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# **Statewide Independent Living Councils (SILCs) & Designated State Entities (DSEs) – Addressing Roadblocks and Authority Issues**

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## What You Will Learn

- Statutory requirements relating to roles, authorities, and collaborative relationships between the SILC and DSE.
- Strategies for building and sustaining effective and efficient partnerships between the SILC and DSE.
- Common problems within the SILC/DSE working relationship i.e. funding sources, cash flow, and SPIL planning and approval, and examples of real world solutions.
- The process of DSE selection and assignment and solutions for troubleshooting disagreements or dissatisfaction.

## SILC Roles

- Develop the State Plan for Independent Living
  - With the directors of the CILs in the state.
- Monitor, review, and evaluate the implementation of the SPIL on a regular basis.
- Meet regularly and ensure:
  - Meetings are accessible.
  - Meetings are open to the public.
  - Advance notice is provided.
- Submit reports including the SILC Section of Program Performance Report (PPR) Part 1.

## SILC Roles, cont'd.

- Coordinate activities with other entities in the state that:
  - Provide IL services or similar services.
  - Provide services that are complementary to IL.
  - Facilitate the provision of Long-Term Services & Supports (LTSS) & Home and Community-Based Services (HCBS).
- Conduct elected authorities as included in the approved SPIL which may include:
  - Resource Development,
  - Systems Advocacy,
  - Other activities consistent with the Purpose of Title VII (Sec. 701).

## SILC Roles, cont'd. 2

- Refer individuals with disabilities to the nearest center for independent living (CIL) for services including I&R.
- Sign SPIL to approve content:
  - SILC Chairperson signs,
  - On behalf of and at the direction of the full SILC,
  - Along with a majority of the CIL directors in the state.
- NOT manage or directly provide IL Services.

## DSE Roles

- Serve as the fiscal intermediary to:
  - Receive,
  - Account for, and
  - Disburse Subchapter B funds (and Subchapter C funds in a 723 state) as directed by the SPIL.
- Provide account to the SILC of the funding used and the disbursement of funds as outlined in the SPIL.
- Provide administrative support for the IL Program (funded by Subchapter B).

## DSE Roles, cont'd.

- Keep records, and submit reports and information to ILA/ACL.
- Retain no more than 5% of Subchapter B funds (including state match) for administrative costs.
- Sign the SPIL agreeing to serve as the DSE.
- Allocate necessary and sufficient resources for SILC to fulfill duties and authorities.



# The Relationship

- Partnership
- Open communication
- Support each other's mission
- Support the IL Network
- Value each other

# Common Problems & Solutions

- Funding sources and disputes
- Cash flow and funding approvals
- SILC autonomy
- SILC appointments
- SPIL planning and approval
- Power struggles and clarifying roles

## Flow of Money & Funding Requests

- DSE must ensure SILC resource plan/funding is “necessary & sufficient.”
- What resources other than funding are made available?
- Reduce paperwork and “red tape.”
- Timely invoice submission and payment.
- Does the source of funding influence flow of money?
- How do state laws/rules affect flow of money?

# Disallowing SILC Expenses

- Does DSE have authority to disallow SILC expenses?
- Does the DSE “approve” the SILC budget? Expenses?
- How does this affect SILC Autonomy required by law?

## SILC Autonomy

- Select and supervise own staff (even if assigned by DSE).
- Develop and manage own budget and expenses.
- Submit recommendations for appointment to Governor or appointing authority.
- Fulfill responsibilities in the Rehabilitation Act.
- Comply with law and regulations.

## SILC Autonomy, cont'd.

- Sec. 705(a) ... The Council shall not be established as an entity within a State agency.
- Sec. 705(e) Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council ...
- §1329.14(b) ... The SILC shall be independent of and autonomous from the DSE and all other State agencies.
- SILC Assurance (7) The State Plan shall provide assurances that the DSE, any other agency, office, or entity of the State will not interfere with operations of the SILC, except as provided by law and regulation...

## SILC Autonomy — DSE Assurances

- (5) The DSE assures that the SILC is established as an autonomous entity within the State as required in Sec. 1329.14 of the WIOA regulations;
- (6) The DSE will not interfere with the business or operations of the SILC that include but are not limited to:
  - a. Expenditure of federal funds,
  - b. Meeting schedules and agendas,
  - c. SILC board business,
  - d. Voting actions of the SILC Board,
  - e. Personnel actions,
  - f. Allowable travel,
  - g. Trainings and;
- (7) The DSE will fully cooperate with the SILC in the nomination and appointment process for the SILC in the State.

