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

Presented by

Ann McDaniel, Michelle James, and Marijane Waldron

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>> Tim: Okay. Welcome, everybody. I'm Tim Fuchs with the national council on independent living. I want to thank you for your patience. We had some technical issues as we got started today. We wanted to make sure that we had our captioning running and that you could hear all of our presenters before we began. So, sorry for the late start, but we are up and running and ready to go. I want to welcome you all to our latest SILC‑NET webinar, statewide independent living councils and designated state entities addressing roadblocks and authority issues. As you know, today's presentation is being brought to you by the IL‑NET, and that is operated through a partnership with ILRU, NCIL and APRIL.

As always, we are recording today's call so that you and your colleagues can access it afterwards. And that is posted on ILRU's website under on‑demand trainings. Always within 48 hours, usually much sooner. Right now we're in presentation mode, so your lines are muted, but we will have plenty of time for questions and answers today. We're going to break twice during the call, once in the middle on slide 22 and once at the end. You can enter questions at any time during today's call, but we will wait for the Q&A portion to address them.

The primary way to ask a question is on the zoom menu. If you don't see the Q&A tap or the menu bar, you might want to wave your cursor. It has a habit of hiding itself. It should appear to you. So, that's one way you can ask questions. And you can also submit questions by e‑mail if you're on the phone today and not using the webinar features.

Another way to do it is you guys know there's always captioning available on our webinars and today is no exception. If you don't see captioning, you can click more options and click "closed captioning," and it should appear. There is a small arrow that will enlarge the captioning box, but it only gets so big. So, if you need it to be larger or if you want to manipulate the font size or the contrast, I really recommend that you use the full‑screen CART available at Streamtext. That link is a little too long to read out on the live call but it was included in the confirmation info that was sent out to you. You can also submit questions to me through the chat feature on the streamtext link. So, just like you use the Q&A tab on zoom, you can do it on stream text. Sharon Putz knit the chat. Thank you, Sharon. So, if you need that link, you can access it there. Okay.

I think that's the housekeeping announcements that I wanted to make. At the end of the call, there will be an evaluation, so quite literally, when we close the webinar, an evaluation form will pop up on your screen. We try to keep those short. We're really interested in your thoughts and feedback. So, please let us know what you think so we know how you felt about today's webinar so we can improve our future webinars.

With that, I'm going to go ahead and go to slide three and just talk about our objectives for today. So, you're going to learn the 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 the DSE. Common problems within the SILC and DSE working relationship. That is to say funding sources, cash flow, SPIL planning and approval and examples of real world solutions. And finally the process of DSE selection and assignment and solutions for troubleshooting disagreements or dissatisfaction. I'm really excited about the team that we've got. I want to thank them for the time that they've put into preparing today's presentation and the slides. We've been working on this for a few months. And it was really important to us to have both the SILC and DSE represented so that we could talk about, you know, again, the real world examples and how folks have gotten through this.

And I wanted to introduce our presentation team today. We've got Mary Jane Waldron who is the director of West Virginia division of rehab services. With us also from DRS in West Virginia is Michelle James. Michelle is the chief financial officer for West Virginia's division of rehabilitation services. And finally, someone that many of you know, Ann McDaniel, executive director of the West Virginia SILC. So, thank you so much to you all for being with us and taking time to share what you have learned with all the SILCs around the country. I hope I haven't been talking too quickly, but I wanted to try to make up time that we lost in the beginning. I'm going to go ahead to slide four and turn it to Ann to take over. Ann?

>> Ann: Thanks, Tim. Let's start out by talking about the roles of the SILC. There are specific requirements in the law for what the SILC is supposed to do and what the SILC is responsible for. The first is to develop the state plan for independent living, and that's supposed to be done in collaboration with all the centers for independent living in the state. So, you want to make sure you engage those folks right from the very beginning. The SILC also monitors, reviews, and evaluates the implementation of that plan on a regular basis and not less than once every three years. The state plan lasts for three years. You should be looking at it probably at least annually because you have to do a report to the federal government at least annually, so that's a good opportunity to review what's going on. The SILC has to meet regularly and we have to make sure that all of our meetings are accessible, are open to the public, and that advance notice is provided to the public. So, usually there's a meeting going on that will apply to your SILC in your state, and there's ways that the state provides to help you, and there are ways to reach out to the community to make sure folks know you're having a meeting, where it is, and if they need any accommodation to make that meeting accessible. And you are responsible for making sure that those are done.

Then we have to submit reports. And that's whatever the administrator of the administration for community living requests us to report. But at the very least, it's the program performance report, what we used to call the 704 report part one, which is the state section of that report is the responsibility of the SILC. Next slide, Tim.

SILCs are then also supported to coordinate our activities with other entities in the state that may provide independent living services or services that are similar to independent living services or complementary to independent living services. And other entities that facilitate long‑term services and support and home and community‑based services so that folks are able to continue to live in their own homes or move out of institutional settings into their own homes or some community‑based setting.

We also then have authorities that we are allowed to do in the law.

But we have to choose which of those authorities, if any of them, that we intend to do, and we have to include that in our state plan so that ACL has the opportunity to look at that before they approve our plan. Those include resource development, systems advocacy, which isn't specifically spelled out but falls under the other activities that are consistent with the purpose of title VII of the rehab action, and it is a lengthy and detailed purpose statement that includes systems advocacy. Next slide.

Then we're also supposed to refer individuals to centers for independent living if they need services, if they have questions, it's very difficult not to do information on referral if you do it over the phone. But if it is something that you would have to research the answer, what you're supposed to do is refer that person to the nearest center for independent living so they can get the service from them. The state has to approve content, and what they should be doing is approving it and giving the authority to assign it to the chair person of the SILC, because they should be assigning it on behalf of the full SILC, and they can't do that since the full SILC has not given them the authority to do that. The plan also has to be signed by a majority of the centers for independent living in your state, the directors of those centers. And that means over half. And the one thing that SILCs are not allowed to do is to provide any direct services or manage direct services for people with disabilities. Next slide.

