Refining SILC Operations - SILC Indicators and SILC and DSE Assurances

Presented by Paula McElwee

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>> TIM FUCHS: All right. Well, welcome, everybody. I'm Tim Fuchs with the National Council On Independent Living. I want to welcome you all to our latest IL NET teleconference and webinar. So as always today's precepttation is being brought to you by the SILC-NET and technical assistance project. SILC-NET is operated through a partnership among ILRU, NCIL, Utah State University Center for person ez with disabilities, and APRIL. And support for the project is provided by the Administration for Community Living at the U.S. Department of Health and Human Services. So I know that some of you par fist paid in our zoom webinar on January 10th. But for a lot of you this platform is new. I hope you like it. We have -- we've become very fond of it here, but I welcome your feedback as you use it today. So please don't hesitate as you participate to send us your thoughts. You're welcome to email me at Tim you will@NCIL.org. You can mention it on your evaluation form as well but I would love to hear from you if you have thoughts of the zoom platform. Speaking of the platform, we're not able to get the captioning to appear in the captioning pod today. I don't believe any of our participants are using that this afternoon. So we're going to go ahead -- goant forget, we still have captioning running at the Streamtext link. That Streamtext link that was sent to you in the confirmation email, that same one we always use, Streamtext.net/player? Event equals ILRU, those captions are running. You're welcome to view that. You can even as I have done here, I am going to have to close this in a moment, but you can even minimize that at the bottom of your screen and they will run and you will be able to read them there. Again, I don't think anyone had requested the live captioning, so we'll go ahead and proceed and you can use Streamtext. If you have any problem accessing Streamtext or you need the captions, please let us know in the chat and we'll do our best to give you a hand. Okay. We are going to take your questions today. Of course, we always do. But, again, with the new zoom platform we have a new way to do that. So at the bottom of your screen, roughly in the Center, you'll see a tab that says Q&A. You can click that any time during today's call, enter your question and we will address those questions in the order we see them. You are welcome to share comments or thoughts in the chat but please do use that Q&A tab for questions. Let's see. I think that is the end of our housekeeping. So I want to welcome our presenter for today, Paula McElwee, who needs no introduction with a group like this. Thanks for being here, Paula. Paula, of course, is ILRU's Technical Assistance Coordinator for the IL NET project and she has agreed to walk us through the SILC indicators and SILC and DSE assurances. So we're here on slide 2. I'm going to go to slide 3 now and turn it over to Paula to walk us through our objectives. Paula? >> PAULA McELWEE: What we are going to talk about today is the letter you received in September of 2017. This letter identified that these would be effective at a later date and we thought we knew what that date was when we put the slideshow together. That date is not correct and you recently received information about the effective dates. We will correct -- it will be correct in the text and video and we will correct it on the slides before we post them. So everybody has the accurate information. As it turns out, the indicators will be effective on January 31st, and we'll talk a little more about that later, and then the assurances have a different date, which we'll take a look at with we get to the assurances. So these do provide some new requirements or clarification for the SILCs and the SILCs need to be aware of them. So that's one of the things we're going to look at here. Also, these new requirements or clarifications potentially impact the SILC and DSE relationship pretty significantly. Not until next fiscal year, but we want to be prepared for that because there are some things that probably need to be sorted out between the SILC and the DSE as you go into your next year's grant year. And we're also wanting to look at the assurances that a you ply specifically to the DSE. We will touch on that as much as we have time for today. We are also going to use that as a topic on another TA call with the DSEs later in February. So go ahead, Tim, slide 4. Or 5. So there are some minimum indicators every performance and the first one is the SILC has written policies and procedures. So it's really important for you to think about your own policy and procedure manual usually or file that's an electronic file that's a PDF that has good information. You have to have some written policies and procedures and there are actually -- they go from A through H. So there are several of them, and the first one is a method for recruiting members, reviewing applications, and regularly providing recommendations for eligible appointments to the appointing authority. Now, not all of your states have been approaching this so that the SILC has that kind of proactive role in seeking out members for the SILC. Now that it's in the indicators, you are required to do that, which may give you a little bit more leverage as you're talking with your appointing authority about what you're supposed to do, because this assumes a proactive role for the SILC in making those recommendations to your Governor's office or whatever appointing authority some -- some of you have a different appointing authority. So your policies and procedures are going to be very specific to your state situation, which office it is you are talking to, how you go about having a process for maybe reviewing applications had internally before they go on to the appointing authority. So this process, I think, answers some questions that some of the SILCs have had around how do we work through that relationship with the appointing authority. They aren't even letting us get applications done. You need to figure out how you can secure or initiate applications and review them, and you need to figure that out with your appointing authority, but you have this new requirement that you have a policy and procedure that's written that describes this method. So make sure that you take the time to work that out. Slide 6? Another thing that you must do is have a method for identifying and resolving actual or potential disputes and conflicts of interest, and those have to be in compliance with your state law as well as with the federal laws. Now the federal laws around conflict of interest talk mostly about how someone might benefit financially, and also talk about ethics in another place, but certainly if there is a potential conflict of interest where a SILC member or staff member is going to benefit from something that's going to be decided on by the SILC, then you have to have a method for identifying that. Typically that is that you say that they are required to disclose such a conflict. And then you have to know how you're going to resolve those conflicts. So, you know, often for the SILC members it's that they will not participate in the discussion or decision-making around something that could benefit them. But you may choose something else. You need to look at your own state law. There are some things that are slightly different from one state to the next around conflicts of interest, but make sure that you have a written policy that identifies this method. So it's not just that you have to have a method, that you have to have it written down and follow that policy and procedures as part of what you're doing. Same thing applies withholding public meetings and meeting regularly. You hold public meetings and meet regularly. That's what the actual regulations require. There is a reference, and you'll find quite a few of these references through our text today, but this reference is in 45CFR -- that's Code of Federal Regulations -- 1329.15A) (3). If you are not familiar with 45 CFR 1329, that is where the regularations around Independent Living are found. You'll want to make sure you meet regularly as it says in the regulations and that you hold public meetings. Public meetings, though, are not defined in these regulations. So you need to take a look at what does your state law say about what makes a meeting public. Typically it's the things that are in this next item in D., process and time lines for advanced notice. That's part of what makes a meeting public and that that