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# **SILC Composition**

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***Presenter:***

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## What you will learn

- What the federal law requires for composition of statewide independent living councils (SILCs).
- How states implement the federal requirements.
- What ongoing issues SILCs and states frequently face regarding SILC composition, including recruitment, orientation, and outreach.
- What are some effective practices for responding to those issues?

## Legal Framework for SILC Composition

- Title VII, Chapter 1 of the Rehabilitation Act of 1973, as amended (“the Act”) governs federal programs for state independent living services (“Part B”) and centers for independent living (“Part C”).
- Most recently amended in July 2014, Title IV, Publ. L. 113-128 (“Workforce Innovation and Opportunity Act”), Federal Agency Regulations provide principle guidance.

# Legal Framework for SILC Composition, cont'd.

- Guidance
  - No final Department of Health and Human Services regulations yet.
  - Proposed regulations, standards and indicators provide some guidance.
- Amendments to the Act supersede Education Department regulations, 34 CFR Parts 364-366.
- On other topics, those regulations have effect until withdrawn or replaced by HHS regulations.

## SILC Composition—Guidance

- Likewise, RSA-issued guidance, including Technical Assistance Circular 14-01, is likely to have authority until withdrawn or replaced, except as it contradicts the Act, as amended.
  - TAC-14-01\*, issued March 18, 2014, provides guidance on “Federal Requirements Governing the Statewide Independent Living Councils—Composition, Membership, Appointments, Term Limits, Duties, and Resource Plan.”
  - This guidance restates a number of legal requirements relating to SILCs and interprets a few areas the agency recognized as problems.
  - TAC-13-01\*, issued Jan. 30, 2013, also provided guidance to SILCs on their duties.

\*See <http://www.ilru.org/topics/wioa-implementation>

# Legal Framework for SILC Composition, cont'd. 2

- States must have a Council. Sec. 705(a), also see Sec. 704(b)
  - “To be eligible to receive financial assistance under this chapter, each State shall *establish and maintain* a Statewide Independent Living Council....”
- The Act defines who appoints members. Sec. 705(b)
  - “Members of the Council shall be appointed by the Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this Act in an entity other than the Governor... the chief officer of that entity.”

# Appointment

- The Act also sets appointment standards. Sec. 705(b)(1).
  - “The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.”
- The Act sets requirements for composition of SILCs. Sec. 705(b)
  - Who *must* be included?
  - What additional members *may* be appointed?
  - Qualifications
  - Terms of Office

# Mandatory Voting Members

- The Council *must* include among its voting members
  - “at least 1 director of a center for independent living *chosen by* the directors of centers for independent living within the State;”
  - Are there 1 or more centers for independent living run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations in your state?
  - If yes, “at least 1 representative of the directors of such centers”

# Nonvoting and Optional Member Classes

- The Council *must* include “as ex officio, nonvoting members”
  - “a representative of the designated State entity, and representatives from State agencies that provide services for individuals with disabilities.”
- The Council *may* also include
  - other representatives from centers for independent living;
  - individuals with disabilities;
  - parents and guardians of individuals with disabilities;
  - other appropriate individuals (e.g. advocates, business representatives, service provider representatives, etc.).

# Qualifications

- “The Council shall be composed of members
- (i) who provide statewide representation;
- (ii) who represent a broad range of individuals with disabilities from diverse backgrounds;
- (iii) who are knowledgeable about centers for independent living and independent living services; and
- (iv) a majority of whom are persons who are
  - individuals with disabilities...; and
  - not employed by any State agency or center for independent living.”
- The Act uses the ADA Definition of “individuals with disabilities.”

## Qualifications, cont'd.

- The law includes two separate consumer-majority requirements.
  - The requirement referenced above, sec. 705(b)(4)(A), requires a majority of *all* members.
  - Another requirement, sec. 705(b)(4)(B), requires “A majority of the *voting* members....”
  - Both categories require a majority of people with disabilities “not employed by any State agency or center for independent living.”
    - Who pays the member?
    - Who controls the member’s work?
    - Special circumstances?

# Terms of Appointment

- The Act also prescribes terms of appointment
  - Each member of the Council shall serve for a term of 3 years, except that—(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and
  - (ii) the terms of service of the members initially appointed shall be... for such fewer number of years as will provide for the expiration of terms on a staggered basis.

# Vacancies

- General rule – vacancies are “filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.”
- “The appointing authority... may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.”

## Terms of Appointment, cont'd.

- “No member of the Council other than... [the CIL Directors’ representative] if there is only one center for independent living within the State, may serve more than two consecutive full terms.”
- RSA TAC-14-01
  - “A member who completes two full consecutive terms may be reappointed to the SILC *after a meaningful break in service* when a new vacancy for which that member is eligible becomes available, but only after the... appointing authority makes the necessary appointments to replace the former member and fills all the other vacancies for which that member may be eligible.”