>> Michelle: My name is Michelle James. I'm excited to have the opportunity to talk to you guys today because we really, really feel strongly about our independent living centers and our state independent living council in West Virginia. We know what a wonderful service you guys provide and how important you are to our individuals with disabilities in the state. We see one of our main roles as serving as a fiscal intermediary. We are the chapter B recipient from ACIL and I have to provide information to Ann to prepare the 7B report at the end of the year. I'm also responsible for preparing the financial report that are due quarterly. We have to do cash transaction reports and the federal financial reports at the end of the year, and we also just provide support to Ann when it comes to paying the invoices in a timely manner and making sure that things are processed fairly quickly. We try to make it a priority for our grantees because we realize that they rely heavily upon the funding that we provide to them.

Next slide, please. We want to make sure that our SILC has the necessary resources to be able to provide the services so we will, on a yearly basis, we'll discuss the funding that they think they need based on our budgetary projections and the amount of money that we have available for them. Like I said earlier, we are the recipient for the chapter B funding. And that funding actually goes directly to our centers. In the past, we did pass that money through to the SILCs, but RSA came in in the last review and told us that we're not able to do that any more. So that money goes directly to our centers for them to be able to provide the services that they deem necessary. Next slide, please.

>> Mary Jane: We consider this partnership an honor to work with individuals with disabilities. We have the same goal. And we have the same mission in many ways. And I think what sets us apart in being able to work so closely together is that we get to know each other and we don't sit in our own silo and only have our vision. Because when we work with our counselors in the field, our counselors in the VR program have to go learn about the independent living centers when they start their job. And that leads to them understanding the SILC. We have counselors that come to the SILC meeting. And we feel it's important for them to understand what's going on. And one other important thing that I think has really helped us bridge any differences is that we invite the executive director once a month to our executive management meeting. And that's very significant in that meeting, those are my managers that come together to plan for the agency. We look at how do we move the agency forward successfully? And we, in those meetings, discuss things that are very confidential. We ask our executive director, Ann, for help. You know? Where do you see this going? You're on an outside individual. Do you see where we can work together maybe for additional funding? Or where can we get these services that we're not able to provide? So we feel that that is important, that we include our executive director of SILC in our management meeting so that, you know, she has a lot to offer us. And who are we to say no, don't come? We'll take anybody we can get that will help us. We also assign one of our program specialists to be a ‑‑ we call them a liaison. But he really needs to be the expert with the centers. And he also needs to be the expert with SILC and understand the differences between the two. And he advocates for both. He advocates for the centers and he advocates for SILC. And he's our direct connection. Now, being the director of rehabilitation services and then Ann being the executive director with SILC, we talk a lot more about strategic planning and what's going on in the different areas and how can we help each other. One thing that we worked together over the years on are projects, because we want projects to serve individuals with disabilities. Over the years, the VR program has changed, so we have had to have help with changing. Ann has come up with a lot of good ideas that have filtered down, and we have worked with our centers as well in providing pre‑employment transition services. Every VR agency knows that we need to provide independent living services. Where better to go than the centers? They're the experts. Ann works and helps us coordinate a lot of different things at the state level, give us ideas, and then we go directly to the centers. So, we feel this has got a lot to do with communication and working closely together, respecting each other's mission and understanding that we're here for the same reason. Next slide.

>> Ann: All right. Common problems and solutions. One of the things in my experience many SILCs and DSEs have disputes about is what is the source of money going to be for the SILC resource plan? How much is it gonna be? Where it's gonna come from. I'm very blessed that in West Virginia, my DSE does value what we do and works hard to help us find the resources we need. We have been funded entirely with INE funds for quite a few years now. And that was specifically at the suggestion of our DSE. The law does say that the VR agency will set aside a portion of their title I money for expansion and innovation activities, and that they shall use that money to support the resource plan of the SILC and of the state rehab council. I know not all states do that. There's no required amount. That's another reason that communication is so important so that you have an understanding with each other about what the role of the SILC is, what the SILC does, and how that is a value in the VR agency that holds the funds. They need to be investing in the SILC. We have worked through that. We had problems when I started many years ago, and I often say we've had everything from the worst possible relationships to the best possible relationship, and everything in between. And that's true. And the reason we worked through it is because of the mutual respect and value we have for each other and viewing each other as real partners.

We, over the years, have had a lot of different issues with cash flow and funding approval. I know in many states that is an ongoing problem. In West Virginia, my DSE has worked very, very hard to ensure that process goes smoothly and quickly. And we've had some bad lags in the past, but those have been corrected and, knock on wood, our cash flow stays good because they put a priority on our invoices when they come in.

Another issue that creates a lot of strife and problems between the two entities is the autonomy of the SILC. And truly understanding that the SILC needs to be autonomous. Not only because the law says so, but also because they can't really function and fulfill their duties if they don't have autonomy. And my DSE respects that across the board. We have autonomy with where we choose to be located. We have autonomy as a nonprofit in hiring our own staff. We have autonomy with regard to the development of our budget. We have to give them a budget, because it has to be part of our agreement for the funding, but they don't manage the budget. They don't influence the development of the budget. They request the budget. And then it's our responsibility to follow the budget in using the funds. So, the autonomy there is really critical. And I know a lot of other states have issues with their DSU or DSE trying to micro‑manage how they are using their money. Another thing that my folks have done and I know they will tell you more about that is to restructure how they are doing our agreements so that they have the ability to advance funding to us on a quarterly basis instead of us having to submit invoices for reimbursement. That has a huge impact on your cash flow and your ability to function. So, my DSE worked very hard to find the right way to do it. That's acceptable with our state officer's office to make sure that we don't have those kinds of issues.