notice is out to the public that you are going to have a SILC meeting so that in advance they know and can make arrangements to attend if they're interested in attending that meeting. Most states also require that you are posting an agenda at that time. If you are required to post an agenda, your policy should reflect that. If you don't know your open meetings laws well, that's something you need to correct because the open meetings laws govern a great deal of what happens with the SILC especially as you do your planning and do some other things. You need to input it a number of times, and so how you do that input needs to meet your state laws. So the state requirements around your state's open meeting laws. These are sometimes called sunshine act pls. So take a look at what that is that has to do with transparency and why it's related to the operations of the SILC. Slide 7. If you're going to have executive session meetings. Those are meetings that you're allowed to have closed to the public typically and you need to check your state law again for this. There's some really interesting variances out there. There is a state that I know of whose requirement for executive session allows that it be for personnel matters, which is typical, but then it goes on to say that the personnel being discussed must be invited to the meeting. [barking dog] so the way the state approaches each of these items really is different and again you'll have to look at your state law, but it needs to be in your SILC's written policies and procedures. That executive session shouldn't happen very often. You should only do it to discuss things that are very confidential. Typically that's staffing. It can also be a legal issue of some sort where you are being challenged on a legal matter and you want to talk with an attorney regarding that matter. Often that happens in an executive session to preserve client-attorney privilege. So you will see that as well. Typically the state law requires that an agenda be made available to the public, but guess what? So does this guidance from these indicators. So you must post your agenda for your executive sessions, not just for regular meetings. You don't include names, for example, if you're discussing personnel matters. You would just say a personnel matter on your agenda. But you do need to make sure that you post an agenda so it's clear to the public what's going to be discussed there so that you can have a good look at that. I wish I could see everybody's faces out there and see whether or not you're giving each other looks and thinking, "Oh, wow, is that right?" Because some of these are very different than probably what we have been doing in operations. So it is important for you to know these and make sure your policies and procedures are a good fit for these indicators. So your policies have to meet these requirements even if they differ a little from your state open meetings law. So you must meet these and meet the state open meetings law and your policies and procedures. Let's look at 8. They also must include a process and time lines for the public to request reasonable accommodations to participate in the meeting. Now, it doesn't specify here that the individuals requesting accommodations may wish to speak. But you may want to address that in your policy and procedures, because you have both -- both functions happening when people come to visit your meetings. One of the functions that happens is, you know, that they want to listen, but another is that you have an open comment period during which they may speak. So you need to make sure that your time lines for requesting that fit your state law and address both aspects of participating in a meeting, both lis nick and speaking, so accommodations are made for either of those. Slide 9. So the final one -- no, there is one more after this. A method for developing, seeking and incorporating public input into the state plan, but not just the state plan content, into monitoring, reviewing and evaluating the implementation of the state plan. Again, your regulatory reference is there for you to look at. But notice again that expectation for public input is bigger than the I know some of you are thinking. So the best practice has always been expect public input into all the phases of the state plan but now it's clear that that must be the case, and as you develop your policies and procedures, you commit yourself to making sure that that access is not just for developing the plan or commenting on it afterwards, but also in to monitoring, reviewing and evaluating the implementation, which is one of the tasks you do as a SILC that's a key function of your SILC. So notice that the expectation is for public input into all of those things, not just one or two. Let's look at slide 10. The process to vair vie Centers for Independent Living are eligible to sign the state plan in compliance with -- again, there is a regulation reference. What the regulation states is this: Not less than 51 wrs of the directors of the CILs in the state will sign the plan for purposes of this provision if a legal entity that constitutes a Center has multiple subchapter C grants -- Part C we often call that -- considered as separate Centers for all other purposes, for the CIL signature purposes only, it is considered as one Center. So if your Center has several subchapter C grants that come into your Center, two or three, I think, is probably the maximum, if that is happening, you're still only one Center for the purposes of signing the CIL and you need to write that into your policies and procedures so it's clear. So writing all of this into the policies and procedures is a key part of what you're going to want to do. Reviewing your own existing policies and procedures, making sure that it covers all of these new aspects, and you'll want to have that in place by January 31st, because that's when this becomes effective. So we really encourage you to take a look at you are policies and procedures and figure out you're going to do these things and get them implemented as soon as you can. Slide 11. That was the end of the policies and procedures piece. The second piece is the appointment process itself. And there was a policy about that, that there's a little more here, and that is that the SILC maintains regular communication with the appointing authority to ensure efficiency and timeliness of the appointment process. So, again, you have here in the requirements for your SILC a requirement that you actually are working with the appointing authority on a regular basis. Slide 12. Okay. Any questions on those first two in so you have a Q&A box at the bottom. Maybe Tim will lead you through that. >> TIM FUCHS: I will be happy to. So that Q&A tab right in the Center, if you could use that, we would appreciate it. You just click on that. You can type your question and it will come right to us. We'll give you guys some time to type that out. So any questions on the written policies and procedures that we've covered so far? Okay. First question, Paula, is from Michael. Michael asked: Today is January 31st. Our P and P state all changes must be sent 30 days in advance. Next meeting to approve is March 14th. So? >> PAULA McELWEE: So that is acceptable. You follow your own policy and procedure around actually addressing these policies and procedures. Time just gets away from me. It is the 31st. It's effective today. But, yeah, the understanding would be you would still be developing them and at your next SILC meeting you will be presenting them to your SILC. If that's impossible, I expect ACL would give you some support to manage that. Now, the appointing -- we have another question that came in on the chat. The appointing authority is not the same thing as the DSE. So the DSE is the designated state entity, and that's the state entity through which the money flows to you. So that is often been or is the Department of Education or Vocational Rehabilitation or something like that. There are lots of different ones now because you used to have to have that department but now you have some flexibility in that is. But some state agency through who your money flows is the DSE. The appointing authority is the Governor's office unless you have done something very specific and legally to change that. So you can take a look at that. >> TIM FUCHS: Next question, Paula, comes from the folks in Iowa, dawn and some of the VR staff. They asked for conflict of interest can a person participate in the discussion and not vote, or would they have to refrain from the discussion as well? >> PAULA McELWEE: That is a decision that's made by the SILC. So