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Independent Living Research Utilization

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SILC Authorities

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Presenter:

Brad Williams

What you will learn

- SILCs used to be able to conduct resource development and pursue statewide system advocacy (before 2006).
- SILCs now have the option to engage in such activity, but can only do so by including “authorities” in a Statewide Plan for Independent Living (SPIL).
- Strategies related to the inclusion of authorities in a SPIL.

Background

- Before 2006:
 - SILCs were able to do resource development and conduct statewide systems advocacy.
- New York SILC examples:
 - Resource Development:
 - \$40,000 over two years to act as the court appointed monitor in Galusha v. DEC Federal consent decree (2001).
 - \$60,000 IL-NET grant to provide training and technical assistance to CILs and SILCs in Regions I & II (2003).

Background, cont'd.

- Statewide Systems Advocacy:
 - NYSILC helped to create and run the Statewide Systems Advocacy Network (SSAN) on a volunteer basis 1999-2001, funded 2002-2005.
 - Accomplishments with IL network and stakeholders:
 - » Two increases to the state IL appropriation (1999 and 2000).
 - » Taking lead with NYLPI to get State Attorney General Spitzer to sign on to the Minnesota briefs for the Garrett (2000) and Lane (2003) U.S. Supreme Court cases.
 - » Reversal of a NYS Code Council decision

Background, cont'd. 2

- calling for 100% adaptability in the construction of new apartments (2001).
- » Passage of a State Medicaid Buy-In program (2002).
- » Passage of a State Most-Integrated Setting law/coordinating council (2002).
- » NYSILC Article 78 lawsuit against the NYS Board of Elections in State Supreme Court, awarding NYSILC an appointment to the HAVA Task Force (2005).
- » USDOJ lawsuit of NYS for HAVA violations. NYSILC submits evidence and secures affidavits from peer advocates.

Background, cont'd. 3

- At the 2006 SILC Congress in New Orleans, an RSA interpretation ended these activities.
 - SILCs could no longer develop funds using their Federal resources and could not lead statewide systems advocacy efforts.
 - The New York SILC transitioned coordination of the SSAN in the next SPIL. The New York Association on Independent Living (NYAIL), the state association, became the coordinator of the advocacy network.
- It would take an Act of Congress to change the law and correct the situation for SILCs.

Legal Authority

- The Workforce Innovation and Opportunity Act (WIOA) of 2015 amended several Federal disability laws including the Rehabilitation Act.
- Specifically:
 - Under Section 705, SILC, (c) Functions:
 - (2) **Authorities**. – The Council may, consistent with the State plan described in section 704, unless prohibited by State law –
 - (A) in order to **improve services** provided to individuals with disabilities, work with centers for independent living to coordinate services with public and private entities;

Legal Authority, cont'd.

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

How to Include Authorities in a SPIL

- Process:
 - The only thing that a SILC must do if they are going to engage in one of the activities identified in the authorities is to include how they will be addressed in an approved SPIL.
 - Choice of which authority (all or none) is up to each SILC. However, if a SILC selects none, then they cannot engage in the identified activities.
 - There is no guidance for where to include reference to authorities in a SPIL.
 - One choice is to include authorities in Section 1.2A, SPIL objectives, related to the SILC's objective, connecting them to outcomes.

How to Include Authorities in a SPIL, cont'd.

- Another option is to include authorities in Section 5.1A, SILC resource plan, and weave discussion of how resources are required for the expanded activities.
- There are no guidelines for how to do this.
 - Start by getting your SILC's approval to engage in any one or all of the identified authorities (A) (B) (C) and make sure they understand the limitation.
 - » This can be a series of forums or a topic of discussion (facilitated discussion) at a full council meeting. Reach a consensus.

How to Include Authorities in a SPIL, cont'd. 2

- One way a SILC can address the identified SILC authorities and stay informed is through a committee process.
- For each authority that the SILC agrees to engage in, identify the committee(s) that would be involved with the topic.
- For each authority, develop a protocol of how the SILC office will engage in the activity connected to the relevant committee(s).
- Insert the protocol(s) into the relevant SPIL section narrative.

How to Include Authorities in a SPIL, cont'd. 3

- Example:
 - **Section 5.1A SILC resource plan narrative.**
- The council plans to conduct the following discretionary activities, or authorities, as authorized and described in the approved State Plan, § 1329.16.
 - **Authority (B)** – conduct resource development activities to support activities described in the approved SPIL and/or to support the provision of independent living services by Centers for Independent Living.
 - The council will charge the Development Committee with the responsibility to create a resource development plan;

How to Include Authorities in a SPIL, cont'd. 4

- The Executive Director will carry out the plan and leverage the talent available to realize goals;
- The Finance Committee will oversee budget activity and address fiscal implications related to resource development;
- The Executive Committee and full council will oversee and monitor the progress made by the Executive Director and Development Committee; and
- When relevant to the resource development plan and goals, another authority may be exercised:
 - **Authority (A)** - Centers for Independent Living will coordinate with public and private entities to improve services provided to individuals with disabilities.