SILC appointments often create problems between the SILC and the DSE. We've worked through those. When I first started my job, the DSE sent a list of names on their letterhead to the governor's office. No information, just a list of names. We started providing a lot more information. We started providing whose names were gonna go, and eventually started submitting those names to the governor ourselves with all the supporting information that we needed to get the appointments made. I do sit down and go through all of that and provide a copy of that to my DSE director before it goes to the governor's office out of respect that there's no smoke and mirrors. There's nothing that we're trying to pull on anybody. She knows, she's not approving them. I want to make sure she understands who I'm taking up there.

SPIL planning and approval has created a lot of conflicts in other states. It did years ago in my state. It hasn't for a very long time. But I'll tell you that our DSE is at the table for all of our SPIL planning meetings. We include them on our SPIL team. And I think it's a matter of openness, communication, and mutual respect that we are able to work through what's gonna go in there, how it's gonna happen, and everybody understands what their role is.

Sometimes I think there are power struggles, and I think there are misunderstandings about what the role of each of these partners is. And I think we've worked through those. I know I experienced them before either one of these ladies were in the positions that they were in. I dealt with a lot of different issues. But viewing each other as partners, presenting yourself as a partner, and having a lot of open communication, I think makes a big difference. Next slide.

>> Michelle: The most important part, I think, of the flow of the money in the funding requests really is to make sure that the SILC and the centers have the necessary resources they need to be able to carry out their mission. So, we have provided, in the past, other than monetary funding, we have provided ‑‑ well, they currently have furniture that we donated to them. We had our rehabilitation center had to close, and we let them have a lot of furniture, because we had to move and buy new. It was a big mess for a little while. When we had the rehab center, we provided them space. But they were able to decide where they wanted to go.

We recently have a brand‑new state auditor, and deciding that the requirement for payment of invoices is so much more than it was before. So, I have had to call other state agencies, and like Ann said, I have even had to call other states to find out how they have been able to efficiently process payments and still meet the requirements for their auditors' office. So, this whole presentation and the whole issues surrounding the SILC and the DSE has to do with communication. You don't ‑‑ you can't be afraid to talk to each other as well as other entities to figure out how to make things more efficient. Like I said, I have had to call other state agencies to get information from them on how they are submitting information. We also have made a priority for payments so when an invoice comes in from one of the centers or from our SILC, we make sure that that goes on the top of the pile to be processed first.

Does the source of funding influence the flow of money? It absolutely does. In West Virginia our budget bill, the money that the state gives us is in a state budget bill, and we are given money based on different projects. So, we actually have a funding line in our state budget that is for independent living, so we get state funding that goes to our centers to carry out the community living services program. We also federal funding in our state budget and independent living line as well, and that's the only thing we are allowed to spend the money on. So, we have to follow state and federal laws on how we spend our money and get it all up there.

Like Ann said earlier, we have been able to pay quarterly invoices in advance. Again, thanks to me talking to Pennsylvania. So, if you are from Pennsylvania, give yourself a big whoo hoo, because you guys helped us out a whole lot. We can now ‑‑ we have a document that we put together, because it's ‑‑ the RSA came in and told us that we had to process our invoices as a contractor and we had to process funding sources for SILC as a contract because we're not allowed to grant basic support funding. So, we were able to get language from Pennsylvania that tells our auditor's office that we are dealing with nonprofits and that the funding is very important to their operations and if they don't get that funding in advance, they won't be able to carry out their mission. And according to federal law, they are the only organization that can carry out the state independent living functions. So, that language has helped greatly, because where RSA says that we have to provide a contract, our state purchasing office says it has to be a grant. With the language in the addendum, we can process it through, like there's a pay in advance.

We do not ‑‑ the disallowance of expenditures. That whole process is a process. Whenever we put together the contracts for the SILC, we have them provide us with a budget, and we will look to make sure that their expenditures aren't totally out of line. You have to look at it as a prudent person would look at it. We aren't going to say anything about it unless they want to buy everybody a Mercedes to drive. And they are getting Mercedes, I want one, too. I will disallow the Mercedes. So, we do approve their budget, only because it's part of the contract. But it is a conversation that we have with each other to make sure that they do have what they need. Last year, Ann was looking at renewing their contract for their IT equipment and the maintenance contract that they had. So, we had a meeting with her and our IT manager to see what the best avenue for them to go and they were able to find something a whole lot cheaper than what they were looking at. So, it is a partnership. It is a communication issue. And we do communicate very well. Next slide.

Is that you, Ann?

>> Ann: It is. I'm turning my paper. I'm sorry. How do we know if a SILC is autonomous or not? What does SILC autonomy look like? I think there are basic things, and even in the law it says that the SILC should be selecting and supervising their own staff. Even if it's staff that technically works for a state agency, the SILC still has that responsibility and authority to decide yes, that's the person we want and supervise them themselves. The SILC should be managing and developing and managing its own budget. Once a budget is approved, you operate on that budget. There shouldn't be any question about any expenses that follow that budget. Whether the SILC is processing its money itself or the money gets processed through a state entity, they still have that authority in order to be autonomous.

The regulations require that the SILC submit recommendations for appointment to the governor or whatever the appointing authority is in your state or territory. You're supposed to have a written policy about how you do that, and you're supposed to do it at least annually. That's part of being autonomous as well. We have to fulfill all of our responsibilities in the rehab act and do them ourselves. And obviously we have to comply with laws and regulations. And I think some DSEs across the country get hung up on whether the SILC is complying with law and regulations or not. It's the SILC's responsibility to. So, you should have the expectation that they will instead of trying to monitor whether they do or not.

I include ‑‑ next slide, please, Tim. I'm sorry. I have included references to law and federal regulation about the autonomy of the SILC. When you go back trying to say, yeah, the law says we have to be autonomous, you have to be able to point to where that is. One of the things is you can't be part of any state agency. There are SILCs that are not nonprofits, but they have found a way to be structured so that they aren't technically a part of a state agency. And if you need to talk to one of those SILCs, let me know. I'll give you names and phone numbers, because it is possible to do that.