the SILC needs to decide, is it okay for them to answer questions? A big part of the way that I see that, though, is if you have people -- if you have people discussing something that they can benefit from, and let's say you're looking at a bid to put in a new door at your office, and one of the people on the council wants to suggest that their husband could put in that door and, you know, you could pay that, well, if they are allowed to discuss that and put forward their own viewpoint but the other people bidding on it are not, you really don't have a fair situation. So you want to look at what makes it fair. If you have all of the bidders come shall, then, sure, the person that has a potential conflict can jump right into the middle of that discussion. But it's probably partly my life experience that says over and over and over again when someone -- they seem to be handling it for your benefit, but they are on the board or they want to promote their solution, that is one of the places where you end up finding financial difficulties. Was it really a reasonable bid? Did you really give a chance to find out was it a reasonable price? Have you got the full thing going there? So I don't recommend it. You can choose to do it. But I don't recommend that they -- are included in the discussion unless everyone as a potential bidder is also included. >> TIM FUCHS: Okay. Thanks, Paula. A couple more questions that have come in. I'll voice these so everyone can hear them. Is the SILC guidebook published by 2017 going [ INAUDIBLE ] and if so when will we see that? >> PAULA McELWEE: It already has been updated with these changes but we need to go back in with the dates. So we'll probably be doing that very shortly. We are taking the copies we have left to the SILC Congress if any of you are going to be there if you wanted a print copy. But it doesn't change the printed content as much as you might think because these are recommended best practices anyway. So -- but it does say you need these policies and you need to do these things. So, yeah, we've got that almost ready for you. >> TIM FUCHS: Okay. Thanks. Michael asks: With advanced notice of executive session new requirements, is there any guidance for unplanned executive session? >> PAULA McELWEE: I would anticipate from this information that unplanned executive sessions are not allowed, period. >> TIM FUCHS: Okay. All right. And finally from Jennifer, by what date do we need to have these, I assume, policies in place and, secondly, do they need to be approved by ACL? >> PAULA McELWEE: You do not need prior approval from ACL on policies and procedures that are your operating policies and procedures, although if they were to come in, ACL or the Independent Living Administration, were to come in and review your SILC, then certainly if they were to do that review, they would review those policies as part of that review. If you would just kind of think about how that would happen, there was another part of the question, and it's gone and I forgot it -- >> TIM FUCHS: Here, we can go right to it. Secondly -- no, you already answered it. >> PAULA McELWEE: I answered the last part first but there was a first part. >> TIM FUCHS: What date would they need to have them in place? >> PAULA McELWEE: Well, the effective date of the letter is -- for you January 31st, or today. So as soon as possible. I know that they will probably be understanding as long as you're in progress on it, but you certainly want it at your next -- on the agenda for your next SILC meeting unless it's so soon that you can't get it posted in advance. I think that's it. >> TIM FUCHS: Okay. All right. One question that came in on the chat, Paula. Currently we have written bylaws. Is that the same as policies and procedures or do we need a separate document that states policy and procedures? >> PAULA McELWEE: You need a separate document. Bylaws are typically pretty specific to how you're organized, and you may repeat some of the information in your policies and procedures, but most of the time policies and procedures are your operating, how-to, how do do these things, and that can change frequently enough that you want to make sure that policies and procedures are separate from your bylaws. Bylaws typically have a period of time during which you have to have advance notice to change them. Often in your bylaws you require a higher number of people to approve them. So it's a little more cumbersome to change than your policies and procedures are. So they are two separate documents. They should not disagree with each other, but they certainly -- you need to have both in the operation of your SILC. >> TIM FUCHS: Okay. Thanks. Last call for questions. I don't see any now. We'll give just a few seconds to see if any more come up. I understood, too, some of you may have been seeing a black box. That was me viewing the questions. So I thought you all could see those with my screen shared. I apologize if that was distracting. I'll look into that after the call. Again, this is just our second zoom webinar so we are still getting used to it. Hopefully you guys can see the questions there on your screens. All right. I haven't seen anything else come in. So I'm going to go to slide 13 and turn it back over to you, Paula. >> PAULA McELWEE: Okay. Great. This is that -- about that resource that we had for you, which is the guidebook lore SILC chair persons and members and administrators. The requirement in the letter is that you maintain individual training plans for SILC members and that you adhere to the SILC training and technical assistance Centers, SILC training curriculum. Now, where does ILRU and IL NET and SILC-NET -- are the -- Tim, I can't read my slide now. Thank you. We are the technical training and assistance -- technical assistance Center, and we have a lot of resources on our website. If you haven't discovered all of them, please don't hesitate to go ahead and check in. There's a link here in your presentation, and that link has to do with the fact that our website is now divided into Centers and SILCs for most of the information. So right on the front page of the website at ILRU.org you can click on the SILC side of it and you can see resources that are specifically for the SILCs, and some of them are training like this video will be available for you to take a look at as well as past ones, past webinars, and some of it is paper, and -- or it's electronic but you can print it into paper if you want to, and that is where the guidebook shows up. So the guidebook for SILC chair persons, members and administrators as is is an excellent training resource. We suggest that a lot of the -- and a lot of the SILCs have done this -- that you actually use the chapters as your training curriculum and figure out how quickly you can go through that with people or what you expect of them exactly so you can go ahead and put -- put training in their hands so that they can learn as much as they can. A lot of times as we look at that training resource there is also something on the video side that you might want to use. The training resources is a document, a guidebook, is a document. It doesn't have any of the other kind of fun -- a video clip or, you know, or a PowerPoint presentation. It's a document. So you'll want to take a look, if you can, by taking -- taking time to look at the other resources and supplementing that written material. You'll have better learning because people have different learning styles, if you use more than one approach. Lea Ann asked to define what an individual training plan is, and that is not defined in what we received, but I think it's pretty self-explanatory. You have some kind of a plan in place that each new member goes through a certain orientation, for example. A lot of times that's the first step. Your SILC has an orientation, maybe a machine annual, maybe a -- maybe a manual, maybe a meeting, maybe both, where you actually help them to know what the purpose of the SILC is, what your mission is, how you're organized, any of the things that you think it would be important for them to know would be handled in that orientation. And then you might have a training segment at each SILC meeting. Now, many of you only meet quarterly, so that's four training segments a year, and you make take half an hour out of the beginning of your SILC meeting to do that. That would be part of your training plan. Part of the training plan would be they attend the SILC meeting, including the training portion of the meeting. And then sometimes there are individual items that you would add in because of the person's experience or lack of it or specific