>> Tim Fuchs: Good afternoon, everyone. I'm going the wait about 15 seconds to make sure the whole audience is connected before we start any content.

Again, if you're just joining, we're going to wait a few seconds to make sure everyone is connected before we start any content today. All right, thanks for your patience. We always do that to make sure everyone can see and hear us. Welcome to today's presentation. I'm Tim Fuchs with the National Council on Independent Living. I want to welcome you to the NCIL and SILC, the Importance of Autonomy, Power Struggles and Relationships with the DSE and the IL Network. We're doing this in partnership with the international association of SILCs and thank them for their participation in this. It is in collaboration with NCIL, APRIL and University of Montana provided by the University of community living at the Department of Health and human services. We are recording today's presentation, so we can archive them. We are in presentation mode, but we will have plenty of time for comments and questions today. I will review them each time we take a Q&A break.

We have captioning and ASL Interpreters today. If you don't see the caption, you want to go to show subtitle and if you don't see that at the bottom of your screen, check under "more" and that is "show subtitle" to turn on the captions. We are sharing our screens today, or I'm scaring my screen. You want to shake sure you are in side-by-side mode so, you can see the speakers and interpreters. Only the active speakers will have their cameras activated as we're doing right now. You will always see the active speaker and the active ASL interpreter. Be mindful of the fact that our speakers and our Interpreters will be changing during the session today.

Finally, I want to mention that we do have an evaluation form for the webinar today. That will open on your screen when I close the webinar. It only takes a minute to complete. I hope you will fill that out and let us know what you think.

We have been working on these presentations with NASILC and I want to thank our panel for all of the time they put in planning this discussion. With us today, we have FranSha Anderson, Kathy Cooper, Executive Director of the Kansas SILC, Amber O'Haver, Dora Easterling and Shelly Simmons. Thank you to you all. I'm going to go the next slide now and share these learning objectives.

So, our plan for today is you will learn the statutory requirements related to SILC independence and autonomy, SILC standards and assurances and assurances and what is meant by autonomy and what that look like for the SILCs and examples. We're going to hear from our panel as they hair more about themselves.

>> Shelly Simmons: Good afternoon. I think we want to do a quick introduction of the panel and we will start with, Sha, were you the first one on the list? I guess we will do our directions as we speak later. My NCIL is Shelly Simmons. I'm the Executive Director for the statewide Independent Living Council of Georgia. I am a middle-aged, black woman, short haircut, wearing glasses, brown skin. I have on a tan dress today with a floral print.

So, why do we have SILC's? Well, SILCs were created in the 1992 amendments to the Rehabilitation Act to ensure that part B. funds were consumer controlled and that the uses were detailed in the state plan for independent living or what we refer to as the SPIL. We are to be a statewide influencer and promoter of independent living. The makeup of the SILC is CIL, so the consumer control is required, and the majority of being people with disabilities who did not work for a center of independent living or state agency is to ensure there is not undue influence and consumer control is clear. SILC's also serve as a direct resource to the Governor and other state leadership regarding people with disabilities.

Here in Georgia, I want to give a little comment, here in Georgia, we have a good relationship, but we also have our struggles with the Governor's office and having that direct communication has been challenging. For the most part, we are required to go through the DSE or the designated state entity, which can be a little troubling or frustrating at times, especially when it comes to appointments or things of that nature but trying to make sure the Governor is aware of who the SILC is and what we do has had its challenges. We are constantly working on that. It changes with each administration.

So, we find ourselves always having to educate the Governor's office about SILC. Next slide, please.

>> Kathy Cooper: We're going to introduce ourselves. My NCIL is Kathy Cooper. I'm from the Kansas SILC. I'm a white woman with blonde hair and I have a multi-color blue shirt on. I have a white background with a blue and white blanket and a brown door, and you might see a fringe of a cat in there every once in a while.

>> Amber O'Haver: Good afternoon, everyone. My NCIL is Amber O'Haver and I'm the score Director for the Indiana statewide for the Independent Living Council. I use pronouns she, her, and hers. I'm a white woman with a disability who uses a manual wheelchair and have done so for more than 20 years. I'm a white woman with long, blonde hair and blue eyes and I have my sassy red lipstick on for extra woman power and I'm sitting in my home office today, which behind me, you will see for those who can see, I have tan walls and other little items like picture frames and a calendar hanging on my wall in my office. I think Sha or Dora, one of you is up next.

>> Dr. Anderson: Hello, everyone. My pronouns are she, her, and hers. I'm a brown-skinned black woman. I have dark brown curly hair. I'm wearing a red necklace; it is an elephant with red earrings. You will see a brown background. I'm in my boardroom at my office, so good afternoon.

>> Dora Easterling: Hi, good afternoon. I'm the Executive Director of the SILC of Tennessee. I'm a white woman with short brown hair. I wear glasses. I have a very vibrant floral print blouse on. I'm in a blue room with pastel-colored decorations. It is very serene. My pronouns are she and her and I want to thank everybody for being with us today.
>> Amber O'Haver: I believe that is all of our panelists. As Dora said, I want to express thanks to everyone being here today. Let's jump to slide number five and go through this. The rehab act, point one, establishment of SILC, so being consumer controlled or directed and that consists of SILC composition, where majority of all members and majority of voting members need to be consumers who are not employed by a state agency or a SILC, and the SILC shall not be established within a state agency. So, supervision and evaluation of SILC staff and hiring and selection of the SILC Executive Director, and only one SILC representative to represent the SILC. These are all various points within the rehab act that reflect SILC independence and autonomy and I will touch on and share Indiana's history, which is going to look and be a little different than some of the other comments that are shared here today by the other panelists, so keep that in mind.