They have to evaluate, supervise, select their personnel and make sure that their personnel is sufficient in order to carry out their function. That is also in the law. The regulations say that the SILC shall be independent of and autonomous from the DSE and all other state agencies. That's a pretty high measure. That's pretty far up on the measuring stick, and people need to really look carefully about whether they're complying with that or not. And then the SILC assurances also reinforce SILC ‑‑ autonomy and the need for the SILC to function autonomously from the DSE or any other state agency, and the DSE is not to interfere with the operations of the SILC. Next slide.

>> When we talk about DSE assurances, I think that it's important that when we work about the DSE is going to assure SILC is established as an autonomous entity, we also know that as a DSE, we are funding an entity that we need to know and be proud of. So, we do meet and discuss the areas that are on this page, the expenditure of federal funds. Meetings and agendas. But we don't interfere. We discuss them so the executive director of SILC and the director of the VR program work on it together there are times when the VR program has funding cuts or the VR program has to start spending 15% with no funding. So, those are types of things that we run into. And we've had to reduce funding to the SILC. And that has been difficult. But then in other times when we've had funding, then we have increased the budget. And it's based upon the areas that our executive director of SILC discusses with us and talks, you know, I really need more money here because this is what we're planning on doing. And it's not my approval that she's seeking. It's one director to another talking about how to manage an agency and a budget. So, I think that's very helpful in knowing I'm not controlling her and she's not controlling me, but we're working together to assure that people with disabilities are receiving what they need and the best we can together.

When we look at the nominations for the SILC board, Ann and I sit down and talk about each and every one of those. We talk about the background. We talk about the differences in the areas of states that they represent. I'm very lucky with my DSE that I have a very capable individual who is executive director of SILC. I think that if you have a brand new executive director of SILC, and a brand‑new DSE with a director, that those two individuals have got to do a lot of educating of each other. I think that would be a stumbling block, but it's not insurmountable. It's got to be where they sit down together and discuss and educate about the two programs. Because you really need to understand what the mission of SILC is, what the mission of the VR program is, and how can we partner to make the most of out them? Next slide.

>> I think that's me again. So, when you are talking about the appointments to the SILC, the regulations do require so we have a method for recruiting a policy, a written policy about how we're going to recruit, how we're going to review the applications, how we're gonna provide our recommendations to the appointing authority. If you don't have a relationship with somebody in your governor's office that has the responsibility for making sure appointments get made to councils and commissions, you need to develop one. When I started, they didn't know who I was. We had times where we had some issues and we worked through problems with our appointing authority staff. But what I try to do is make their jobs as easy as possible. So, I give them all the information they could want and more. When they get our nominations they don't need to do anything other than write the letters. In our state, people can go online and apply directly to the governor's office for any order or council, and I would recommend that you talk about why that's a problem. If a governor or appointing authority is appointing people to your council without your knowledge, that could throw your membership out of whack, and you would not be in compliance with the law. They need to understand why you have to be in compliance with the law and the money that's at risk if you're not, and develop that relationship so that they come to rely on you, and so that they know you're really vetting people and you're not going to give them somebody who's going to embarrass the governor. That's one of the things that they have to worry about.

As far as a role in the process for the DSE, for the appointments to the SILC? One of the things my DSE does that I greatly appreciate is to send out our nominations notice that we're accepting applications to the SILC. And how to go about doing that and how to access the application form. And they send it out to their counselors and they share it with their consumer advisory councils and their consumers so that the pot of people out there that knows that we're seeking applicants is much broader than it would be otherwise, and we reach people that we wouldn't be able to reach otherwise. Next slide.

So while the SILC is responsible for the development of the SPIL and needs to take the lead, we need to work really closely with the center directors. And I always say anybody else that they want to send. My center directors often send staff to be on the team as well. We often have the DSE represented in our meetings. We don't want to wait until it's ready for them to sign it for them to have any idea what it says. That doesn't make sense. That's the relationship that we have. We communicate openly. We have had a lot of fights over the years. When I was new, the interim director of our VR agency came to me and said that our ‑‑ that state planning could not be implemented. That we had to change it. It was not well thought out. And that was not how we were gonna use the money. And I said I will talk to my council. And my council was extremely upset. And we invited him to a meeting. They heard him out. And then they wrote him a letter. And he backed down. Because they had put a great deal of effort into writing that plan and gathered a great deal of public input so that they knew we had a solid plan. But we had to have that communication first. That's how you make progress.

So then the state plan, once it's all developed, has to be approved by the SILC and the centers. And that approval happens when they sign the plan. And if you can get every center director to sign your plan, that's what you want. But at minimum, you have to have a majority of them sign it. The DSE has to sign the plan as well. But their signature does not indicate that they approve of the plan. It indicates that they agree to be the DSE.

Now, if they had a huge problem with the content of the plan, it would be reasonable for them to be able to say we don't want to meet the DSE. But they shouldn't be saying you have to change the plan or we're not gonna sign it. That's not their role. Next slide.

Michelle, is this you?

>> Michelle: Yes. The power struggles in clarifying roles. We in West Virginia are very clucky. Everyone at the table is very passionate about serving individuals with disabilities. And we have a very open communication line that allows everyone to be involved in the creation of the SPIL and budget development and all of the aspects that go into the program. And we have to understand that we all have our own specialty. The centers, the SILC, they understand independent living a lot better than we do in some cases. And we're very lucky to have experience. We have all been involved in the programs for a number of years. So, we know who to call when we need help. So, we really have to treat each other with respect. We have to understand that just because we disagree doesn't mean that nothing can be done. If you don't disagree, you can't grow. So, we do everything we can to pull everybody together as often as possible. We invite Ann to our state conferences that we have. We try to invite her to everything so that we all understand and have a seat at the table when something major does arise.