areas of interest or whatever. We can help you identify those resources if you have any trouble finding them on our website but there are more resources available to you than most of you are able to take -- you know, take advantage of. One of the questions that came in just now from Lynette is just to clarify you need training plan for each individual SILC member, and that's how I read this, training plan for members, but I think it could also be read training plan for SILC members for all of them. So don't be afraid to kind of think about what's a good fit, how it works best for you, make your own decisions around that, because that would be an Moore thing. We had somebody who asked, do you have to do four meetings a year, could you just do it three? I'm not saying you have to do it in any specific schedule. I'm giving you ideas what you're going to put into your practices. These are options and you need to take a look at all the different ways you might approach it and say this is what works best for our SILC. At this point, there are not sample policies or templates. I think they will begin to emerge because a lot of you are very creative and if you have anything like that that you would like to share, we would love you to share it with us so we can make it available for other people to also take a look at. But what you need to think about is what training do your SILC members need to be effective SILC members. Do they need training Independent Living movement? Sometimes that's the key thing. That's the first thing you ought to be looking at is that philosophy and -- of Independent Living and how important that is. Sometimes the most important thing that you need to get out there on the table for your SILC members is how to participate in a meeting. Because they aren't very experienced in that, and sometimes that leads to a little bit of confusion at the meetings, and if people know how to make a motion and know how to vote and know what to do as they participate in the meeting, then that's something you could certainly help them out with. So keep that in mind and we'll look forward to seeing these examples from the field. I think it would be exciting to see what some of you come up with as far as those things are concerned. Michael said -- shared with the rest of us that there is a page in there in the guidebook, and in that guidebook the -- there is actually a Member Knowledge Checklist which helps you figure out what some of your training needs might be. So don't hesitate to take a look at that, too. Slide 14. So the next item is part of public input into the development of the SPIL and we touched on this in the first section because it also has to be in policy. Here is a little more information about what you need to do. So the requirement is that you receive that public input into the development of the plan and you ensure -- and then there is a list of things here. This comes again from a specific regulation that you'll find in the Code of Federal Regulations. It says the adequate documentation of the development process, including but not limited to a written process setting forth how input will be gathered from the state's Centers for Independent Living and individuals with daibleses throughout the state, and the process for how the information is selected and how it's considered. Now, when you look at this, I know that there are a couple of things here that are important to remember and one of them is that you are gathering information from all the Centers in your state. Sometimes not all the Centers in your state get along with each other. That's not an excuse for not including input on every single Center in your state. Whatever information they have and bring to the group, then you make a decision about how -- you know, how to incorporate that into your planning process. But you need the input, and you need to document that you did get the input. And the same is very much true, and perhaps much more important, is for individuals with disabilities throughout the state to give you that input. So as you're developing a plan for Independent Living for your state network, the partners in that state network really need to be included in that process. Let's look at the next slide. So more about -- this is more about public input. All the meetings regarding state plan development and review are open to the public and provide advance notice of such meetings in accordance with existing state and federal laws and we, of course, have that reference again from the public regulations. So if you're developing and reviewing the plan, you're having open meetings. Now, this is going to be a little bit of a challenge in those states that are doing this by committee. So some of you have a committee for each of the goals in your plan, and the committee is who is reviewing the progress on the plan and deciding on evaluating how it's going. If you're using that process, my read of this is that you would still be expected to give advance notice and open those committee meetings to the public to the public as well as your full meetings. So it says all. All meetings regarding state plan development and review. So that would be my read on that one. As this unfolds we may learn a little bit more about where to go with that. Let's look at slide 16. So all of your meetings seeking public input regarding the plan provides advance notice. That's kind of, it seemed to me, a repeat of the prior one at least in part but it's slightly different. It's everything regarding the plan, not just the development and review of the plan. So you're seeking public input regarding the state plan and when you're doing that you are providing advance notice. You notice this isn't in the section about policies but that's very much what we're describing here. You need to develop a policy that says you are doing these things. So that would be helpful for you to take a look at. Let's look at 17. Still about public meetings. Public input at your meetings. So this next item is public meeting locations where the public input is being taken, which should be all of your meetings, are accessible to all people with disabilities, including but not limited to, and then accessibility is defined here to include proximity to public transportation, I know some of you live in areas where public transportation is not common or is not easily accessible. You're still going to do it in proximity to whatever public transportation you have, if you have public transit. It needs to be physically accessible. And it needs to be in a situation where effective communication and accommodations, including auxiliary aids and services, necessary for people to be involved are provided. So you're providing several accessibility through at least these three ways. You're at least paying attention to public transit, to physical accessibility of the location itself, and then from communication and other accommodations that might be needed for people to participate. And if this is a little bit of a challenge to your very rural area maybe and you don't have a lot of public transit, you may want to ask yourself, are we doing this in proximity to the place in our community where people often come, you know, and we can make that a good place for a meeting. So you may have to think a little about what to do when you don't have readily available public transit. All right. 18. Again, public input. Materials must be available electronically, must be compliant, and upon request, available in alternative and accessible formats. If there are other commonly spoken languages in your geographic area, then the accessible format does include those other commonly spoken languages. So if -- that's something you would want to assess as a SILC and decide what kinds much things need to be translated in addition to being available and accessible formats like Braille, other accessible formats. 