For Indiana, specifically, our history has been somewhat challenging in terms of us being a SILC that is in compliance in terms of consumer direction. It wasn't until about three years ago that we became compliant in terms of our composition related to consumer direction for the very first time. Our SILC was pretty much comprised of and controlled by a lot of center Directors in the DSE and our state, and this has pretty much kept us out of compliance for quite some time.

It created a lot of issues in terms of independence and interference in autonomy, so it was challenging sometimes to move forward on issues and do things as an independent and autonomous entity when you have a SILC that is ran by the centers in your state and your DSE. So, I do want to share and say though, while we did have issues in the past with our DSE's manning or kind of controlling and filtering in through them and requiring things go filter through them, in terms of our appointments, we worked really hard with the DSE to help them to better understand why this creates some interference in terms of our independence and autonomy, so I want to give our DSE some credit. They came to recognize that and step back and there is no gate keeping in terms of how we are recommending and voting and -- vetting and playing a role in terms of our Governor's office in terms of our appointments. It took us a while to get there, but we made it and I want to give credit to our DSE for recognizing that and stepping back and letting us sort of drive what needed to happen.

I will say we are still struggling with some of our centers trying to, you know, demand a much greater SILC presence in our struggling with adjusting to always becoming a much more established SILC in terms of our independence and autonomy, but again, we're going the keep working on that as best we can and see where it takes us. Just know there is some challenging work that has to be done there.

The other things we talked about have been the way we -- for our independence and autonomy has been we did an overhaul of our bylaws. In our bylaws, because of our past history because of our CIL controlling things, that we put in our bylaws that no CIL will serve in the Vice Chair law and only one CIL rep can serve on the council. I think other folks have stuff to share as well.

>> Dora Easterling: Hi, this is Dora from Tennessee. I want to say I have been here for two years, and we do have a strong SILC presence on our SILC board, but it has worked for us and worked very well. One of the things coming to the table is the center Directors put on their SILC hats at that table, and what is best for the SILC, best for the state, and the CIL Directors come to the table and coming to the meetings, and it has worked very well for us. We have established very good relationships, not only with the CIL, but also with the DSE. And so, I wanted to come and give you the counterpoint that relationships are just that, and you have to determine what is best for your state. In our state, it works very well for us to have a strong CIL presence that does not mean we are not consumer controlled. We just have a great, strong presence. Thank you.

>> Amber O'Haver: Next slide, please. Slide six. So, continuing on how the reflection of SILC independence and autonomy is shown throughout the rehab act, I'm going to share what is on the slide, which is an example around conflict of interest. So CIL staff or board members serving as officers and to this point, while the CIL staff can speak to conflict of interest, but there can only be one CIL Director, other CIL staff or member may serve as long as the SILC is consumer controlled. CIL funding allocation and conflicts come up from time to time, in terms of interference in independence and autonomy, and I know some other panelists will speak to that point. I wanted to point out in terms of conflict of interest, what NCIL does is policy and procedure, we also have what is called a conflict of interest agreement and a conflict of interest disclosure form and all of those are signed off on by every single SILC member to make sure folks fully understand and get a refresher on what conflict of interest is and what a conflict of is may be and they can disclose if they feel they have one.

I want to point out and is unique and furthers our independence and autonomy, is our policy also consists of language that includes conflict with the IL philosophy and its principles and practices. An example of this could potentially be where a CIL Director is serving as a Council Member and/or CIL staff works for this particular CIL and the CIL decides to start up a guardianship program at their center. This would be a conflict in the IL policy, the way our policy is set up and written, so that could lead to pretty intense discussion and could result in the need for the removal of that CIL individual or potentially, asking that individual to resign because of the conflict working or running a center that has started a guardianship program that is very much in conflict with the IL philosophy.

>> Dr. Anderson: So, this is FranSha from Arkansas. So, just to comment on the CIL funding and part B. distribution. When it comes to the part B. distribution, our centers for independent living get the part B., but we have it specifically in our SPIL if there is any rollover that the sills and the centers, we agreed upon that amount of money would be split among the centers for independent living and the SILC. It has worked very well. It has for the last three years.

In our last SPIL put if the CIL or our division of services for the blind decide to relinquish that Part B rollover to the CIL, they can do so. It is very specific in this bill. I can tell you; you don't want to generalize when you agree upon something. You want to put it where it is, where you can go back and refer to it. So, I'm excited about that, because it can save you now. Whether or not we will vote on that next time, I don't know. Right now, it stands for the remainder of this bill. Every state is different, as Amber and everyone has said. But just make sure whatever you want in that SPIL, don't generalize. Be specific. Be specific. I guess I could say that is why Arkansas was approved in the beginning, because we were very specific. Thank you.

>> Dora Easterling: Hi, this is Dora with Tennessee. We also tried to be very specific. My mother would always say money will make you ugly. When we went to write this SPIL and it was the first time in writing a S PIL. it was great energy. Everyone heard everybody else and the best way to be heard is to listen. So, we sat at that table all together and we came up with a SPIL, and we came up with a fair SPIL. I would like to think when it comes time to do this again, it will be the same, great spirit between the CIL's, the SILC and the DSE. Thank you.

>> Dora Easterling: Oh, it is me. Next slide, please. We will be on slide seven. IL regulation, reflections of SILC independence and autonomy. 329 subpart B., the SILC shall not be established as an entity as a state agency, including the DSE. The SILC shall be independent of and autonomous from the DSE and all other state agencies. No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC. The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan.