We understand that we need help. There are sometimes that we'll have a project come up and we're not sure how the public will take it how our other partners will take it. So, we will call Ann and give our opinion on how to proceed with what we want to do. So, it's very, very important that you respect each other and that you listen with an open mind for anything that needs to be done. Next slide.

Like I said earlier, understanding the piece that you play in each role is huge. Like Mary Jane said earlier about knowing the federal law. If you have a brand new director, if you have a brand‑new VR director, a brand‑new SILC director, you really ‑‑ it's very important that you understand how the law works. We recently have had a brand‑new liaison between the agency and SILC. And that was alerting for all of us. The person who was in the role before had been with the agency for many, many years, and he knew the law inside and out. So, we've all taken a new dive into the federal and state law since we need to know how things are supposed to be done. So, the communication is key to any ‑‑ anything that we do. Understanding of how the funding will be used. We know that Ann knows what she is doing. She knows her stuff. And it is the responsibility of the SILC board to make sure that the funding is used in a manner that will carry out the SILC's mission. So, having the DSE have a seat at the table to hear what's going on and to hear their thought process, because a lot of times you can see in the end result of a budget or an end result of the bill, and you can read through it and think what were they thinking when they put this together? If you have a seat at the table and you can hear what's going on and you hear the thought processes behind the document, then you know where they're coming from and that they really do have the best interest of the independent living community at heart.

Next slide.

>> What happens many times in the different meetings? We make sure that as a DSE, we attend all of the SILC meetings. We make sure that during those meetings, we present what the VR agency is doing. We present our budget. We present changes and we want to make sure that the SILC board understands us as a VR program and the struggles and things that we're going through so that they can give us suggestions, inputs, and attend our public meetings. We want them to have an interest in what we're doing and what our mission and goal is. We also bring Ann, our executive director of our SILC in West Virginia, in to the table when we develop policy, when we develop procedures. So, that there's someone from the outside that is looking in saying where did you come up with this policy? We appreciate that. We appreciate being able to have someone say this is good and this is not so good.

We also have a legislative activist that goes to the capitol that reaches individuals, you know, that support us. Really, she helps educate legislators about the VR process. And we help educate them about SILC and independent living. So, we help each other out in those areas, and our ultimate goal is individuals with disabilities.

We want to make sure, again, that the directors can communicate and work with each other on making the strongest agency so that we can serve the public and serve individuals with disabilities. It doesn't help to go against each other. It doesn't help to have battles. If it isn't working and you can't figure out a way to make it work, then we'll talk later on about how to do, what to do next. But really, truly, we need to if it doesn't work, it's like a marriage and we got to figure out how to make it work. Next slide.

>> I have told a lot of people that from day one, I approached my VR agency as my partner and saw myself as their partner. I didn't see how we were going to be able to operate and make what needed to happen happen unless we functioned as partners. I was never treated as a subordinate. There were a couple of attempts at that, but because I always put myself forward as a partner, that set the tone for our relationship. I don't believe in a DSE treating a SILC like it belongs to them and I don't believe in a SILC treating the DSE like it's an enemy. We have to be partners in this. We all have to work together to make things happen that we all know need to happen for people with disabilities in our state.

The DSE has to administer the money, but they have to administer it in accordance to what the SPIL says. The money should be spent for the purposes outlined in the SPIL and the activities and the objectives. And the SILC should be able to monitor to make sure that is what's happening with the money. It means the DSE should provide the financial information that makes it possible for the SILC to know that. Did they make it easy for me? Because all of the money goes to our centers? The contractor shared with me? I and my council is responsible for determining whether the state plan is accomplishing what we intended it to accomplish. The SILC does not monitor the centers at all. Our goal is to make sure we're getting the outcomes we wanted. We can sit down with the center and say we need to change the plan. This isn't working. Or maybe it is and we're not getting the information that we need to know that it's working. Part of that information comes from the centers sharing outcomes, and part of it comes from the consumer satisfaction survey that the SILC does collaboratively with the centers to see if people are getting what they need.

I think we're ready for Q&A.

>> Tim: You can type questions on the Q&A tab. If you are only on the phone, you can e‑mail me at Tim@NCIL.org, and you can enter them in the streamtext chat. For those of you that are using the full‑screen CART, there's a chat feature there. I'm logged in at Tim Fuchs, and you can type your questions in that screen.

So we have great questions that have been coming in since earlier in the call, and I'm going to move through these in order. So, Ann, the first question is from Peter. Is the youth leadership forum that's hosted by the SILC considered a direct service?

>> Ann: I don't think so. If you put it in your state plan as one of your authorities, because it is consistent with the purpose of the act, if you say you're going to conduct activities to fulfill leadership development, there's never been a question that that is considered a direct service. That is something unallowable for a SILC to do. That being said, the SILC is also going to have to leverage other resources to support that happening. When you start bringing in other sources of funding, it increases your ability to do things that you might not be able to do solely with your resource plan. So, you need to look at that as well. Look at partners that can be engaged in conducting and implementing your youth leadership conference or forum. We're actually in the process right now of planning one for next summer and have done disability caucuses and youth caucuses in the past. You do have to put something in your state plan that you intend to do something like that. You don't have to put all the detail, but you have to indicate that you are intending to do leadership development activities.

>> Tim: Thanks, Ann. John asked what is INE funding? That is innovation and expansion funding from the state.

>> Ann: Can I explain that just a little bit?

>> Tim: Go ahead.

>> Ann: The federal law requires that the VR agency set aside a portion of their title I money, which is typically called 110 money, to set that aside for innovation and expansion activities. There used to be a set percentage that they had to set aside. There is not any more. But they do have to set aside a portion. They have the discretion to decide how much that will be. It's title I Money but when they set it aside it becomes INE money.

