

Advancing Independent Living as a Network: Clarifying the Roles of CILs, SILCs, and DSEs

Office of Independent Living Programs
Administration on Disabilities



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Outcomes for this session

- Clarify specific roles and responsibilities among DSEs, CILs and SILCs.
- Understand the requirements for CILs, DSEs and SILCs related to the SPIL and coordinating as a network.
- Know what to do if concerns are identified.
- Learn how OILP monitors the process.

Development of a resource plan for the SILC

The SILC State Plan resource plan is developed by the SILC and includes:

- Sufficient funds received from:
 - Title VII, Subchapter B funds;
 - Funds for innovation and expansion activities
 - Other public and private sources

Content of the SILC Resource Plan, cont'd.

- The funds needed to support:
 - Staff/personnel;
 - Operating expenses;
 - Council compensation and expenses;
 - Meeting expenses;
 - Resources to attend and/or secure training and conferences for staff and council members; and
 - Other costs as appropriate.

The DSE does not oversee the budget of the SILC

Administrative responsibilities of SILC

- Develop, approve and implement written policies and procedures to assure sound organizational and financial practices.
- Regularly review and approve financial statements of the SILC.
- Plan for cash flow through the payment plan with the DSE, including an advance first of each year.

Additional SILC administrative responsibilities

- Establish a peer or partnership relationship with the director/commissioner of the DSE, which allows for direct communication between the SILC Chair or director and the DSE director
- Read and understand Title VII of the Rehab Act and 45 CFR 1329 of the regulations.

Responsibility of DSE related to the SILC

- Acknowledge its role as the fiscal intermediary to receive, account for and disburse
- Value the role of the SILC and assure that the SILC is healthy and functioning.
- DSE must ensure SILC resource plan/funding is “necessary & sufficient” for the SILC to operate
- DSE has an appointed that may have limited input if the SILC policies allows the *ex officio* members to have input.

Designated State Entity Assurances

The DSE must make timely and prompt payments to SILCs and Part B funded CILs (cont.):

- The payment plan should include advance payments to maintain cash flow.
- The DSE will accept requests for advance payments and reimbursements at least monthly;

More from DSE Assurances

The DSE will not interfere with SILC business or operations including:

- Expenditure of federal funds
- Meeting schedules and agendas
- SILC board business
- Voting actions of the SILC Board
- Personnel actions
- Allowable travel
- Trainings

When the SILC utilizes DSE staff

- DSE/SILC need to agree on how the person is paid/how their time is tracked and the SILC billed for their time.
- The SILC selects and supervises the staff person's work for the SILC and evaluates their performance.
- The SILC cannot be established as an entity within a state agency
- If the SILC staff is employed by the DSE, **there must be a separation of duties** related to the SILC itself, and full autonomy on the part of the SILC to select and supervise those duties.

SILC Autonomy

What are some of the ways that the SILC assures the its autonomy?

- Selects and supervises own staff (even if assigned/paid by DSE)
- Develops and manages own budget and expenses
- SILC submits recommendations for appointment to Governor or appointing authority
- Fulfills responsibilities in the Rehab Act
- Complies with laws and regulations

DSE responsibility for SILC Compliance

DSE is responsible for:

- assuring that resources are available for the SILC to operate.
- assuring it meets requirements of law and regulation.
- proper disbursement of federal funds, according to the SPIL.

The DSE may follow up to ensure funding went to activities per the SPIL, or 725 Assurance for Part B funded Centers

Appointments to SILC

SILC Indicators of minimum compliance require SILC policies and procedures to include method for recruiting, reviewing applications

- What is your SILC's relationship with the appointing authority?
- The DSE can assist the SILC in connecting with the governor's office and support the SILC recommendations.
- CIL Executive Directors select one of the EDs for appointment.
- CILs may suggest consumers or board members who do not work for the state or a CIL.

Collaboration on SPIL Planning and Approval?

- SILC is responsible to assure SPIL development
- SPIL must be developed jointly by SILC and **all the CIL directors (that meet 725 assurances) in the state**
- SPIL must be approved by SILC and CILs and signed by SILC Chairperson and majority of CIL directors
- The DSE can submit public comment into the process
- DSE signs the SPIL agreeing to serve as DSE – NOT to approve the content

What if the SILC doesn't seem capable of developing and monitoring the SPIL?

- Understand why: do they not have sufficient resources?
- Most SILCs are non-profits with staff who can support the SPIL.
- CILs need to step forward to assure the SPIL is developed.
- The type of goal and the measurement of its completion is the responsibility of the SILC.
- If more than half the CILs choose not to sign the SPIL, the SPIL cannot be approved. This can cause all IL funding to cease until there is an approved SPIL.