19. This is one that I know a lot of you have had questions about, what does this mean and how to we do it? And it's a little bit more information on how you monitor, review and evaluate your SPIL. We are also doing a session about this at the SILC Congress in February. I hope a lot of you are going to be able to attend that because we have time to go into a little more depth on some strategies you might use to do this. But one of the things that's required in your indicators is that you do this, which is also in the regulations, and it's also in the law in this case, and timely identification of revisions needed due to any material change in state law, state organization, policy or agency operations that affect the administration of the state plan do have to be approved by the Administration for Community Living. So are you considering an amendment to your SPIL? And is -- you can keep your SPIL for the entire three-year cycle, or you might find part way through your cycle that something significant has happened and it's a material change. It has changed what's required of you and therefore you want to make sure that you have that process for amending your SPIL in that case. So if there is a change that is material in how things are happening in your state, policy, agency operations, do take a look at that and do talk to your person at ACL. You have somebody assigned who is your project officer and your project officer will be able to help you determine whether or not it's material. So just take the time to figure that out as you go forward. Let's look at 20. All right. The Resource Plan is part of your state plan. That's what this section is about. So this is about the Resource Plan specifically, what should be in that plan. The state plan, Resource Plan, includes, first of all that sufficient funds are received from Title VII, subchapter B funds, which is one of the funds that come through your DSE and that you justify how you are using those funds if you are -- your percentage being used by the SILC itself exceeds 30% of that fund. And we do have some SILCs where that's true. They do have more than 30% of the subchapter B funds. It's not that it can't be approved but you have to lay out a plan for why that's necessary and that has to be part of what's approved, and when we talk about what's approved in your state plan, that means 51% of the Centers agreed to it. So they agreed the SILC should have that amount that exceeds 30%. So that would be a part of that. Also funds for innovation and expansion activities, this is in a different section of the law. You can look up these in the Rehabilitation Act, you can look those up, but often those are funds that are provided from the DSE to the SILC or its operation funds. There are quite a few SILCs where they do not receive Part B funds. The SILCs don't receive the Part B money at all. So you might take a look at that. And Michael -- I think Michael is right on the reference, but if you don't find it at section 101, I'm not sure about that, he suggested it's 110, and I know that is probably right. So sorry about that. And then any other public and private sources. Remember now that you have the ability to do resource development if you choose to do that as a SILC, now that you have that ability to do that resource development, you may have other funds, other private or public funds that come into your SILC. So your content of your Resource Plan needs to identify all the funds you receive and that it's sufficient for you to operate your SILC, and these are three areas in which you'll typically receive those funds. Let's look at slide 21. All right. It also needs to tell how you are spending that money, and they are needed to support the funds -- the funds are needed to support staff, if you have staff, there are some SILCs that do not, operating expenses, council member compensation and expenses. Typically the council compensation is to reimburse them for their costs or expenses. Meeting expenses, which is meeting space, alternative formats, interpreters, captioners, other accommodations you need for your particular group of people. And then resources to attend or secure training and conferences for staff and council members. So that should be in your Resource Plan if you intend for that to be happening. And then other costs as appropriate. So please take a look at that and make sure your Resource Plan includes all of that. 22. Then there's another requirement around your relationship with your appointing authority, so your Governor's office typically, that you provide them with recommendations for eligible appointments at least annually, not less than annually. You can do it more frequently than that, but you're not just being encouraged to, you are being required to provide the appointing authority with recommendations for people eligible to serve on the SILC. And that whole reporting of SILC members is a topic for another day. We don't have time to get through it all today, but it is now included. Now, where we are now though is we just shifted gears. This is the assurances. We're no longer in the indicators, the aindicators that are effective today. Now we are in the assurances. And the assurances for both the SILC and DSE, we are going to look at both, are effective October 1. So as you know grant assurances usually show up -- if you take a look at it, grant assurances usually show up as part of what you sign when you agree to take the money. So your funder sends you documentation around your grant that includes assurances. So those assurances are going to include that you regularly and not less than annually provide the appointing authority recommendations for eligible appointments. So that's the first of these assurances that you'll be signing on your next grant that will be passed along to you for October 1 of this year. 23. The composition here is repeated. This is the same composition that you're used to seeing. So the composition of the council shall include among its voting members at least one director of a Center for Independent Living chosen by the directors of the Centers for Independent Living within the state, and this is important language because you may sometimes have to also share this with your appointing authority, that the regulations themselves require that you be able to have the Centers themselves appoint that person. You might have a confirmation process or something, but as an official voting person, it's the other Center directors who get to pick this person. So it does not require approval by the appointing authority, but in order to make sure that they express that they're doing what you are your regulations require you may want to educate them a little bit about that whole -- And then also among your voting members or your state in which one or more Centers are run by or in conjunction with tribes or located on federal or state reservations, they also get their own representative because that's a sovereign nation there. So they need to be providing their representation. So those are two composition factors. Let's look at some more on slide 24. Notice here that a representative of the state entity and representatives from other state agencies are ex officio nonvoting members. Sometimes that does not appear to be entirely clear, but as ex officio and nonvoting members you can define, besides not voting, what other things an ex officio person might need to be to be on your council. One thing that I would just mention is that there's a little bit of tension sometimes between -- how can I say this -- I've been to some meetings where the number of ex officio members at the table exceeded the number of voting members at the table for the SILC, and that's a little bit of a concern. Even though you want to have great relationships with all those state agencies, you also want a council that can speak for itself and make a difference, and if that council is not able to speak for itself, because they feel intimidated by the others attending or whatever, sometimes you'll want to examine that a little bit more and think about how many other ex officio nonvoting members you want or need because you want good statewide representation but you also want and need your SILC membership to feel comfortable in speaking out. So that's also an interesting element to take a look at in your membership. Slide 25. As I think probably all of you know, there is a three-year term for your councilmembers unless they fill a vacancy. They can only serve for that three-year term, and if you look on 26, they can only be reappointed for another three-year term. So they can only serve two three-year terms if they're going to serve on council. So you need to make sure you are maintaining those membership requirements accurately. So on 26 you'll see -- slide 26, yeah, there it is, the terms of the members initially appointed for fewer than -- for fewer number of years if you want to stagger the terms, and you can only serve two three-year terms as part of the council. 