I wanted to say, when you look at the organizational chart, I believe it was ACL written, but I find it on the IRLU website, when you look at the organizational chart. You see the DSE, the SILC, the sills on the -- CIL's we have a very different, but important role, so autonomy is important, so to establish that in your state, that CIL's are autonomous from each other, and the SILC is autonomous from the DSE is where you're going to start. Once you have that autonomy, you can start building the represents where you are a valued partner at that table. It does work. Thank you.

>> Kathy Cooper: So, I will jump in here, Dora. I apologize when I gave my introduction. I did not give my pronouns. My pronouns are she and her. On point number two, no conditions can be put in to compromise the independence of the SILC. This is important because. You have a SILC that is going to run all of their Governor religions through the DSE, that compromises the independence of the SILC, or if you have a condition from your DSE that says they get to approve all of your council votes or something like that, that compromises the independence of the SILC. Now, they can put certain conditions on your grants, your memorandum of understanding or whatever you have to get your funding, they can put certain requirements on that.

In Kansas, I have to do a quarterly report. I have to do monthly invoicing and sending documentation, different things like that, so they can require that kind of stuff. That doesn't compromise my independence. that is what all grantees and contractors in Kansas have to do, so there is the difference.

The SILC is as responsible for the expenditure, so that is important because you have to know your OMB circulars. You have to know, you as a SILC, are the responsible party for any expenditure made by the SILC. You can't say oh, well, the DSE paid it, so that is fine. That is not how it works. If you are, and I'm going to throw out a crazy example here. If you're buying a car with SILC money that is not a proper expenditure and you're responsible for that even if it were to slip through the DSE, so understand that.

>> Dr. Anderson: Just to piggyback on my colleague, I want to talk about the SILC being responsible, like Kathy said for proper expenditures. We do quarterly reports. I do my Executive Director reports, but guess what, at the end of the year, the Executive Director report helps me write the comprehensive report. We have a contract with the county. Dr. Anderson does not write any checks. No checks. I think that is a matter of transparency, and we have monthly meetings as well as quarterly meetings with our financial team that includes our accountant, and it has been -- it has worked well for us.

Now, we do a soft tap. We have had nine since I have been here and not a blemish. When they hired me, I said I wanted to continue that. It keeps your level of transparency that you're watching everything, but you can best believe someone is watching you, so you want to make sure you document. Kathy mentioned a car, if getting ready to make a large expense. In our bylaws, it says anything over $5,000, I have to have approval. The board knows everything that we're buying here, but I take care of the day-to-day. If you keep your paperwork in order, then everything works. Again, the DSE can come in at any time to make sure that you are following the protocol, the policies and procedures as it relates to the state, like Kathy mentioned, we have to do those quarterly reports, but they help us as well. I take the same report, and it helps budget for the next year, whether we were under budget on something, we know that we can cut back on that or if we were over budget, we know we need to put something else in a line item, so those reports, although they are required by the DSE, they help when you get ready to do budget negotiations.
>> Kathy Cooper: I think we're ready for slide eight, Tim. OK, so the SILC and DSE indicators and assurances, a reflection of SILC independence and autonomy. SILC maintains regular communication with the appointing authority to ensure efficiency and timeliness of the appointment process. I know everyone in the Governor's office. I have had a conversation with them by phone and by e-mail. You have to have a great relationship with them in order to move the board appointments along. It is very helpful.

SILC assurances, so SILC is not established as an entity within a state agency. If the SILC utilizes DSE staff, the SILC maintains management and responsibility of said staff in regard to SILC functions, including the responsibility to choose or refuse staff and to evaluate their performance related to the SILC. If you are evaluating the SILC staff, the SILC's have the responsibility to evaluate that person. If your SILC is not doing, that you need to figure out how to get to that point. The SPIL assures the state will not interfere with the operations of the SILC, except as provided by the law. This is where it is important to understand what your state law says. This is sunshine act or open meeting acts or open records laws in your state. They are different in every state. In Kansas, the SILC is required to have open meetings to the public, which we're required to anyway from the regs, but we're subject to open records act. I get the e-mails that say, we want to know your expenses from July-December of 2020, and I have to send them. Understand what your laws are. But also understand when a law -- when your state is doing something that is interfering with your operation, but they are not supposed to do, if there is not a state law in place, if there is an agency policy, not the same, so understand those. I know Sha, Shelly and Dora have comments on those, too. So, I will turn it over.
>> Dr. Anderson: Thanks, Kathy. When it comes to maintaining communication with the regulating authority, when our Governor started serving his first term, I went to the office and established a relationship you have a new crew. They are to start over. I took a copy of our state plan, a copy of the current board members at that time and worked very closely with them. Up until Arkansas did transformation, which everybody is suffering now from getting their appointments, I do have a great relationship. Communication is regular even when they don't respond, we continue, so we can have a paper trail. We have been very fortunate to get our appointments up until, well, they changed the law for state boards and commissions.

Kathy mentioned in her state what she has to do physical someone FOI's or whatever the case. What we do is, we have a book that if someone comes in when I'm not here, Alice can come in, in fact, it is behind the partition that is behind me. We have an open door. Even though we are autonomous, we are to be good stewards with taxpayers' money. So, the Arkansas SILC, we don't have anything to hide. I don't mean that like someone else does, but it keeps you at a different level and a level of thinking and it has really been a positive thing for us. So, you know, being transparent and having an open door.

Now, there are certain things as my colleagues have mentioned that they are not supposed to ask, however, you do have to -- you have your state laws and your federal laws. Know the law. I will say this, I can remember when Ann McDaniel came to Arkansas in 2013. She said this, and she may have said it to some of you guys if she did your training, you learn the law and you learn it well, so you can show your board and they can dictate. That is why we do our trainings and that is something later, but seriously, learn the law and learn it well.

