**SILC Authorities**

**Presented by Brad Williams**

**August 31, 2016**

>> TIM: All right, everyone. This is Tim Fuchs with the independent national council for independent living. And I want to thank you for our latest SILC demand on presentation on SILC authorities. So today's presentation is being brought to you by the SILC training and technical assistance center. The SILC, T and T center is operated through partnership, IRU, NCIL and April. And this is for the administration for the community of department health and human services.

So this is a short topic we're doing. And we are holding a live Q & A call.

At the end of this month, on September 28, 2016 at 2:00 p.m. Eastern. So if you're listening to this presentation before that date, I hope you'll go to that website and sign up for that. All right. Brad Williams, Executive Director, is with us today. And I'm going to go ahead with slide 3 so you can go ahead and walk us through our learning objectives.

>> BRAD: Okay, thank you, Tim. What we'll learn today. SILCs used to be able to conduct resource development and pursue statewide simple advocacy before 2006. And SILCs now have the option to engage in such activity, but can only do so by including "authorities" in a statewide plan for independent living, or SPIL.

And last, strategies related to inclusion of authorities in a SPIL. Next slide.

For background, before 2006, SILCs were able to do resource development and conduct statewide systems advocacy. For New York SILC examples, resource development, we had $40,000 over two years to act as the court-appointed monitor in the Galusha v. DEC Federal Consent Decree. And that was back in 2001. And we had $60 in IL-Net grant to provide training and technical assistance for CILs and SILCs in regions 1 and 2. That was back in 2003. Next slide. Continued.

Now related to statewide systems advocacy, NY SILC helped to create and run what is known as the statewide systems advocacy network. SSAN. First on a volunteer basis to prove that it would work from 1999-2001, and then funded in 2002-2005. Some of the accomplishments with the IL Network and stakeholders, there were two increases to the state IL appropriation in 1999 and 2000 taking the lead with New York lawyers with public interest to get then state general Elliot Spitzer to sign on to the Minnesota briefs for the gar resident 2000 and lane 2003 U.S. Supreme Court cases. And next slide. Continued.

Calling for 100% adaptability in the construction of new apartments. That was back in 2001. And next one, passage of a state Medicaid buy-in program. Actually it we couldn't back to NCIL and Brian McDonald time to get the national level to get the work improvement to get the federal enabling legislation through and working on our own state Medicaid buy-in program which was not an easy task, because on our governor's 5 item priority items, one was to not increase anything relate to do Medicaid. So this was a huge accomplishment. And even to today, I think there is around 12,000 people with disabilities that signed up for Medicaid buy-in program. We certainly would want more, but that's certainly a great accomplishment for our network.

And then we have passage of the state, most integrated setting law, coordinating council in 2002. And moving on to the council, working with the New York lawyers for public interest. And Dennis Boyd, he filed a lawsuit against New York state elections in the Supreme Court because they refused to give us an appointment to the first HAVA task force which stated that we actually were granted it. So we had to sue our way on to that task force. And through all that process, we ended up getting a lot of real evidence over the years which led to this last item. We handed overall that evidence, including 3 affidavits from peers to the U.S. Department of Justice. And they filed what was the first HAVA lawsuit in the country in the state of New York related to voting access. Next slide. Continued.

But at the 2006 SILC Congress in New Orleans, an RSA interpretation ended these activities. SILCs could no longer develop funds using their federal resources and could not lead statewide systems advocacy efforts. Through the New York SILC transitioned coordination of the SSAN in the next SPIL plan, the New York Association of Independent Living, NYAIL, the state association, became the coordinator of the advocacy network, and they have done an amazing job doing so. However, it would take an act of Congress to change the law and correct the situations for SILCs. Next slide.

Legal authority. The Workforce Innovation and Opportunity Act, WIOA of 2015, amended several federal disability laws including the Rehabilitation Act. Specifically, under section 705, SILC, (C) Functions, 2, authorities. The council may, consistent with the State plan described in section 704, unless prohibited by state law, A, in order to improve services provided to individuals with disabilities, work with Centers for Independent Living to coordinate services with public and private entities. Next slide. Continued. B, conduct resource development activities to support the activities described in this subsection or to support the provision of independent living services by Centers for Independent Living. And C, perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate. And there's one limitation. 3, the Council shall not provide independent living services directly to individuals with significant disabilities or manage such services. Next slide.