27. The SILC is not established as an entity within a state agency. So this is, again, in regulation. This is not new information, but it's also in the assurances now to make it have just a little bit more weight. So you want to make sure that -- sometimes you're lone staff from the designated state agency. You will see in a minute some more information about that staff. But if you're loan staff from the DSE, that doesn't mean you're an entity within the state agency, and to make it clear that you're not, the SILC actually has some responsibilities for overseeing those staff persons. That's kind of interesting, too. That's the next slide on 28. So the SILC makes the determination of whether it wants to utilize DSE staff or use their funds to hire other staff, and the SILC must inform the DSE if it chooses to utilize DSE staff. This is some really interesting, I think, information for us to kind of take a look at. But the role here seems to be that the SILC is leading this relationship in regards to what staff they have. If they're like the DSE staff, that's fine, but they assume the management and responsibility for that staff in regard to what they do with their time when appointed to the SILC. So their activities and functions are determined by the SILC, not by whoever else is in the DSE above them. So it's a really important thing to keep in mind is that the swlk has the oversight -- the SILC has the oversight responsibilities here. Let's look at 29. You hear us talk about -- you hear us talk quite a bit about autonomy, SILC autonomy, and some of these things are really laying out SILC all Tucson me for you, aren't they? They're laying out what exactly are the requirements. So 6 says it's the SILC's responsibility to make sure anything the SILC is doing, all program activities, are accessible to people with disabilities and the state plan should provide assurances that the designated state entity, any other agency, office or other entity will not interfere with the operations of the SILC except as provided by law and regulation. Isn't that interesting? There are some regulations where money that's passed through the DSE to you must be spent in the same way that other federal money is required to be spent. You have to follow the federal regulations around how federal dollars can be spent, but except for what the laws and regulations require in holding you responsible to that, really the state -- the designated state entity is not interfering, or should not be, interfering with what your SILC does. Now a word here about how you have this conversation with your DSE. They've also got some assurances that their side of the same conversation but it still supports the autonomy of the SILC very clearly, and you do need to have this conversation now if you think there is going to be any tension in your state because you want to know that this is going to work. And if you don't think it's going to work at the end of the day, you want to think about do you need a different designated state entity. Are the barriers too great? Are we able to resolve them? So do take a look at your autonomy and ask some questions about: Are we truly autonomous? Some of you will answer no and some of you will answer yes, I think, regarding that particular situation. 30, slide 30. So unserved and underserved populations, and this is, again, an encouragement that you consult with unserved and underserved populations, both rural and urban, because it isn't just that they live in the country that makes them underserved. It could very well be a specific group of people ethnically. It could include indigenous populations. Your state plan should describe who they are, though. Your state plan should tell you who are your underserved and unserved populations and then you need to include as an activity of the SILC to provide outreach to those folks who are underserved. I usually shorten it to underserved. Because unserved are definitely underserved. But the Los Angeles wij is ub served or underserved by programs under this title, including minority groups and urban and rural populations. So that's another assurance that you're going to actively seek to include both in your plan and in your activities those people who are -- who have been identified as underserved or unserved by your SPIL -- in your SPIL. Okay. We're back to another question period. So, Tim? I've answer add couple of these on the -- answered a couple of these on the Q&A. >> TIM FUCHS: Okay. I'll try to keep these out of the way here. Let's see. You'll have to help me remember, Paula, which ones you have responded to because I wasn't able to look at these during the presentation. >> PAULA McELWEE: Right. So I answered lee Ann's question about individual training plans. >> TIM FUCHS: I see where you clicked them. The next question looks like it's from Stephanie who asks years ago our SILC decided our Part B funds would be best used by going to our two CILs. Does this change that? >> PAULA McELWEE: Absolutely not. Some SILCs don't receive any Part B funds and that's okay. You just have to have a plan for where your funds come from. And Part B -- or subchapter B is only one of those possibilities. There are others -- you know, there are some states who receive an actual state allotment that's in the state budget. There are many that receive I amtion E funds from the department of rehabilitation, and there are some other options as well. So I'm sure Stephanie would tell you that hers is one of those other options. >> TIM FUCHS: Okay. Good. Next question: From the folks in Iowa; do the regs deep fine sufficient funds and who determines what is sufficient? >> PAULA McELWEE: They don't. It's something that you're going to have to take a look at, and when you develop your Resource Plan, your budget, you need to ask yourself do we have sufficient funds to accomplish the tasks laid before the SILC. Because you do have specific duties you are responsible for and you also have very specific activities that you can do and that you are putting into your plan. So do you have sufficient funds for that? Now, that's a responsibility of more than one party. It's a responsibility for you had as a SILC and the SILC council to look at your budget and know is it sufficient. It is also a responsibility of the DSE to support you with that. And we'll find that in this next section when we get to the DSE assurances in a second. >> TIM FUCHS: Okay. A question from a SILC. If councilmembers miss work we can compensate them for that, right, but only if they don't take leave? >> PAULA McELWEE: Yes, but -- you know, a lot of SILCs -- you're not required to compensate them, and a lot of SILCs have decided not to because overseeing that has been very cumbersome. You can't compensate people if they otherwise could be paid by somebody else to be there. So how do you sort this all out and how do you make it work? Sometimes you need to make it work because that's the only way you're going to have your council come to your meeting, but do take the time to kind of sort through all the details, and I would encourage you to put this in your policies and procedures as well. Take it out of the regulations and put it in policy and procedure and ask yourself about some of those nuances that are important to your members related to that. So it isn't a simple thing because sometimes when you begin to compensate people for attending meetings, it becomes -- I don't know, it sometimes to me seems a little bit out of balance. But that's just an external observation. You guys -- you need to sort that out for your own particular organization. >> TIM FUCHS: Okay. Thanks. Lee Ann is wondering, is there a template for the assurances? >> PAULA McELWEE: We don't have templates together for any of this yet, but you can sure take a look at it, and as people develop them, I hope you'll share them, because we really do want to know what all you have in place. >> TIM FUCHS: Okay. Great. Jennifer asks: When a person fills a vacated partial term, following the expiration of that partial term, are they still eligible for a full term reappointment? >> PAULA McELWEE: Yes -- well, I'm assuming it's a three-year term that they're replacing. So the person left after one year, or four years, but they come in and fill the last two years of that term, then they still are eligible for another three-year term in addition to that. You cannot exceed -- you cannot have more than two consecutive three-year terms. So at that point they would have to be off for some period of time. Your bylaws probably will designate that or your policies. Some Centers -- I mean SILCs have a minimum of one year, you're off for at least one year before you can be reconsidered for your membership on the council. Others have made it a shorter period of time, three months, six months, but what is a reasonable amount of time for that person to drop off and for you to see if you can find another people in the community who could be a part of your council and who could contribute to it. You don't want to keep