>> Shelly Simmons: This is Shelly from Georgia. I would like to comment on the first bullet or SILC maintaining regular communication with the appointing authority. We have good a good relationship with our appointing authority. Although, we struggle and let me back up with that. We struggle with our Governor's office, especially in regard to appointments. We have tried, unsuccessfully for years it seems like, but the past year and a half, we have struggled having appointments done. Our membership committee vetted four individuals for board membership. These people patiently waited. We left paper trails directly with the Governor's office and our DSE regarding appointments. And to my surprise, finally when the appointments came through, they were only three on there. Over last couple of years in Georgia, the Governor has made appointments that I knew nothing about. I was told basically, after they were appointed that these people are on your board.

So, I struggled with that, because he has the authority to do so, I feel almost as if my hands were tied when it comes to challenging these. What I did try to do, of course, is get the people who were left off of the appointment, this appointment cycle on to the board. Again, I tried to advocate for them directly with the Governor's office, and my request went unanswered. So, that communication, and know the Governor's office, the appointing office staffing changes quite frequently, so it is hard to keep up with the appointing authority, but we're doing our best. We tried to at least reach out to them quarterly to try to see if we can get in the door to introduce ourselves. They are aware of us, but for whatever reason, they choose not to deal with us. So, those are some of the things that we struggle here in Georgia. We try to make those connection, but for the most part, they look at it as low on the totem pole, so it is not something they are interested in doing.

Before I took this position four years ago, my predecessor had the same struggles with the state and the Governor's office regardless of who was in there. She was here for 25 years. So, a constant struggle, a constant battle, but we're trying to chip away at that. Thank you.

>> Dora Easterling: Hi, this is Dora from Tennessee again. I want to talk about the SILC assurances and knowing the laws and knowing the regulations, knowing the formulas, knowing the money. One of the things that happened my first year, I spent trying to learn what I was doing and understand. I know there are people on this call that remember when I called them and said please make me understand this. I did. And then when I could see that things were not correct within this bill, within the money, I got a hold of the DSE. I said, hey, you know what, very nicely, I said I don't think this is correct. So, they started paying careful attention and they had to come back and say, Dora, you're right. They did everything they could and did correct the situations. What it has come to now is, as contracts renew, the DSE is calling and saying does this look correct? Is this right? That is a very important place to be when your DSE trust you enough to ask you your opinion. If you don't know those answer, you're not going to be able to say that. It is very nice to be able to say, well, according to U.S. code blah, blah, blah, the money can roll over. Our policies and procedures have that in there. Our SPIL has that in there, what can we do make that reality. Putting the DSE to work with you and a lot of that comes from simply having enough knowledge of what it is that you can do, because you do know your regs and you do know your laws. I wanted to piggyback off of what my colleagues had said. Thank you.

>> Kathy Cooper: OK, we are ready for slide number nine, please. OK, so this is the SILC/DSE indicators and assurances, and reflection of SILC independence and autonomy continued. The DSE will abide by SILC determination to utilize DSE staff. The DSE assures management of such staff with regard to SILC activities and functions as the sole responsibility of the SILC.

I'm sorry, actives and functions are the sole responsibility of the SILC. The DSE assures that the SILC is established as the autonomous entity. DSE will not interfere with the operations of the SILC, including expenditure of the federal funds, meeting schedules or agendas, SILC board of business, voting actions, personal actions, allowable travel, trainings.
This is important, because your DSE needs to be aware of this. I come across so many that truly aren't, and they signed the notice of grant award that comes down from the administration on community living. If you look at that and as a SILC, you should be receiving that, too. If you look at it, it literally has the DSE assurances on that and they are signing off on those to receive those funds. This is as in your state plan for independent living, which the DSE has signed. So, they signed off saying they will do these.

And sometimes, the DSE program manager, representative, staff person, whatever they call it in your state, isn't as familiar with these, because they are not the ones signing them. The DSE Director is. Sometimes, you may have to go to the DSE Director level and say, hey, wait a minute. It says this, but this is happening, so if they are not letting the SILC determine its meeting schedule and agenda, you need to be able to go to them and say the DSE assurances says this, this, and this.

In Kansas, we had an issue where our DSE, and this has been quite a while ago, so it has been probably four to five years ago. We had an issue with our DSE that they did not want to let the SILC board decide what conferences SILC members could go to. Money was in the budget, the budgets said conferences and trainings and it was all there. We would want to go to the NCIL conference or whatever, the money is there, but our DSE would say no, we don't think stuff and such or we don't see the value or whatever. We had to push back on that. We had to go to ACL, at the time was our RSA and we said -- no, it was not RSA. It was ACL at the time. We said this is our responsibility. We should be able to decide how many board members go to what trainings and they agreed with us. So, you need to understand, and you need to know the assurances as well as the SILC indicators and assurances. Amber, do you have stuff on this?

>> Amber O'Haver: Yeah, thanks Kathy. This is Amber. I wanted to add one point to this that doesn't specify in here, but it talks about the DSE will not interfere with operations of the SILC, in terms offer meetings and agendas. I want to point out, it should not be interfering meeting sites and location for the SILC either. So, we, several years ago, had an issue where the DSE was adamant about us continuing to meet in a very, very large building that is called the Indiana Government Center. It is huge. The accessibility of it is very challenging at times for a lot of folks, particularly because there isn't really good close parking nearby, and if there is parking available nearby, it is usually accessible spaces are usually filled up, or people parking in there that don't have accessible plates or placards or whatnot. So, we had a continue out problem with folks, not only on the actual council, but folks or community members coming to our meetings who had a difficult time, not only finding parking, and getting access to the building, but having to walk to get insides was just so, so far away from the actual entrance.