>> Tim: Stephanie says are CILs invoiced monthly? Contracts have said that state payments are paid monthly, but the Attorney General says this conflicts with our 45‑day statute. What advice do you have?

>> Our state used to say that we have a 60‑day statute. So, even if our contract said that we had to pay it within 30 days, the state allowed us 60. Unless you can sit down at the table with your CILs and have your contract changed to say that you have 45 days to pay it. If that's what the Attorney General insists you do, I mean, I would ‑‑ if the Attorney General will approve your contracts without that 45‑day requirement, I would probably change it with the understanding.

>> We have a lot of federal and state regulations and we try to dance between them as best we can. We were trying to dance between receipts required. And that's when Michelle and Ann and staff went together and really addressed the problem that we were having about six or eight months ago.

>> Thanks. That's helpful. Michelle, do you refer to the CFR to ensure that budget items are allowable per federal regulations?

>> Yeah. We actually do. We're lucky that our SILC has the normal expenses, rent, utilities, personal services, normal things like that. If they want to do something that would be unallowable based on the BFR, we would have to have a discussion and figure out a way to do it. If not, or they have to find a different funding source to pay for it. But yes, we do refer to the BFR.

>> There are prior requirements that our SILC has to follow through that are federal requirements. We work through those. We have been pretty successful and there have not been problems. But it's been a learning curve with some frustrations.

>> So we have to make sure it's allowable before it goes to the federal government, because if not they will deny it and we don't want to have to go through that.

>> And trying to be better about acronyms.

CFR is code of federal regulations.

>> And that is specifically with regard to the INE funds.

>> Got it.

>> So Stephanie says our governor's office will only work with a state employee. They won't work with our council chair. My work‑around is to connect the SILC chair and e‑mail the governor's office. At one point, when I was out, they appointed somebody while I was gone on maternity leave. The person does have a disability and has been an asset, so I have told the governor's office that I can help keep them from nasty grams and problems. Good advice.

Okay. Let's see. And Stephanie offered, too, that their communication with the DSE is good. She is representing the DSE. And they know how to distribute the money. That's great.

I'm going to go over to the chat. I think I saw a couple questions in the chat.

What all do you pay in advance? Michelle you mentioned that earlier in the presentation. What are examples of things that you all pay in advance?

>> Michelle: The only thing that we pay in advance are our contracts. What we do is if we have a contract for $100,000 with the SILC, then we break that up into quarterly payments. So we'll pay at the beginning of the contract we'll pay $25,000, and then the next payment that's due at the beginning of the second quarter, we require a financial report and ‑‑ just a financial report from SILC to show how they are spending their money. So, if we have given them $25,000 and they've only spent 5,000 of it, then we won't process the next payment until we see that they have spent their first $25,000. We want to make sure that the funding stays consistent. And that's one way that we were able to procure our purchasing dependents to agree to letting us pay in advance, because we do monitor how quickly they spend their money. We don't monitor how, but how quickly they are spending it so at the end of the year they don't have an extra $50,000 that they won't need. We have to still be good stewards and make sure that things are taken care of quickly.

>> And do you ask for invoices as documentation to back that up?

>> What we have had to do, like I said earlier, we have a new state auditor who has decided that they want individual invoices to back up the payment requests so they want the invoice to match perfectly to the back‑up documentation. I talked to other state agencies to see how they were handling it, because that could end up in massive paper that we really don't want to have to deal with. So, we took an Excel spreadsheet, and we have listed out each vendor that they are paying, what the service is for, the dollar amount of the invoice and the date it was paid. So, that's the way we were able to work around that. And we don't have massive amounts of paper that we have to deal with.

>> Good. All right. Great tip. Okay. I'm gonna ‑‑ it's 12 after, and I want to make sure we have time. We've got about 12 minutes for this next section before our last Q&A break. I will go to slide 23 and turn it over to Ann.

>> Ann: Thanks, Tim. I mentioned the fact that the relationship was not always easy. I used to feel like when the director of my VR agency would want to meet with me, I felt like I got a royal summons, and that is how those meetings were handled. I maintained the position that they were partners. We have had a wide variety of directors since I first started. For those of you who don't know me, I have been doing this job for almost 23 years, and I have outlasted multiple VR directors during that time. But every one of them I have approached as a partner. I worked with them when they are first appointed. Have a meeting. Tell them I know they don't understand what we do. I want them to learn what we do, provide them with information, maintain an open channel of communication, and things have gotten steadily better and better over the years. To the point where I almost take for granted that we have a good relationship. And I know it can change in a heartbeat, because it has before. But I think the open communication and being strong partners with each other is the key to keeping us ‑‑ a good relationship that doesn't end up making one of the partners feel like a subordinate. Next slide.

>> I agree with that with Ann. There have been times that Ann has been probably talking with her staff and has said what the heck is going on with VR? Why did they say that? Or why are they doing this? And I have done the same thing. But Ann and I have a relationship that we call each other and say, "What the heck is going on?" And we talk it through. We may not agree with what the other one is doing, but we talk it through. And it's like a marriage. You know? It's good, bad, or ugly. And if it gets too ugly, then you separate. But we felt that we can be stronger together and the SILC benefits the VR agency so much, I really feel that a VR agency wanting to separate from a SILC is a bad decision. I think if the agencies take the time to understand the mission, to understand we do have to fund ‑‑ as a DSE, we have responsibilities of funding, but we have responsibilities of funding a lot of things as a VR agency. And this is one of the many things we have to fund, and it's something that benefits us in many ways. Like I said, legislatively, business‑wise, in many ways it benefits the VR agency. It does take some time to build the relationship. And if you value each other and if you value the concept of independent living around people with disabilities, then you will understand the concept. The past several directors that Ann has worked really well with have been VR counselors to begin with. They value the individuals with disabilities. So you can only hope that your VR director values your client. So, I think that it will take an individual on the executive director side of SILC and on the VR side that want to work together. And if it, you know, when we're looking at budgets, that's why I said stuff about budgets. When we don't have a percentage that's mandated to be set aside for INE funding, we negotiate it. And we negotiate it by what we have. And there are many times that we have had all orders of selection folks. SILC knows that we weren't able to fund as much as we had. Currently we have a waiting list. But if we get re‑allotted dollars and we can increase for one year, then we're gonna work with SILC in what they need. Now we're not gonna say we got an extra million dollars. We're gonna give you half a million. We ear going to talk with SILC and say what kinds of needs do you have? What's going on? Or, for instance, if we merged offices and we have some extra supplies, extra office furniture, then we may work with them and do you need any of this for ‑‑ it's not money, but it helps them not spend money on supplies and furniture. As long as we keep track of the inventory, then we're okay and we can still live by the rules in the state agencies.