Gathering Public Input for the SPIL

The SILC receives public SPIL input (including to draft) ensuring:

- Adequate documentation of the State Plan development process, including but not limited to:
 - a process for gathering input from CILs and individuals with disabilities throughout the state,
 - a process for how the information collected is considered.
- All meetings regarding State Plan development and review are open to the public and SILCs must provide advance notice

Section 3.2

- CILs receiving Part C funds will continue to receive those funds: funds cannot be redistributed through the SPIL.
- Service areas may be adjusted through the SPIL, with the agreement of at least half the CILs.
- Part C funds can be reallocated only if a CIL opts to relinquish some of their Part C award to their state network. The reallocation of those funds need to be detailed in the SPIL.

How much can the DSE impose in Section 4 of the SPIL?

- This section should reflect current practice so that everyone has clear expectations of the process the DSE is expected to follow.
- This is what the state and federal requirements are for the DSE as the grant recipient, including the grant process for the use of Part B and other pass-through resources in the plan.

*This is a good example of the importance of reading the instructions for the SPIL.

Compliance review by the DSE

- The SPIL should indicate the compliance processes for the DSE to follow.
- The DSE may review the allowability, allocability and reasonableness of federal expenditures by Part B subgrantees.

The SILC monitors, reviews and evaluates the State Plan

- This does not mean that the SILC monitors the operations of the CILs.
- Note, however, that the CILs have given their word, in their signatures, to accept responsibility for specific areas of the SPIL.
- The CILs should report to the SILC on their progress on these items.

CIL Role in the SILC: support vs interference

- There is always a full, voting member on the SILC that is a CIL Executive Director chosen by all the EDs in the state.
- The law clearly prioritizes people with disabilities that represent the community, not those who work for a center or the state.
- Fifty-one percent of the members of the SILC must be people with disabilities who do not work for either a center or the state.
- A CIL may urge consumers or board members with disabilities to apply to be on the SILC.
- During a meeting, only the council should discuss items and vote.

Development of PPR

- CILs receiving Part C funds complete a PPR that includes ALL the services provided regardless of funding sources.
- ILS PPR does not include services already reported on by Part C CIL PPR.
- DSE and SILC are responsible for separate sections of the ILS PPR. This includes centers that are ILS/Part B and don't receive any Part C funds.

Sharing Information Regarding the SPIL

- The SILC should provide this public document to anyone upon request.
- Your Program Officer at ACL can provide a copy of the approved SPIL upon request.
- CILs are required to share their approved PPRs with the SILC, so the SILC can evaluate implementation of the Plan.

How does OILP Monitor SPIL Requirements?

About Monitoring

- Statutorily required: to assess compliance and assurances
- Improves program performance; network strength; and increases availability of IL services in communities
- SILC, SPIL, DSE and CIL: 722 states/723 states
- Key in monitoring is ensuring training and technical assistance (T/TA) is available
- Identifies promising practices; successful programs

About OILP Program Officers

- A full team!
 - Peter Nye; Jennifer Martin; Hindley Williams; Ayisha Mamudu; Heyab Berhan; Ed Ahern
- Diversity of disability, experience and 100% commitment to supporting the IL Network
- Questions, ideas, problems, successes – contact your PO!
- We want you to know we're here for you. We are YOUR resource

Baseline Monitoring

Baseline Monitoring

- Everyday Interaction
- Regular check-in emails; phone/Teams/Zoom calls; questions; general clarifications; change in leadership
- Review of annual performance reports (PPR)
 - This will likely include a back and forth between the grantee and PO to get clarification or additional information
- Review of fiscal documents and drawdowns
 - ACL/OFO
- Communicating with tools such as our web site, OILP Newsletter, Quarterly Connect and Stakeholder calls, annual IL conferences

Monitoring: Targeted Review

Targeted Review

- Generally focused on one issue
 - No transition services x 3 PPR years
 - Less than 50% people with disabilities on staff, board, SILC
 - Complaint from consumer, stakeholder
 - Consistently late report submission
- Starts with communication – and remains two-way throughout the process
- May require review of policies, document or processes directly related to the target issue
- Non-Federal Reviewer (NFR) with CIL operational experience participates as third party support; T/TA also a critical part
- Review may be as short as a few days; may last weeks
- Corrective Action Plan (CAP) may be developed

Monitoring: Comprehensive Review

Comprehensive Review

- May be virtual, on site, or hybrid
 - 15% of grantees
 - May be random or requested
 - Combination of issues – fiscal, programmatic, complaint
- Starts with two-way communication – which continues throughout the process
- Uses the CIL Evaluation Tool following the process in the COMP Guide
- Non-Federal Reviewer (NFR) included
- Corrective Action Plan (CAP) developed; supported by T/TA and PO
- Final report posted on ACL website

Questions and Answers

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