There was all kinds of barriers around getting into the building, you have to go through a certain area of security and trying to navigate and find where the actual meeting and location was and challenging for folks who have low vision or who were blind, so just things like that to keep in mind that you guys should be in control where you're meeting, because it does say in the regs that you do need to ensure that the meeting location and sites are accessible and open to the public, and that was a big challenge for us. So, we moved out of there and I will tell you, a member of our DSE started calling our Council Members without me knowing and asking why this was happening, they were not happy about it. They pointed that person to me. I never heard from them, but anyway, the point is we are not meeting in that location anymore. We are meeting in much more accessible spaces and sites, and we are determining those. Right now, we are meeting virtually, but prior to, that we were determining where we met in terms to provide better accessibility for our peers.

>> Kathy Cooper: One more point I want to make on this. This is Kathy again. Another one that happened in Kansas, and I heard in other states as well, personnel actions. At one point, the board went through the evaluation process for the staff. It was in the budget. We have done our work. They wanted to give staff a raise and the DSE came in and said no, we don't think that job requires that much of a raise, whether it be 3% or 5%. It does not matter what the amount is, the DSE came in and said, no. We don't think so. Our board had to go back and forth with the DSE on this so much, but these assurances are your protection. They say right there, the DSE is not to interfere with these actions that is operation of the SILC. If you come across that, this is what you use, and so it worked out and our board was able to give the staff a raise, but I know that happens in many other SILCs with many other DSE's and that is an obvious interference.
Sha, I will turn it over to you.

>> Dr. Anderson: Thanks, Kathy. Next slide. Slide 10. So, what does SILC autonomy mean to you? Well, in Arkansas, one of the things that I can continue to say to the board is, autonomy simply means there should not be any interference. Interference is a diversion, right? No interference whatsoever, no interference as it relates to the Governor's office, no interference in actions as to the things my colleagues mentioned.

Think of it this way, autonomy compared to ethical standards. It should be your foundation to not be coerced, right? You want to uphold everything at an ethical level, and you want to be able to, your board, your SILC, make decisions without being coerced, so that goes back to what my colleagues talked about. What we talked about, I believe it was Amber, no CIL will serve as a President or chair, that becomes a conflict of interest, and they don't wear their SILC hat and you want them to wear their SILC hat. The autonomy is no interference. We have to follow the laws, but we are autonomous, and the SILC is its own entity. At this time, I believe Tim, are you going to entertain questions from the audience?

>> Tim Fuchs: That's right. So, we have had good questions come in on the Q&A tab. So, if you're on Zoom and you can access the Q&A tab, that is a great way to send your questions in. If you cannot access the Q&A tab, I have my inbox open, you can e-mail me at tim@ncil.org or you can press star nine if you're on the phone. If you're on Zoom, I ask that you do not use the raise your hand feature, if you don't mind. We want to reserve that for folks who are on the phone that don't have another option. I'm going to roll through the questions. We have four right now and I'm sure that is going to grow. Anonymous asked, who settles disputes when the conditions that are not allowed are imposed by the DSE? So, when there is a dispute, how are those things resolved? Kathy?

>> Kathy Cooper: I will jump in on this one really quick. Obviously, your SILC board needs to work it out as much as possible with the DSE. However, if you get to that point where you can't work it out, you need to go to ACL. You need to go to Regina and talk with her about things that you can do to work it out. Depending on what the situation is, I know there are certain times that ACL will send a letter. It is not super often, because they want you to work it out yourselves, but again, the DSE has signed off on these assurances and if they are blatantly not following those then ACL needs to step in, in some way.

>> Tim Fuchs: Great, thanks, Kathy. Waiting to see if anybody else popped up. Eric asked, is there sub regulatory guidance issued by ACL or any other entity that I can refer to that goes into appointments or appointing authority? So, any guidance that Eric can use with the state?

>> Kathy Cooper: I was not sure if they were going to answer that or -- Sha was going to answer that or not. I think they spell it out that you need to have a policy in your bylaws. Your bylaws are policies. You need to have something that says, how your SILC is going to refer appointments, but honest, the rehab act, the indicators and assurances.

>> Amber O'Haver: Yeah, I will piggyback off of that. This applies in different situations. It was a couple of years ago and it has stuck with me, and during the last S PIL development cycle, use your SPIL to build safeguards in it around independence and autonomy for your SILC. I know we have indicators and assurances and DSE assurances. For example, they to the appointing authority and interactions and with the Governor's office or whoever your appointing authority is, we laid that out step by step in our SPIL. It is in this actual plan that you sign off of, the DSE signs off on, The Feds approve and signs off on, so everybody is onboard with what is in this document. I found that anything you can get in there to reinforce and bolster your independence and autonomy as a SILC, particularly around areas where you are having a lot of interference and issues, take advantage of that. Leverage the hell out of your SPIL.

>> Tim Fuchs: Great. I'm going to paraphrase this, anonymous says, DSE has strict rules around their purchasing and vendors. It takes 90 days to create a purchase order or change a purchase order. They are restricted in their website vendor service; they can't hire outside vendor or consultant. They are unable to hire the consultant they want to use to help move into their 501C3, so what tips do we have for folks feeling stuck by the strict purchasing and PO things that are impacting their autonomy? Kathy?

>> Kathy Cooper: First off, I think you have to take a look at what your contract or your grant says with the state. Really understand your requirements that you have in that. So, of it seems like the DSE is overreaching, so again, I'm sure everybody has tried working it out, talking with them, doing all of that kind of stuff, but sometimes you have to go to the next level, so if you're dealing with your DSE program staff, you may have to go the Director. You can also -- I mean there are several things to do without knowing a lot of specifics on your state. I would recommend the DSE Director, I would recommend talking with your state Attorney General. It might be a situation where you have to go to ACL and talk with them and say, hey, this is interfering here with our operations or whatever, but again, without knowing what your state laws are that is where it gets iffy. I'm more than willing to help. I think there are other great people on this panel that can help you. Feel free to reach out. My e-mail is at the end of this.