# Recruitment and Appointment

- Know the appointing authority in your state.
  - Only they can make appointments but they have discretion about who and whether to make an appointment.
  - SILC must advocate to ensure members are appointed who meet the qualifications requirements.
  - The Act “and its implementing regulations do not preclude the SILC from using its federal funds to engage in... forms of advocacy that flow directly from the SILC's fulfillment of its statutory duties.” TAC-13-01
- Set up meetings with staff who process appointments.
- Find out what kind of application process they require and what other rules around appointments they follow.

## Recruitment and Appointment, cont'd.

- Does the appointing authority have procedures to “solicit recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities...?”
- If not, SILC should develop and follow those procedures.
- Whom, in organizations, do you work with?
  - Review SPIL language around outreach and coordination of services.
  - Contact people in CILs and the other organizations with whom you work.
  - Include other organizations to ensure “a broad range.”

# Recruitment and Appointment, cont'd.



- “The SILC will develop a method for recruiting applicants and receiving applications consistent with the independent living philosophy and the requirements of the law.” ILA Proposed Indicator 1.1
- “At least annually, the SILC will forward a list of qualified, knowledgeable, and diverse candidates for appointment to SILC, to the appropriate appointing authority, for consideration.” ILA Proposed Indicator 1.3
- When forwarding candidates:
  - Explain recruitment, including what organizations and how solicited.
  - Explain how recommended applicants are qualified.

## SILC Composition—Best Practice

- SILC should identify potential vacancies well before they occur to start recruitment.
- SILC should identify where it is weak with respect to statewide representation and diversity, looking at underserved populations identified in SPIL.
  - Disability Groups
  - Racial/Ethnic Groups
  - Youth/Older Americans
- SILC should take affirmative steps to strengthen those weak areas and identify other areas for targeted recruitment.

# SILC Composition—Qualified Applicants

- How do you make sure your applicants are qualified and will help council do its work?
  - What is asked on application?
  - If appointing authority has standard application, consider your own questionnaire.
    - How will applicant help diversity?
    - What does applicant know about IL services and centers?
  - Consider interviewing applicants
    - How qualified?
    - What relationships and experience?
    - Understand expectations and assurance that applicant will help with council work

# SILC Composition—Maintaining Composition

- Still issues maintaining composition?
  - Where is the problem?
    - Recruitment
    - Screening & Recommendation
    - Appointment
- Solutions depend on the source of the problem
  - Are both staff and council members engaged in recruitment, screening and recommendation?
  - Centers and DSE are partners – ask for their help.
  - Know your ILA Liaison – they may help, too.

## Qualifications—Best Practice

- “The SILC provides each newly appointed member with an orientation, including orientation regarding IL philosophy, prior to participation at meetings and voting.” ILA Proposed Indicator 1.5
- Provide information on SILC Duties and Authorities
- Standards and Indicators – What is required?
- Consider including IL History, information about IL services and IL Centers
- What does the SPIL say about the programs in your state and the SILC functions?
- Ethical Rules
- Operations, e.g. how expenses get reimbursed

# SILC Training and Technical Assistance Resources

- Training materials, on-demand webinars, on-demand video recordings and online directory of SILCs and CILs – [ILRU.org](http://ILRU.org) or [SILC-NET.org](http://SILC-NET.org)
- *SILC Speak* Peer Technical Assistance telephone group – meets monthly on the first Thursday (for any SILC staff and members). Contact [sfinney@ilru.org](mailto:sfinney@ilru.org) to participate.
- Blog with answers to commonly asked questions – [ilnet-ta.org](http://ilnet-ta.org)
- SILC Connection Facebook page – [www.facebook.com/SILCConnection](http://www.facebook.com/SILCConnection)

## SILC Training and TA Resources, cont'd.

- Peer Mentoring – individualized SILC-to-SILC sharing, contact Mary Olson at APRIL: [mary.olson@mso.umt.edu](mailto:mary.olson@mso.umt.edu)
- Intensive support and assistance with compliance questions – contact Paula McElwee at ILRU: [paulamcelwee-ilru@yahoo.com](mailto:paulamcelwee-ilru@yahoo.com)
- Information about upcoming webinars and on-location trainings – contact Tim Fuchs at NCIL: [tim@ncil.org](mailto:tim@ncil.org)

## Contact Information

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# Evaluation

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

<http://www.surveygizmo.com/s3/2984511/SILC-NET-On-Demand-Webinar-SILC-Composition>

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