless the In-Kind was provided for the program as part of the state plan it really couldn't be just administrative cost of the DOC. That is how you calculate out what your 10% amounts to. You do need to know what that is as you are laying out the use of the resources not only for the SILC resource plan but the whole plan for independent living.

>> Great. Thank you. I don't see any other questions. You can press star pound on the phone or type your question in the chat.

We have another Q&A break at the end of the call. Okay. I don't see anything now so I will go ahead to slide 41.

>> Ann: We wanted to layout and show you how the intersections of the role of the DSE and SILC work. I will go across each one of these one at a time. The DSE is the grantee for the federal funds. SILC is responsible for developing the plan. The state plan says here is what we are Greg to do with this money, here is our goals and objectives and here is what we will try to accomplish, we being the state of West Virginia in my instance.

Here is how we will use this money. Well then the grant is -- when the plan is approved, then the grant is awarded to West Virginia and going to the DSE because they are the grantee.

The DSE is accountable for the use of Part B funds according to the plan. The SILC is responsible for evaluating the plan and how effective the plan is including the Part B funds.

Here is how we use the money and did it accomplish what we intended to accomplish. The DSE monitors the grants and services provided with the Part B funds.

The SILC monitors the overall effectiveness of the plan. Are we making progress on the objectives and is it resulting in the outcomes for people with disabilities in our state that we hoped. The DSE has to maintain records and reports and so does the SILC. They may be part of the same report, there may be different reporting, and that hasn't been finalized yet. Go ahead.

>> Paula: That includes what we were talking about at the beginning of the call relating to progress reports or 704 reports.

>> Ann: The DSE has to provide funding for the resource plan and there is a variety of potential funding for that. The SILC has to oversee the resource plan, including the staff and personnel, whether they hire them directly if they are a non-profit or whether the staff and personnel are provided by the DSE. The DSE has to retain not more than 5% of the funds and this is a hard cap in the law. The SILC may not use more than 30% of the plans for the state resource plan unless it is in the state plan and they justify why there needs to be more than 30%. Then the DSE provides the support for the administrator support for the independent living plan. Next slide.

Collaboration is a must all the way around. There has to be collaboration in gathering the data, in preparing the performance report or 704 report or whatever it is called for the part one piece of the 704 report. And then there has to be collaboration to maintain and ensure the autonomy of the SILC.

Next slide. So, I thought it would also be helpful for you to see the difference in the roles TWOEN the DSE and the ACL.

The DSE signs the state plan agreeing to serve as the DSE.

ACL reviews and approves the plan. The DSE has to receive, account for disperse the Part B plan according to the SPIL. If you are a 723 state they do that with the Part C funds. ACL monitors the DSE to account for the funds including ensuring the DSE is monitoring the contracts with the center and the SILCs. The DSE has to monitor the grant provided with the fund. ACL monitors the operation of centers for living with the Part B funds. DSE has to allocate necessary and sufficient resources for the SILC resources and the ACL review and approve annual programs performance reports for all grantees. The DSE account for funds provided to the SILC, and CIL and other providers.

>> Here is the final Q&A. Jim wants to know how can the SILC determine the effectiveness of the SIL if they don't follow the plan?

>> Well, I think it necessary to have conversation and look at why didn't the centers follow the plan? Is it not a doable plan? If we are monitoring on an ongoing basis, we have the opportunity to submit amendment do is the plan and ACL will take those at any time. Part of it is that. But part of it is are they meeting the deliverables in their grants or contracts for Part B funds and that would be a responsible of the DSE to monitor. There has to be ongoing partnership and conversation in how we are handling things. I want to be clear it is not the SILC's role to monitor the centers even if they receive Part B funds. Our role is to monitor the effectiveness of the plan. If what we included the centers will do is not doable or is not being effective we need to have further conversations with the centers as our partners to figure out what would be better so we can amend our plan if we need to or clarify misunderstandings that are preventing the centers from being able to provide what is in the plan. Maybe there is a holdup on funding and the SILC doesn't know that. If we don't talk to the centers we will not know that. We need to have full communication there.

>> Sean is wondering what the SILC role is in the 704 and do they have input on the grants?

>> The centers for independent living have to do their own reports. If they are funded with Part B funds it has been changed to the program performance report -- I think.

>> Yup.

>> The PPR, that is the report they have to submit to the Fed's. If they receive Part B funds, but they are also a Part C Center, they include what they did with the Part B funds on their report to ACL. If they only receive Part B funds, then they have to provide information to the state and the state includes it in the part 1 report that comes from the state as opposed to coming from the centers directly to ACL. In terms of the Part B grant application, the only thing that is right now is the state plan for independent living and the centers are supposed to be at the table in the development of the state plan for independent living and they have to at least have more than 50%. I always want to say 51% but it is more than 50% of the centers that have to sign the state plan before it is submittal to ACL. They should be deeply involved in the application process in terms of what is we will use that money for.

>> The one thing I would like to add, if I could, Tim, is that you have heard us say several things about what should be in your state plan for independent living. Perhaps as you heard these things you thought it isn't in there. Ann mentioned there is a process for amendments to your plan. You have to still have the public input, you have to go through a process but you can amend the plan if it is important enough to you. Let us know if you are going to go that direction and we can guide you a little more on how to do an amendment.

>> Tim: Going back to your last couple slides, Ann, Jim asked am I hearing correctly that the DSE has authority to hold accountability in carrying out the plans.