>> Tim Fuchs: Great, thanks, Kathy. All right, anonymous says, can the DSE control what you put on your website or start Ague tube channel? What is the ruling there?

>> Kathy Cooper: I don't want to hog all of these, so please, guys. Again, you have to look at your contract where you're getting your money from. In Kansas, ours says if we use that money to start a website, we need to put on there where our funding source was. Not all states say that, but again you need to know that. Now, to control what you put on your website, again, this all depends on how you are made up as a SILC. We're a 501C3 in Kansas. I can put, I never had an issue putting what I wanted on my SILC website. Again, it is how you are formed, what your grant or contract funding source says on that.

>> Tim Fuchs: thanks, Kathy. What is NASILC doing about state agencies?

>> Kathy Cooper: This is Kathy again. I will take that one. NASILC has a meeting every month through the independent living administration. There are other members that join us on there. We have brought up to them the SILCs within state agencies and the kind of issue that plays with a direct conflict to the rehab acts. Let's be honest, it literally says in there, they can't be a state agency or an entity within a state agency. Quite honestly, we don't have answers on that. We have brought it up, but I don't foresee that changing too much, until maybe the reauthorization of the rehab act comes about, and we get more clarifying language in that.

>> Tim Fuchs: OK, thanks. So, anonymous says the DSE executes all contracts on behalf of the SILC's saying it is necessary and because of that fact, they disperse the funds. The language often does not promote autonomy. Not much of a question, unless you have something to respond or suggest for that.

Maureen said in response to one of the earlier comments, conflict of interest can be exposed. Carmela says the slides reference one CIL Director, our SPIL calls for one from each region of the state. Can you clarify? Dora came on to understand. Anonymous says, did you say there was only one CIL employee allowed on your SILC?

>> Dora Easterling: What the slide said there can be one CIL Director as a CIL represent, it does not state there can be more. You want your SILC council to be consumer controlled, without that consumer control, you are going to lose your pulse on what is necessary in the state for the SILC and the CILs to do and for SPIL to do. To reiterate, there can be one CIL Director on the SILC that is a CIL represent that doesn't mean there can't be more. Thank you.
>> Amber O'Haver: This is Amber. That is what I was going to say. The slide indicated one CIL Director representative, not necessarily other CIL representatives or employees. You need to make sure that you are ensuring that your consumer direction is still in place based on the regs and requirements, but again, I go back also, in Indiana, we had a big challenge here for many, many years where the SILC consisted of a majority of individuals from centers. The SILC really was not operating and established as an independent and autonomous entity, so we're -- entity, so we're hitting the reset button. We need to get our ducks in a row and utilize the tools and resources that we have and leverage whatever ability we have and really, really important to make sure we have if you have the -- so sorry -- of what is happening with consumers and around your state with disability and IL needs.

>> Tim Fuchs: That is the end of the questions that we had lined up, so I'm going to go to slide 11 and we have 25 minutes for the rest of the deck, and we will have another Q&A break.

>> Shelly Simmons: Thank you very much, Tim. This is Shelly from Georgia. We want to define autonomy. Merriam Webster defines it as the quality of state of being self-governing. Vocabulary.com, political independence. David white or study.com, a term used to describe a persons or government's ability to make decisions or speak and act on their own behalf without interference from another party. I think we have gone over a lot of that from my colleagues, but I want to provide just a little bit of commentary.

I know we are pushed for time, but when I stepped into this position, I wanted to know what it meant for me or I should say for Georgia and how I will be able to push this autonomy or be able to grasp it or work with it, so I wanted to break it down a little bit more. For me, it is a way of crafting a self-covering and also building solidarity with my network, my IL network or the centers for independent living. Being able to work with them and also being able to make sure that I can advocate for them in a way that will be beneficial for them.

Basically, again for me, it was the right to make our own decisions. I want to give credit where credit is due. On this aspect, we really had a good relationship with our DSE. we haven't had interference with the DSE in the way we run our organization or staffing. We have had quite a bit of flexibility, especially last year when things shut down. We had quite a bit in our travel budget, but we were able to move that money around. We did have communication with them to let them know this what is happening, is this is what we're going to do, and also that transparency has allowed the SILC, the Georgia SILC and our DSE to have a good relationship.

What I am finding out with the new administration that we have, and as I think I alluded to before, we are on our fourth Director in the last five and a half years. It has always been a continual, reeducating process, and so with that, and I lost my train of thought. With that, I think we have been able to have that line of communication open with our DSE, which has made it pretty easy for us. Sha, did you want to share any comments?

>> Dr. Anderson: Yes, this is Sha from Arkansas. Actually, I have reiterated, it is basically making sure there is no interference that is all I needed to say. We covered it, if you would like to make sure there are no interference.

>> Shelly Simmons: Next slide. Slide 12th. What does SILC independence and autonomy look like? Examples, best practices, etc. SILC has a direct line of communication with appointing authority and makes appointing recommendations directly to set appointing authority. The SILC knows who best fits and meets the qualifications to serve on SILC and addressing inappropriate, challenging appointments from appointing authorities.