going back and saying, well -- if you can have more people be part of the Independent Living movement. >> TIM FUCHS: Final question here from the folks at the Texas SILC, for a SILC assurances on number 7 would we be required to amend our SPIL by October 1, 2018 in order to comply with this assurance? >> PAULA McELWEE: So that's the one that says you'll ensure that all program activities are accessible to -- oh, 7. Provide assurances that the designated state entity or any other agency, office or entity of the state will not interfere with the operations of the SILC except as provided by law and regulation. Yeah, you need to take the lead on that, and if the state agency is interfering, then you do need to work it out because you are going to be signing these assurances to get the money come October 1. So you'll sign them a little earlier than that. They will be effective October 1. But you need to think about if that's a problem in your state how to sort out that -- solutions to that problem before you get into the next year. It really was already in the regulations, but by having it in the assurances, I think it does help you have those conversations with the DSE, especially when we get to the DSE assurances here in a second. >> TIM FUCHS: Thanks, Paula. I know most of these chat questions, which again I couldn't see during the presentation, you responded to as they rolled through. Any of those that we still need to address? Sorry to put you on the spot. >> PAULA McELWEE: Oh, no, that's okay. I don't think so. Somebody asked whether there was a quiz to help people determine their training and again that's the kind of thing we're hoping we can -- we see from some of you in the field as you develop your tools so that you can share. Peer support. >> TIM FUCHS: All right.. >> PAULA McELWEE: We're ready from D sevment assurances. You're going to like these. Unless you're from DSE. It's a little more specific. We have been wanting more specific language so we know exactly what's expected and that's been something we haven't always had. Here is the beginning of those DSE responsibilities, and again these are assurances. Will go into effect October 1 with the new federal fiscal year. And this first one is that the DSE acknowledges its role as the fiscal intermediary to receive, account for and disburse funds received by the state to support the independent living services in the state. So they acknowledge their role as a fiscal intermediary. Typically that's done by signing the SPIL. So you can take a look at that as a place where that is discussed. Let's look at 33. This is the part that I think some of you have really struggled with with your specific DSE. The second assurances that the DSE must make timely and prompt payments to subchapter B funded CILs and SILCs. So they must make timely and prompt payments, and I know there are several SILCs out there who really struggled with getting timely payments in from the DSE. It gives a little more detail here. If they're using a reimbursement method where you spend the money and then get reimbursed from your subchapter B funds specifically, then the DSE must make a payment within 30 days after the receipt of the billing, unless the agency or pass-through entity reasonably believes the request was improper. So unless there's a belief that you're not following requirements around how you use federal money, they should be turning those payments around within 30 days of the receipt of your billing. And then when necessary the DSE will advance payments to subchapter B funded SILCs and CILs to cover its estimated reimbursement -- reimbursement needs for an initial period, generally geared to the mutually agreed upon disbursing cycle. Now, this means that they can give you money up front. So to get you started so that you have some funds to spend the money for which you will be reimbursed, you need -- you may very well find it necessary to have some kind of advanced payments, and this states that the DSE will advance those payments to subchapter B funded SILCs and CILs to cover its estimated disbursement needs for an initial period. You decide what that is with your DSE, and want a little long her -- usually based on the disbursement cycle. So take a look at that and see if that doesn't look like it might help some of the time. Now, it does not apply to other funds. So if your SILC is being funded through other funds, you're still going to have to work out with the DSE how you receive those funds. Typically I&E funds are what would fall there. But these same guidelines are typically acceptable guidelines for the use of any pass-through funds that come through your DSE to the SILC. So keep that in mind. 34. Slide 34. And then more related to this, the DSE will accept requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used. So if the state is not sending you funds through electronic fund transfer, they need to accept requests for advance payments, which some of them have been telling you they cannot, and they can, and reimbursements at least monthly because simply -- it slows down the -- if you're not using transferred money, it slows down the process and sometimes puts you more in a cash flow dilemma. So this helps with that particular approach. Let's look at the next slide, 35. The DSE will abide by the SILC determination of whether the SILC wants to utilize DSE staff. Let that sink in a minute. So it is the SILC's determination of whether or not they want to utilize DSE staff. Now, this doesn't say you still don't need to pay for it, but if you want to utilize DSE staff, the SILC then informs the DSE that you want to use that staff and then the DSE assures that management of that staff belongs to the SILC is the sole responsibility. Notice that language, the sole responsibility of the SILC. Wow. So this is very different what you're used to seeing and how you're used to operating in that relationship with the SILC. This has shifted the dynamics to be more of a balance of power than it is to have -- have either one of you -- the SILC or the DSE just kind of act arbitrarily. So nice to see that balance of power. Let's look at the next slide, 36. The DSE will assure that the agency keeps appropriate records in accordance with federal and state law and provides access to those records by federal funding agency upon request. So this means that the DSE does, as a pass-through entity that passes you this information, they do have the right to request proof that you actually spent that money. So you're required, and they are required, to keep receipts and to know that there's a record that shows that the expenses that were paid through any of the federal dollars were reasonable and reimbursable from the standpoint of the regulation. So they would actually show that. And the DSE assures that the SILC is established as an autonomous entity within the state. This is in the regulations. But notice that this stn say that you have to be a 501(c)(3). Many of you are, and that is one of the ways that you have established your autonomy. But whether or not you are a 501(c)(3), the DSE needs to consider the SILC an autonomous entity within the state. So that's -- again, I said -- like I said, this is some language that's really, I think, helpful to the SILCs in that sometimes sticky relationship with the DSE. 37 is the next slide. Designated state entity assurances continuing to say that they will not interfere with the business or operations of the SILC, which includes but is not limited to the expend churd of federal funds. They can require you to show proof before they reimburse you but they can't tell you you can't spend it if it's an allowable cost. They cannot tell you whether you're going to meet. So the meeting schedules and agendas are the responsibility of the SILC and the DSE will not interfere with that business operation. The SILC Board business, the voting actions of the SILC Board, personnel actions, allowable travel and training, and I know for some of you these are areas where you have had some kind of a conflict with your DSE. That's part of why these assurances addressing those areas of question, to make sure that it's clear that the SILC business is not the responsibility of the council, not of the DSE. And one more on this piece. Let's look at the next slide, 38. The DSE willfully cooperate with the SILC in the nomination and appointment process for the SILC in the state. So it would not be expected that the DSE would take it on as their role to get new members for your SILC, but they would cooperate with you in whatever process you put in place in order to keep that moving. Okay. A little bit more. We