So, before I move on, obviously, that act of Congress happened, and it took almost 10 years to happen. So, what we're going to talk about here is how to include authorities in your State plan. So in terms of a process, the only thing that a SILC must do if they're going to engage in one of the activities identified in the authorities is to include how they will be addressed in an approved SPIL.

Choice of which authority, all or none, is up to each SILC. However, if a SILC selects none, then they cannot engage in the identified activities. There is no guidance for where to include reference to authorities in a SPIL. One choice is to include authorities in section 1.2A, SPIL objectives, related to the SILC's objectives, maybe connecting them to outcomes. Next slide. Continued.

However, another option and perhaps the strongest option is to include authorities in section 5.1A, the SILC resource plan, and weave discussion of how resources are required for the expanded activities. There are no guidelines for how to do this. Start by getting your SILC's approval to engage in any one or all of the identified authorities, A, B, and/or C. And make sure they understand the limitation.

This can be a series of forums or a topic of discussion, a facilitated discussion at a full council meeting. Reach a consensus. Next slide. Continued.

One way a SILC can address the identified SILC authorities and stay informed is through a Committee process. For each authority that the SILC agrees to engage in, identify the Committee or Committees, that would be involved with the topic. For each authority, develop a protocol of how the SILC office will engage in the activity connected to the relevant Committee or Committees.

Insert the protocol or protocols into the relevant SPIL section narrative. Next slide. Continued.

So, for an example, section 5.1A, SILC resource plan narrative, the council plans to conduct the following discretionary activity or authorities as authorized and described under the approved State plan section 1329.16. And we identify authority B. Conduct resource development activities to support activities described in the approved SPIL and/or to support the independent living services by Centers for Independent Living and we're talking about authorities A and B and I'll connect that later.

So we get into the protocol here. The council will charge the development Committee with the responsibility to create a resource development plan. Next slide. Continued.

The Executive Director will carry out the plan and leverage the talent available to realize goals. Finance Committee will oversee budget activity and address fiscal implications related to resource development. And the Executive Committee and full council will oversee and monitor the progress made by the Executive Director and the Development Committee, and when relevant to the resource development plan and goals, another authority may be exercised. And that's when I connected to authority A, Centers for Independent Living will coordinate with public and private entities to provide as much ass provided to individuals and disabilities. So it's a matter of connecting all of this together. Next slide. Continued.

Then we discuss the authority C. Consistent with the purposes of this chapter, comparable to other functions described in section 705 [C] Of the Act, the council determines to be appropriated as authorized in the approved SPIL in the following activities. And now I'm just going to stop here for a moment and say, this is kind of like the general kind of authority that you're going to have to define. But it has to be consistent, okay, with the purpose of the chapter. And for knows of you who are not familiar, I'm going to read the purpose of the chapter.

The purpose of this chapter is to promote a philosophy of independent living. Including the philosophy of consumer control, peer support, self-help, self-determination, equal access, and this is where it really gets strong. I mean, sometimes people have a purpose or laws have a purpose, organizations have a purpose, you know? We all want a purpose. But for independent living, we got one heck of a purpose. And it goes like this. Individuals in systems advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, in the integration and full inclusion of individuals with disabilities into the mainstream of American society.

That is one amazing purpose. And you can do a lot with that purpose. And, so, what we're proposing is to number one, do statewide systems advocacy. Consistent with the purpose that I've just read of Title VII of the Rehabilitation Act as demanded, the council provides the following protocol to identify discuss and address issues faced with New Yorkers with disabilities, and will begin in systems wide advocacy. Next slide. Continued.

The council will charge the public policy Committee with the responsibility of developing a statewide systems advocacy strategy. The public policy Committee will develop and disseminate an agenda based on priorities from the statewide needs assessment. And the needs assessment seems to continue to have greater value all the time. And in this case, it's going to tie into the public policy agenda.