How to Include Authorities in a SPIL, cont'd. 5

- **Authority (C)** – consistent with the purpose of this Chapter, comparable to other functions described in section 705(c) of the Act, the council determines to be appropriate as authorized in the approved SPIL the following two activities:
 - Statewide Systems Advocacy
 - Consistent with the “purpose” of Title VII of the Rehabilitation Act as amended, the council will utilize the following protocol to identify, discuss, and address priority issues faced by New Yorkers with disabilities, and will engage in statewide systems advocacy:

How to Include Authorities in a SPIL, cont'd. 6

- The council will charge the Public Policy Committee with the responsibility of developing a statewide systems advocacy strategy.
- The Public Policy Committee will develop and disseminate an agenda based on priorities from the statewide needs assessment. It will be a three-year agenda that will be adjusted annually.
- Based on time and the priority of issues, the committee will make recommendations to the full council (Executive Committee in between council meetings) regarding which issue or issues to potentially respond to in a given year. The council/Executive Committee will review the recommendations and potential actions.

How to Include Authorities in a SPIL, cont'd. 7

- Action may include but not be limited to: writing correspondence; issuing reports; promoting education and media opportunities; and coordinating collaborative efforts with the New York Association on Independent Living (NYAIL), the Statewide Systems Advocacy Network (SSAN), and other disability stakeholders.
- Documentation of activities and actions will be kept via the committee's minutes, letters and /or documents created, and be noted in the "partner/collaboration" sections of both the quarterly contract and Annual 704 Reports. Significant achievements will be noted.

How to Include Authorities in a SPIL, cont'd. 8

- Leadership Development
 - Consistent with the purpose of Title VII of the Rehabilitation Act as amended, the council will utilize the following process to support leadership development for New Yorkers with disabilities:
 - The council will charge the Outreach Subcommittee with the responsibility of posting, soliciting, and reviewing applications for Pat Figueroa Sponsorships of youth and young adults (age 18-28) with disabilities in New York to receive reimbursements of up to \$250 to attend disability leadership training experiences.

How to Include Authorities in a SPIL, cont'd. 9

- Decisions will be based on cost, need, and availability. A follow up questionnaire will be provided for feedback about experiences. Recipients can indicate interest in the Youth Leadership Subcommittee and full council.
- The council will charge the Development Committee and Outreach Subcommittee to create a new Leadership Development and Civic Engagement Program (LDCEP).
- The LDCEP will be designed as a web-based social marketing campaign for New Yorkers with disabilities. Individuals who sign up as members will have access to an interactive website. A wide variety of training materials and webinars will be available on topics ranging from leadership development, civic engagement, economic self-sufficiency, and advocacy/systems change.

How to Include Authorities in a SPIL, cont'd. 10

- The overall goals of the LDCEP will be to cultivate a peer membership base, and facilitate knowledge and training, which will direct peers to increased independence, empowerment, and community integration, and lead toward economic self-sufficiency.
- Documentation of activities and actions will be kept via the committee's minutes, letters and/or documents created, and be noted in the quarterly contract and Annual 704 Reports. Significant achievements will be noted.
- Both the Pat Figueroa Sponsorships and the LDCEP will be supported by a combination of existing, maximized resources and efforts related to another SPIL authority – resource development (B).

Additional Consideration

- If one (or more) of the authorities selected by your SILC ends up expanding council resources (i.e., cost centers, contracts), then the SILC will need to develop an **indirect cost rate**.
- You may want to contact your ACL liaison in advance to confirm your situation and need for an indirect cost rate.
- Reference the IL-NET materials about, “How to Prepare an Indirect Cost Rate Proposal” (2/3/16):
 - Learning objectives:
 - Identify the most efficient and effective way to submit an indirect cost proposal and to submit required follow-up information.
 - Prepare and submit an initial indirect cost rate proposal.

Additional Consideration, cont'd.

- Resources and Transcript:
 - View the training (1:51:26)
 - *<http://ilru.mediasite.com/mediasite/Play/b60eb338f8884a85a8cfe5a3e44b73771d>*
 - PPT:
 - *http://www.ilru.org/sites/default/files/training/webcasts/handouts/2016/020316_CIL-NET/020316_presentation.pdf*
 - Transcript:
 - *http://www.ilru.org/sites/default/files/training/webcasts/handouts/2016/020316_CIL-NET/020316_Transcript.docx*

Contact Information

- Brad Williams – bradw@nysilc.org
New York SILC
111 Washington Avenue, Suite 101
Albany, NY 12210

Evaluation

Please click the link below to complete an evaluation of this program:

<http://www.surveygizmo.com/s3/2960473/SILC-NET-On-Demand-Webinar-SILC-Authorities>

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