>> Ann: Yes, what the DSE has responsibility for is if they do contracts or grants with centers for independent living or other providers for Part B funds, they are responsible for monitoring those grants or contracts and for making sure that the deliverables in those grants and contracts are actually delivered by the grantees. The DSE is still the primary grantee and still has have the responsibility and would have to do whatever the grantees are going to be delivered and held accountable for the grants or contracts.

>> Tim: Great. Thank you. And a comment from Stephanie who says the change to the DSE makes the job easier.

>> I am glad to hear that.

>> Tim: Yeah!

Okay. I don't see any other questions. I will give a few more seconds. We have a few minutes left so if you have a question for Ann or Paula let us know. Where you can press star pound on the found or type it out. In a few minutes, we will click to the evaluation slide so you can click on that.

Again, that is a live link and it will take you right to. So I hope you will take time to fill it out. We will archive this, too. If you want to review or share with colleagues in a few days you will be able to access.

Looks like we have a caller. And they dropped just as quickly.

Here we go. A participant from a DSE asked can you talk a little more about the 5% cap for DSE.

>> Well the 5% cap is specifically detailed in the law under the latest amendments to the rehab act. It says the DSE may only reserve 5% of the Part B appropriation plus the state match to use for their administrative cost. That means for responsibilities that the DSE has in the law. Now, I know in some states the DDDSE provided independent living services and that would be based on what is approved for your state. If you have another role in that state plan, there may be funding attached to that. But just providing the support to the independent living program in the state and fulfilling your responsibilities as a DSE you may only retain 5% of the total of Part B. The federal appropriation and state combined.

>> Tim: Our caller is back.

Let's go to the phone and we will open up the line.

>> Hi, this is Shea Seasons from Arkansas. Can you hear me?

>> Tim: Yeah, Shea, go ahead.

>> Shea: I want to understand when you were talking about Part B. A few months ago we did receive a letter and of course we were clear on it. Arkansas rehab center is our DSE. Our blind agency, I believe, received part B. Now our DSE has to contract that spot to them.

Am I hearing correctly if they are doing that part of the Part B they have to self-monitor as well? Is that what I'm hearing?

>> Their responsibility is monitor any of the grantees with how the money is used, what they are required, and whether they are accomplishing the deliverables in the grant or contract.

>> Shea: Okay.

>> Ann: The money can be provided to your agency to the blind or the DSE only if it says in your state plan that is what you are going to do.

>> Shea: All right. Thank you.

>> Tim: I am going to sneak in the last questions and we had a late start so first of all and Jim is wondering if accountability can be written into the SPIL on how can we be carried out?

>> I think it is important you have that conversation with the DSE. We used to develop the plan with the DSE and you we develop them with the centers but I don't think you can address those pieces or concepts in the plan if you don't involve the DSE in the conversation. I know there are state requirements for sub-grants and you would want to look at that.

You would want to look at the requirements for sub-grants in the uniform administrative requirement. Having a conversation with the DSE whether they are at the table when you write the plan, but some point in the development it would be important to talk about that and look at what you might want to include in the state plan that everybody has agreed upon. I had a state talk to me about the process that the DSE was going to use to providing the grants to the centers for independent living in that state and they were frustrated because they felt like it wasn't going the way it should be going. I said what does it say in your state plan? If you want to see a specific process used for letting those funds you have to address it in your state plan.

That is the only place you have to detail that. So, yeah, I would definitely want to talk about that in the accountability piece and make sure you address it in the state plan.

>> Tim: All right. Next question from Cheryl: If the SILC receives funds and how much is dependent upon the SILC?

>> I would remind you with the INE funds you would be considered a sub-grantee of federal funds still. So the uniform administrative or guidance which under our RSA is a different name than administrative requirements and RSA is for title one and INE funding come from. So you are looking at two different sets of regulations and financial regulations. So you want to make sure you are familiar with that.

It depends on what is in your grant agreement, contract, for the INE funds. Remember the laws and regulations say that there can't be anything in that contract or grant agreement for your INE funds that impairs the autonomy of the SILC. That is another conversation. If you feel like they are requiring on things that infringe upon your autonomy as the SILC you would want that resolved before you sign the agreement.

>> Tim: One last question from Rickey. As a new DSE and the transition from the DSU, what is the best way to retain autonomy? Any tips for Rickey?

>> The main thing I have operated under for over 20 years and we have to be partners. We have to treat each other like partners. So there has to be respect there. And the SILC has to respect the role the DSE plays and the DSE has to respect the role of SILC. If you function as partners you can avoid the pitfalls. The other thing is making sure everybody understands what the law says and regulations are. If that means you need an outsider come in and help you understand and all the partners understand you should do that. If you don't understand what the law says it will be a lot harder.

>> I would like to add in these charts that Ann specifically worked on quite a bit to provide the information, these charts can be printed and used for your conversation. Any of these materials as longs a -- as long as you give us credit could be used. And we hope you use these and the other information.

>> Tim: Thanks for taking the last couple questions. Thanks again for your patience at the beginning of the call. It is just 4:35 so we were able to fit it online and here on slide 45, again, Ann and Paula have been generous enough to share their contact information and Ann thank you so much for sharing your experience from being at the West Virginia SILC and I want to share my e-mail again.

It is [tim@ncil.org](mailto:tim@ncil.org) . It is Paula and I job to provide technical support. I know Paula enjoys keeping her ear to the rail in terms of going on and I feel the same. Help us know what is going on and how we can help going forward. Here on slide 46 is the link to that evaluation.

Thank you so much for joining us. I will going to close the call before I do thanks for making time for this. Ann and Paula, I cannot thank you enough and you did a great job putting this in understandable terms.

Have a great afternoon, everybody.

Bye-bye.