We don't approve their expenses. They've got to figure out what they spend money on. And it's just like a consumer who is looking at an organization. If we see something out of the ordinary, we will say what's this about? Or what's that about? And we don't have any trouble there's not been able that we went oh my goodness, Ann, what are you doing? And like I said, we've had our ups and downs with processing invoices timely. We had some trouble when we couldn't get them through. And we've worked through that. And knock on wood, we're gonna sure hope that it continues.

>> About five years ago, the state implemented a new financial system, so getting anything processed at that point in time was a headache. We worked with Ann and explained our situation, and she was very patient with us and our CIL directors were patient with us and we were able to work through that. We had an issue when our auditor put in new requirements for the invoices. So we had a conference call to explain what was going on and explain that this wasn't coming from us. We don't want to make anyone's life more difficult than it has to be, and we want to work together to come up with the most efficient way to make sure that the invoices are processed and that we get them in a timely manner. Sometimes we don't get them in as quickly as people think they send them. And there are times that we lose things. When you deal with paper, you lose paper. We have had to request another copy. We will walk them through the auditor's office to make sure they get paid in the next day or two. It's all about compromise and communication, and we can't reinforce that enough. In order to have a successful partnership with anything that you do, it takes communication. You have to talk to each other.

>> Okay. Next slide. As a DSE, we are honored to be a partner with SILC. We like that. But if it doesn't work, separate. I don't think that if it isn't working with the DSE, and the DSE is really causing too much trouble, then you separate. You know the DSE has to agree to receive the funds, process the funds, and truly be responsible. Some DSEs may say I'm not getting anything out of this; why am I going to all the trouble? The DSE has to provide some resources for SILC. DSE may not want to. The DSE may say, you know, we're not gonna do that. This is too much of a hassle. If it doesn't work, change it. Really, truly, I think that you have to move forward and do something to work instead of trying to make something work that isn't. And if you do have to ‑‑ next slide.

If you do have to separate, I think the DSE needs to do it with respect, and the DSE needs to do it and be a big person about it. I don't know any other way to say it. The DSE is responsible to people with disabilities to truly make that a smooth transition out of being a DSE. I just think that you have got to work towards that. And then the next slide. It's Ann.

>> Ann: So what happens if the SILC or the DSE, one or the other, decides ‑‑ or the centers decide that this relationship isn't working? It's the SILC's responsibility to figure this out. But we can't do it independently. We have to work with the centers for independent living. You should have a conversation, all of you together, about what your options are and the pros and cons of each of those options. You should consult with your governor's office. It would not have occurred to me to approach another agency about being our DSE without going to my contacts in the governor's office saying here's what's going on. We all agree we need to make a change. What would you suggest? Do you have ideas about where might be a good fit for us to go? Who should we talk to? Use them as a resource to help facilitate the process. Then you're gonna have to meet with the entities that you're considering. To figure out if it's a good fit, if they can bring resources to the table to help support the SILC. When you're in my situation, my resource plan is INE funds. Okay? So if I move to a different DSE, are those funds gonna go with me? Most DSEs would say no. Most VR agencies would say no. And you also have to talk to the potential new DSE to say what resources do you have that you can throw our way? It's your responsibility to make sure that we have resources. Is that an option? How is that gonna work? The law says we can use subchapter B funds, INE funds, state funds, and other public and private funds ‑‑ whatever that means. It could be anything, right? In West Virginia we don't use any part B. It all goes to the centers, and my council would not be inclined to want to take money away from our centers. So, there would have to be a lot of conversations about resources and how that's gonna work. And then you would need to make an amendment to your state plan. Or if you're doing this at the time when you're writing a new state plan, it has to be part of that plan. You have to indicate who the DSE is gonna be. If you're doing an amendment, you can't do that independently. You would have to engage the centers and the DSE in preparing that amendment. You have to talk to the independent living administration folks. That's the one amendment that you can make to a plan that your DSE would have to sign as well to indicate the new DSE has to indicate that they're willing to serve in that role.

So INE funds are required to exist. The state agency sets them aside and they're required to be used to support the rehab council and the SILC. So, there's no reason they couldn't continue to provide you with funding, but if they were not inclined to do so and you couldn't reach an agreement to retain INE funds for your SILC, then you're gonna have to negotiate with your new DSE. And of course, all along you need to be looking at other sources of funding, ways that you can bring in resources so that you're not solely dependent on any particular source of funds. You resource plan needs to be deLyn nated in your state plan, so you need to think about that. You have to have a lot of conversations about that and you should be doing that anyway, regardless of whether you get INE funds and whether you're contemplating getting a new DSE.

>> Tim: Thanks. Here we are in the final Q&A break. You can type questions in the Q&A tab or full‑screen CART chat box. And I saw a couple in the chat, too. No problem. I had missed a couple in the chat box on the CART screen during the last Q&A break that came in towards the end, so I wanted to start with those. First is from the folks, how do you know if the SILC and CILs are getting all of the state and federal funds that they're entitled to? And what assurance or protection would you have to make sure you're getting everything you're supposed to have?