said that they were effective January 1st and they weren't. So make that October 1st in your mind. Cross it out on your copy and we'll do the same. What it will do now is give you a chance to look at your own policies and procedures and the DSE's policies and procedures and see how they interact begin the conversation on any area where it's not clear, where it's not useful, where there is a disconnect. Sometimes a disconnect between the DSE and the SILC truly interferes with the operation of the SILC. So keep in that mind and utilize these indicators, which are in place, and the assurances, which are pending, and make sure that you sort it out any of the areas where you've got some issues. Okay. I think we're ready for questions one more time. >> TIM FUCHS: Okay. Final questions. Let's see. Got a couple that have come in here. So, Paula, Barbara asks the Hawaii SILC receives I&E funds. Are those I&E funds considered pass-through funds from RSA? >> PAULA McELWEE: They are considered pass-through funds. They do, therefore, have requirements how money can and cannot be used, but they are not applicable to what we've just reviewing with the assurances. These assurances do not require at this point in time that I can see to I&E funds. So have your own assurances. Part B funds is where we have some -- where ACL has the authority to set these expectations and they have done that, but they don't have that authority over those rehab dollars. >> TIM FUCHS: Okay. Also, how could travel be denied after it was already taken and approved by the SILC? >> PAULA McELWEE: Well, depends on your -- if you are using I&E money, what did your assurances say around whether you were required to get prior approval or not -- if you look at the requirements around when federal dollars can and cannot be made, the reality we have is that a lot of times the answer is it depends. So you can say, can we buy food with federal dollars? It depends. If you have a program purpose and prior approval, you may be able to use federal dollars to buy food. But it requires those pieces. You'll find some other areas like that, and the state can add a little bit of overlay if they're distributing funds to you that are not these subchapter B funds. So it depends on their policy, and you have to follow their policy and procedure, whatever that is. If it is not working, I would certainly appeal to whatever the process is to appeal to the state that they did not follow their policy. But they can expect that you follow their policy. That's an acceptable thing for them to do with those funds. >> TIM FUCHS: An example from Michael, Michael says: Related to -- number 4 -- if within your Resource Plan in the SPIL and your contract with the DSE it states that you receive Part B $20,000 -- I guess -- innovation and expansion, $100,000 and state 50,000 but then when you do your 704 report they say, no, we paid you $150,000 from the state and 20,000 from I&E, you still got all the money you needed, don't worry about the sources, is that okay? >> PAULA McELWEE: Well, you like to hope that your SPIL accurately reflects what the state is doing, and they signed that SPIL, too, that that's how they were going to distribute that money. Now, it may not be significant. It may not cause you any difficulty, but I would sure make notes in my 704 report that that's what happened because it's not going to agree with your SPIL and you really want there to be some cohesiveness between what they told you and what you're actually doing. So that's important to keep in mind. Yeah, I -- I wouldn't say I wouldn't worry about it. I think I would at least try to document it so that you can show that you are aware of what happened and it wasn't what you expected, but you still got all the money. So, you know, you make sure you tell your SILC that's what happened. >> TIM FUCHS: Okay. Good. Michael says, so, if we do not receive Part B funds for the SILC, do these apply? >> PAULA McELWEE: My understanding is that they do not. They are assurances for each grant source and those assurances are what you follow for that grant source, and these apply to subchapter B funds. >> TIM FUCHS: Okay. And final question from Stephanie: This goes back to the assurances on the SILC member terms. Years ago we had a SILC member that wanted to stay on past their two three-year terms. These assurances seem to address that. Is that what it seems to you? >> Yes, you are not supposed to go more than two three-year terms. That's true no matter what, no matter what the funding, no matter what your appointment process is. The difficulty has often been that the appointing authority is not timely in either appointing somebody for their second term even or appointing a new person at the end of their first term and so they say, can I just stay on, because you need SILC members, and wouldn't that help out? No, you cannot. You have to resolve it through your working relationship with the appointing authority. You don't just get to continue people indefinitely on your SILC. They have to follow these requirements for term limits. Now, I had -- in the chat I had another question that was kind of related to this around how long is the term for an officer, for a chairperson, and that is totally determined by your own bylaws and your own policies. So it would be unusual that you would appoint someone to a chair position if they didn't have knowledge about the SILC. So probably you're not going to appoint that brand-new person who is just being oriented. You're probably going to appoint someone who has been on the SILC at least a couple of years. So a lot of times what the SILCs do in their bylaws is that they say that the SILC chair has two two-year terms. They cannot serve more than two two-year terms, and if their regular term is expired, they cannot continue on the SILC as a chair. They have to let that go. They have to actually take the time to do that. One of the other chat questions was can we request the DSE to handle the accounting functions? And certainly many times that is the case. So sometimes the financial side of things for the SILC is handled through a state reimbursement process. Somebody, though, at the SILC is still going to need to approve those expenses before they get sent on. They're going to have to have proper documentation that they were allowable expenses, they are going to make sure all of that is in place. They can certainly write the checks for you. That's -- that is a process that sometimes happens. Or you can bring it in house with the SILC and have a treasurer or part-time bookkeeper or someone do it for you. We see both models. I don't know that there's a preference, one over the other, but it's certainly an acceptable process. >> TIM FUCHS: Okay. >> PAULA McELWEE: And I think that's the end of the questions on the chat. >> TIM FUCHS: Yes, Stephanie responded to your answer and said fortunately we don't have issues with our appointing authority. That's good. Not the case for everyone. I'm going to point out a couple things here I'll watch to see if any questions come in because we do have a few minutes left. First of all, I'll point to this evaluation link. Unlike our last web platform, that's not a live link. However, when you -- the webinar ends today, the evaluation will actually open up on your computer. So I would really appreciate it if you would fill that out. You all know those evaluations. They're easy to complete and we really do use that information. So we would certainly appreciate it if you would fill that out. If you do need to get going, that same evaluation link was sent to you in a confirmation email and you can access it there and I do hope you will fill that out. Also on slide 41, Paula has been generous enough to provide her contact information. So please do take advantage of that. Paula, anything else you want to mention today before we close? >> PAULA McELWEE: Only that I really do hope that you'll use that email to also send me samples of what you decided to, because we would love to be able to share that with your peers. >> TIM FUCHS: Yeah, absolutely. All right. Well, Paula, great job walking us through these indicators and assurances. I really appreciate that. Thanks to you will a of you. We had 54 sites connected today. That's an outstanding turnout for the SILCs. So a popular call. So thanks to all of you for taking time, and do let Paula know if you have any questions that pop up. You're welcome to email any of us and we'll be happy to help you and make sure your question gets answered. With that we will close the webinar. I appreciate you all joining us today. Take care. We'll talk to you soon. Bye-bye.