# Appointments to SILC

SILC Indicators of minimum compliance require SILC policies and procedures to include:

- Method for recruiting new members.
- Method for reviewing applications.
- Regularly providing recommendations for eligible appointments to the appointing authority.
- SILC should have a relationship with the appointing authority.
- Is there a role in the process for the DSE?



## **SPIIL Planning and Approval**

- SILC responsible for SPIIL development.
- SPIIL must be developed by SILC and CIL directors in the state.
- SPIIL must be approved by SILC and CILs and signed by SILC Chairperson and majority of CIL directors.
- DSE signs the SPIIL agreeing to serve as DSE – NOT to approve the content.

## Power Struggles and Clarifying Roles

- None of the partners should “hold the SPIL hostage” by refusing to sign until they get what they want.
- All partners voices should be heard and respected.
- Partners should fully understand their roles and authorities.
- Training or retreat with all partners can be very valuable in:
  - Getting everyone on the same page.
  - Full understanding of each partner’s roles.
  - Establishing a clear vision and common goals.

## Communication

Regular communication between the SILC and DSE (& CILs) can prevent many problems.

- Clear understanding of each other's roles.
- Clear understanding of how funding will be used.
- Opportunities for on-going communication:
  - Inclusion in SILC meetings
  - Inclusion in DSE meetings
  - Inclusion in CIL association/organization meetings.

## Mutual Respect and Partnership

- See each other as partners – on the same level.
- Value each other's missions and goals.
- Understand how it all fits together.
- Facilitate communication among partners.
- Establish communication at “director to director” level.

## Roles in the IL Network

- PARTNERS!
- SILC and CILs develop the SPIL.
- DSE administers & processes Subchapter B funding in accordance with the SPIL and provides administrative support.
- CILs typically implement much of the SPIL.
- SILC monitors, reviews, and evaluates the implementation of the SPIL – are we achieving the desired outcomes?
- SILC does NOT monitor the CILs.

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# Questions & Discussion

## West Virginia Experience

- Relationship wasn't always easy.
- How the relationship has changed.
- Current environment:
  - Open communication
    - SILC director attends DSE Executive Management meetings monthly.
    - DSE director attends and presents updates at SILC meetings.
    - SILC director & DSE director communicate regularly.
  - Partnership

## West Virginia Experience, cont'd.

### SILC Resource Plan:

- Amount of I&E funding negotiated by SILC & DSE.
- SILC budget developed and approved by SILC.
- Expenses based on approved budget.
- DSE processes invoices for payment in a timely manner.



## DSE an Optional Role

- DSE designated in SPIL.
- State entity must be willing to serve as the DSE and may not be forced to serve as the DSE.
- When an entity agrees to serve as the DSE:
  - Agrees to receive and process funds.
  - Ensures adequate resources for SILC.
  - Must follow the SPIL in use and distribution of funds.
  - Must fulfill DSE duties and comply with assurances and regulations.

## DSE Bowing Out

If a state entity decides to decline to continue to serve as the DSE:

- Advance notice should be given to the SILC & CILs.
- DSE should respect SILC & CILs process to negotiate agreement with new DSE.
- DSE should facilitate the transfer of responsibility to the new DSE.
- DSE must notify ILA/ACL in writing that they are not continuing as DSE as of date (preferably the end of a SPIL year).

## SILCs Selecting Another DSE

- Involve the CILs in the process.
- Consult with Governor's Office.
- Negotiate with potential entities.
- Ensure adequate resources are available for SILC Resource Plan – options include:
  - Subchapter B funds
  - I&E funds
  - State funds
  - Other public & private funds.
- Include change of DSE in SPIL or SPIL Amendment.

## Replacing SILC I&E Funds

- Sec. 101(a)(18) (or Sec. 721(a)(18) of the Rehabilitation Act – Innovation & Expansion Activities:
  - Requires the Designated State Unit (DSU) use a portion of Title I funds for Innovation & Expansion Activities.
  - Requires that such funds be used to support the funding of the State Rehabilitation Council and the Statewide Independent Living Council.
- If you are not able to reach agreement with your DSU to retain I&E funds for the SILC, you will need to negotiate with your new DSE for funds and/or access Subchapter B funds or other public or private funds.

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# Questions & Discussion

## Presenter Contact Information

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# Final Questions and Evaluation

Any final questions?

Directly following the webinar, you will see a short evaluation survey to complete on your screen. We appreciate your feedback!

[https://usu.co1.qualtrics.com/jfe/form/SV\\_6uqHoLHYWsE82r3](https://usu.co1.qualtrics.com/jfe/form/SV_6uqHoLHYWsE82r3)

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