I spoke briefly about this and the challenges that had with our appointing authority. I believe the frustration with this is, we have always been redirected to go back through our DSE regarding appointments. Especially when you vet people, believe they are skilled, their knowledge, their willingness to want to serve on the board and then you find somebody that is on your board is a complete opposite and in a lot of ways pad their resume and that can be very challenging. Still, trying to engage and not trying to take that negative and make it a positive. If you have that kind of connection with the Governor, then maybe you might be able to help always out, maybe make some connections with us. Unfortunately, so far, that hasn't worked out, but you may be able to leverage somebody who was on your board that you might not -- that you did not yourself vet and necessarily want on your board, again, but that is just a matter of being persistent and trying to work with your appointing authority to make sure you have the relationships. Kathy, did you have anything?

>> Kathy Cooper: No, I think I'm good. I think Sha or someone else might have a comment.

>> Dr. Anderson: This is FranSha in Arkansas. Have best practices in place, establishing that relationship, as my colleagues had said. I mentioned earlier, when we asked what autonomy is, giving the appointing authority a copy of your state plan. We developed a matrix, with them so had the parts of the law as it relates to making sure we were the 51%, making sure the majority was not working for a state agency or a CIL. So, we developed this matrix, and it is working very well. When Arkansas went through transformation, I had to give a new secretary of transformation a copy of our SPIL and that has been our Bible. So, just doing best practices and if any of us would like some examples, we would be glad to. Thanks.

I believe we're ready for the next slide. Are we on slide 12? SILC controls and determines its own bylaws, policies, practices and determines its own path and direction. SILC controls, manages, determines its own budget and expenditure and the SILC is responsible for appropriate spending and reporting of its funds. That is where Kathy and I both said that we have to do the reports, because that is required by your DSE. Taking control of your budget and making sure your expenditures are right and staying on top of things. If someone asks you for something and it is within the law, you can give it to them. I don't know if my other colleagues had something to add there. Amber?

>> Amber O'Haver: This is Amber. For the sake of time, why don't we go ahead and skip to the next slide unless any of my other colleagues have anything to share. Sha, I think you are still up on this one.

>> Dr. Anderson: Yes, ma'am. So, best practices, SILC receives timely payments of its funds, the funding advances, SILC contract, agreement, clauses, deliverables, monthly reimbursements, the SILC determines its own physical location and its office site and its structure. For example, a 501C3 and if not a 501C3, how can you still maintain autonomy? For Arkansas, our payments from the DSE are direct deposit and they that is working. We submit our invoice and copy of the Director's report, and they submit our payments by direct deposit, so it has worked very well. Anything else? Did someone want to speak on that slide?

>> Kathy Cooper: I'm going to jump in super quick and turn it over to Amber. This is important because, in Kansas, again, we have a good DSE now, but in Kansas before, we had a DSE that wanted to tell us where the SILC had to be located. They wanted it in the capital city. The SILC board decided they that is not what they wanted anymore. You have to understand the relationship and that the DSE is a peer to the SILC. It is our SILC board's responsibility to determine what is the best location, what is the best structure, all of that kind of stuff for the SILC. Oh, gosh. I will remember it and I will say it later, sorry.

>> Amber O'Haver: I will just quickly say, this is Amber again, and I wanted to share in regard to receiving timely payments of its funds, I know this is a really big issue and challenge for a lot of SILCs across the country and Indiana is not an exception of that. as a result of that, there were a few times that I did not receive a paycheck. The longest time I went without one is six weeks, because we did not get reimbursed and paid by our DSE because of a procedural issue that couldn't get addressed in a quick manner to be able to get payment out to us. Our SILC ceased operating and that became an issue, because you have to have a SILC operating in an efficient and effective manner for the money to flow from The Feds to the state and support the network. In Indiana, we spent, more than a grueling, grueling year hammering out and hashing through our contract details specifically around funding advances and eventually, also includes advances of our RINE funding in our contract and building in pain points in our deliverables pulled from our duties authorities and bill off of that. This has, I cannot even tell you how much this has really changed how we operate as a SILC. We are not having cash flow issues. We're not having issues trying to find funding to start a new project. We don't have to wait for the Mollie reimbursements wanting to come in, if you want to know more about, that reach out to Kathy or me and I can talk about that welcome you and explain a little bit more about that. Again, wanting to sort of share. It took a while to get there, and it was grueling, but we came to an agreement and got on the same page with how we're going to ensure how thing that are in our contract, cash flow, funding advances, all of the little pieces that take time to work out, but well, well worth the time to spend doing so, highly, highly encourage you to consider that.

>> Dr. Anderson: OK, did anyone else have a comment? OK, I will just let you know the Arkansas SILC, we are a 501C3 incorporated in 1995, I believe. If I'm correct. One of our colleagues, I think it is part of ILRU was one of my chartering board members, Mr. Petty, so I remember reaching out to him. We are a 501C3 and there are others working on that and it is important to know the law and how you can orchestrate everything. Did any of the colleagues have anything else to add? Next slide, please.

>> Dora Easterling: OK, this is Dora again. Slide 15. Audience participation, if your SILC is not established as a 501C3, why not? Is the way your SILC currently established or structured sustain autonomy through different state administrations and leaderships? Tim, will you field the questions?

>> Tim Fuchs: Sure, I'm going to suggest that we move paled the Q&A, because we have 10 minutes in the presentation. If you want to share your thoughts in the Q&A tab now, I will voice them when we take the final Q&A after the presentation. I will continue to slide 16 and we will continue with the content.

>> Amber O'Haver: Thanks, Tim. This is Amber again. Very quickly, so how might a SILC maintain, ensure or reinforce its independence and autonomy? So, through educating and training SILC members, provide regular, transparent financial reports to the full council at regular meetings, establish necessary internal financial controls and setting their own meeting schedule and location. If you can jump to slide 17, it expands through that, and we can circle back as panelists if we have time. How might a SILC maintain, ensure or reinforce its independence and autonomy, hiring SILC Executive Director, and staff to manage day-to-day operation, build SILC authorities into the SPIL that reinforce SILC independence and autonomy. I'm going to let my colleague’s comment on any of these first and I will jump in here and there. I have things to share as well. Kathy, Dora, Sha.