>> Well, if it's federal money, you need to be communicating with your project officer at the independent living administration. That's how you can verify the amount of money that's even coming to the state. We were able here, just this past year to negotiate with the independent living administration that the SILCs need to receive those grant awards for the part B money as well as the DSE receiving them. Because how can the SILC monitor whether the money is being used in accordance with the plan if you don't even know how much money there is? So they are sending those out directly to SILCs now. So, that gives you a handle on how much part B money actually comes to the state so that you can see whether it's being distributed in accordance with your state plan. So you want to have that communication. You want to have communication with the fiscal people at your DSE. I am lucky that I have always been able to get the notice of grant award because the fiscal people at the DSE share that with me. If I don't have it and I need it, I give Michelle a call or an e‑mail and she makes sure I get it.

There's no point in smoke and mirrors and hiding information from each other, because you can't do your job well if you do that. So, sharing information is really important. If there is state money, it's appropriated through a budget, and you should be able to access that. But you should also be able to get that information from your DSE. And you can go both places and verify. You shouldn't hesitate to ask.

>> Tim: Okay. Great. All right. Peter asks what's the value of a SILC being a 501c3 versus a governor‑appointed committee? Is there a resource showing the pros and cons to this? Ann, what do you think?

>> Ann: I don't know if there's a specific resource or not. I know my people looked at it very closely before I was ever hired. In an attempt to be truly autonomous and not be part of any state agency, it seemed like a logical way to organize. Other states have organized other ways, some of whom are looking at becoming 501c3s now. In fact, the majority of the SILCs now are 501c3, because it seems to be the best way to maintain autonomy and also to be on equal footing with your partners. The centers and your DSE as partners if you are your own entity.

Now our bylaws are set up, and I know some other SILCs are as well, that the board of directors of our nonprofit is the voting members of the SILC appointed by the governor. So, that makes the relationship there very clear. We don't have two separate entities where one entity, but the board is appointed by the governor.

>> Okay. All right. Thanks. Lydia asks, do we have to go through a legislative process to officially change the DSE in our state, or will the change be official if we follow the previously discussed process?

>> It depends on what your state code says. If you had legislation that put the SILC in state code and indicated a specific agency was gonna serve as the DSE or ‑‑ if not that language ‑‑ was going to handle the federal funding, then you would have to get that changed. If you did it in a more generic way in your state code, then you may not have to do that. You may say it's the entity designated in the state plan for independent living required under section 705 of the rehab act. So, it depends on what your state code currently says. If there's nothing in state code, then you don't have to have it. If your SILC was established in an executive order by your governor, and that says something about who that designated entity is, you would need to revisit that. But as with most questions, I find the answer is it depends.

>> All right. Thank you. All right. Last question comes to us from Lisa. She says in the slides it says the DSE must ensure the SILC resource plan is necessary and sufficient. How do you determine that threshold? Our SILC sometimes has carry‑over and the funds are redistributed to the ILCs, and the ILCs would never say they have enough funding. How do you approach that requirement and that determination?

>> Mary Jane: I think that starts with the executive director of the SILC and the director with the VR programs sitting down and negotiating and looking at the SILC cost. And that's what we do with Ann and I, because we look at what kind of budget she has. I don't approve the budget. But she looks and talks to me about her budget. And this ‑‑ these are my operating expenses. This is what I need to do. If she has less money left over, it's typically from a joint project. And at that point, we discuss what she does with that money that's left over from the project. Do ‑‑ does she return it to us? Sometimes we say yes, return that money to us. Or if the money is left over from a specific project, we may say spend that on you. So, we talk about each amount that is left over and how to redistribute it. It isn't just automatically sent to the CIL.

>> And when we pay the waterily invoices, we pay close attention to the budget report that they have to send to us. And we have the report set up so that you have the budgeted amount and the next column is for their actual expenditures and the remaining amount. And if it looks like they're gonna have a whole lot of money left over, then we just don't pay it to them.

>> Our auditors don't allow us to pay for things that haven't been done.

>> Right. Okay. Great! All right. We are couple minutes past, but I know we didn't start until five after. I'm going to go ahead to slide 30 here where our presenters have been generous enough to provide their contact information. And then in addition, you can always reach out to any of us that work on the IL‑NET project at NCIL, ILRU, and SILC. We have highlighted Paula and Ann McDaniel. There was a SILC question that I received during today's call that was ‑‑ that we didn't have time for, and it was more related to SILC composition than today's content. So, I will forward that to Ann to get you an answer, Pat. But anyhow, thanks to our presenters for offering their contact information. The one that's not on here that I want you to use is my own. That's Tim@NCIL.org. More than happy to take your questions. If I can't answer them myself, I'll pass them along to someone who can. Here on our last slide, slide 31, there's the link to the evaluation. Again, that's not a live link. You're welcome to copy and paste it, but you can't click on it. But when we close the webinar, the evaluation will pop up on your screen. We ask you to take a minute to fill it out. If you truly don't have time and you promise to come back later, the same link was included with the e‑mail and connection instructions. If someone else in your organization registered for you, I would really appreciate it if you each offered your feedback, even if you weren't the one that registered, we are still interested in what you thought of today's presentation, and we're happy that you're here.

So with that, it is 4:35 here on the east coast, so we're going to go ahead and close the call. Mary Jane, Michelle, and Ann, I can't thank you enough. I know you all have full‑time jobs, and the fact that you said yes to this and were willing to share your expertise and your experience in West Virginia with a really great symbiotic SILC/DSE relationship was outstanding. To all of you who joined us today, we appreciate your time as well. Don't let the questions stop here. Let us know how you can help. Don't be a stranger and I hope you all have a wonderful afternoon. Talk to you all later. Bye‑bye!