>> Kathy Cooper: This is Kathy. This is how you can be autonomous even if you're not a 501C3. if you have all of these different things in there, and you're adhering them, this is how you be autonomous without being a 501C3. In my personal opinion, 501C3 is the way to go, because you have the extra stability built in, but if you can't or you're not going to or whatever, this is the way you do it.

Let's go to slide 18. How might a SILC maintain, ensure or reinforce its independence and autonomy. SILC may meet on a regular basis with the DSE. It is imperative that SILCs know the law and regulations. We cannot stress that enough. They need to be able to sight them when issues happen. Stills are required to supply annual PPR reports or data to SILC per section of the 725C 12th of the rehab act. The state plan shall provide assurances that the DSE, or any other agency, always or entity of the state will not interfere with operations of the SILC, except as provided by the law and regulation per SILC assurance number seven. If you a SILC, even if you are a 501C3 and you're having issue with autonomy, this is what you always go back to. Let's wrap it up with slide 19, and let's get into the questions.

>> Tim Fuchs: Great. Thank you for working through those last few slides efficiently. I appreciate it and this should give us time to get through the questions and comments that have come in. I'm going to go as quickly as I can. Anonymous says, as a CIL staff member, I'm confused by the idea that having multiple CIL Directors or staff on the SILC can pose a threat to consumer control. CIL's are consumer controlled, I'm paraphrasing here. What would be the issue there? Can someone clarify how additional CIL members endanger consumer control? Amber, do you want to take a stab at the first response there?

>> Amber O'Haver: I sure can, Tim. One thing I'm going to say and point out and I hope this is something that folks can wrap their heads around, while a center may be consumer directed or a CIL Director or a CIL staff person serving on the council will balance a person with a disability and be able to share what their lived experience is, that doesn't necessarily mean or equate to everyone else's lived experience with a disability and in the disability community. A center, what they have to share as a center representative, that experience as a center Director or center in general doesn't also equate to the lived experience of an actual person with a disability who isn't employed by a state agency or a CIL, because the reality of it is, folks working at a CIL, serving at a CIL or a CIL Director know you are being paid by that entity or anyone else working at a state agency, so there is potential for conflict. It doesn't mean there is conflict there, but there the potential for conflict. Where you are receiving your paycheck from is a state agency or from a center and so, we're just trying to ensure that folks that aren't employed by state agency or CIL don't -- aren't the once influencing or fully influencing the direction or consumer direction of what the needs are in a state. Again, it doesn't mean their input and them serving on the SILC is not valuable and very important. It simply means that we need to hear from folks outside of CIL's and state actions who don't have that connectivity to influence there being able to direct us as a SILC on what the needs are, so we can address those appropriately.

>> Tim Fuchs: Thank you, Amber. Annette asks, what happens when the SILC and the SILC staff have disagreements on physical location? The council asked us to look at less expensive always space during the pandemic. Our office was left empty. What does that look like when there is a disagreement between council and staff?

>> Kathy Cooper: This isn't the first board I worked for, and I will always go back to this, and I sit on boards as well. If the board tells used to something as staff, you work for the board. I don't know how else to answer that. You can give your opinion and whatever information you might have, but the board asks you as your employer to do something, I mean like anything else, you should go ahead and do it.

>> Dr. Anderson: Excuse me. This is Sha in Arkansas. I have a good board right now and when we chose the site that we're in right now, it was my degrees with the board committee. We're here in our office, you know, 8 hours a day, so they were very, very supportive, because most of them don't come in but quarterly or if there are other meetings. I don't know. Of course, yes, we work for the board, but the Executive Director does the day-to-day and knows what -- the Executive Director and his or her staff knows what they need, as long as it has the accessibility features. You can show them the pros and cons of it and maybe they will come to an agreement with you.
>> Tim Fuchs: All right, so anonymous says, let me just acknowledge dawn had a good question about autonomy, but I think we addressed that in the recent slide, so I'm going the mark that answered. I want to get to the next one. The regs say that they need to be autonomy from state actions, it does not say sills need to be autonomous from other nonprofits.

>> Kathy Cooper: I don't know why we would want our SILCs influenced by any other entity. If it does not stay specifically any other local entity, to me, I don't know why they would be. I can tan other Quinn about the federal fund for support in a home always. There are certain things you can use it for, but you can't use it for rent, but you can use it for cell phone, Internet service, it is all in how you budget it, but make sure to look that up in your OMB circulars.

>> Tim Fuchs: The last request for examples and templates of memorandums of agreements between DSE and SILC, best practices SPIL's, we don't have all of those, but I know IL-NET has compiled some of these items. We will be happy to share the resources with you and we know that NASILC will be happy to do the same. Anonymous, if you want to use my e-mail as a simple catch all, I'm not going to be able to provide all of those, but I can provide some and we will be happy to do that. I'm taking your comments to heart that it would be helpful to have those resources live online. In our lightning, fire round, we were able to get through all of the questions. I did not think we could pull that often.

I want to thank you for joining today. We had a nice, big audience in part of a part two from last week's presentation that was as large. Thank you for being engaged. Great questions from you all. Panelists, I can't thank you enough. Great job in putting together these discussion pieces and content for us and giving us real-world examples. We are going to close. Don't forget, first, it will be recorded and shared on our on-demand page. When I close the webinar, an evaluation form will pop up and if you will take a minute or two to fill that out, we would appreciate it and we take your comments seriously as we review our performance in webinars. We will close. I hope you have a wonderful afternoon.

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