It will be a 3-year agenda that will be adjusted annually. Based on time and the priority of issues, the Committee will make recommendations to the full council, the Executive Committee in between council meetings, regarding which issue or issues to potentially respond to in a given year. The council Executive Committee will review the recommendations and potential actions. Next slide. Continued.

Action may include but not limited to writing correspondence, issuing reports, promoting, education and media opportunities, and coordinating collaborative efforts with the New York association on independent living, NYAIL, statewide systems advocacy network, SSAN and other disability stakeholders. Documentation of activities and actions will be kept via the Committee's minutes, letters, and/or documents created, and be noted in the partner/collaboration section of both the quarterly contract and the annual 704 reports. Significant achievements will be noted. Next slide. Continued.

Now we're also going get into leadership development. We actually have been moving into leadership development but now we're going to define it in our State plan. Consistent with the purpose of Title VII of the Rehabilitation Act as amended, the council will utilize the following process to support leadership development for New Yorkers with disabilities. Council will charge the outreach subcommittee with the responsibility of posting, soliciting, reviewing applications for Pat Figueroa sponsorship with youth and young adults between age 18 and 28 with disabilities in New York to receive reimbursement of up to $250 to attend leadership training experiences. Decisions will be based on cost, need, and availability. A questionnaire will be provided for feedback and about experiences. Recipients can indicate interest in the youth leadership subcommittee and full council. It's kind of a way to bring the interest back around the council for, you know, young adults participation. The council will charge the development Committee and outreach subcommittee to create a new leadership and development and civic engagement program. The LDCEP will be designed as a web-based social marketing campaign for New Yorkers with disabilities. Individuals will sign up as members will have access to an interactive website. A wide variety of training materials and webinars will be available on topics ranging from leadership development, civic engagement, economic self- sufficiency and advocacy change. Next slide.

The overall goal of the LDCEP will be to cultivate the peer member base, facilitate knowledge and training, which will direct peers to increased independence, empowerment, community integration, and lead toward economic self-sufficiency. Documentation activities and actions will be kept via committees minutes, letters, and/or documents created and will be noted in the quarterly contracts and annual report 704 report. Both the Pat Figueroa sponsorship and the LDCEP will be supported by the combination of existing, maximized resource and efforts related to the SPIL resource authority. Now we're going to have the ability to do so. Next slide.

Additional consideration. If one or more of the authorities selected, you know, by your SILC ends up expanding council resources, you know, your cost centers, your contracts, then the SILC will need to develop. You're going to be in a position to have to think about in direct cost rate. One of the first things you're probably going to want to think about is start contacting your ACL liaison in advance and confirm your situation and need for an in direct cost rate. That's the first step. Reference the IL-Net materials about how to prepare for in direct cost rate proposal which was back on February 3, 2016. And the learning objectives for that event was to identify the most efficient and effective way to submit an in direct cost proposal and to submit required follow-up information. And to prepare and submit an initial in direct cost rate proposal. Next slide. Continued.

There's some really good links there in terms of resource and transcript for the training. PowerPoint in the transcript. Next slide.

And here is my contact information. In case you have any questions about the content related to the authorities PowerPoint.

>> TIM: Excellent. Well, thank you, Brad. I think so many SILC members are aware of the new authorities from WIOA. But not everyone is aware of the changes that had to be made to their SPIL, and you guys have really capitalized on that. So thanks so much for taking us through your process. It's really a great model for other states. I'm going to click to slide 24 here. Where you can Aki the evaluation for today's on-demand presentation. I hope this has been helpful to you. Please let us know what you think. As I've mentioned in the opening of the call, we'll have a live Q & A with Brad and with Anne McDaniel from the West Virginia SILC on all of these SILC priority topics from WIOA. So it's September 28, 2:00 p.m. eastern. So if you're learning before that date, you can sign up for that live Q & A call at www.NCIL.org. So that's our website. You can go to training and conferences and you can see the form there. It's a free call. I hope you can join us. Well, Brad, thank you so much for joining us today.

>> BRAD: One thing. If someone is wondering whether or not what we proposed, and they're wondering about, is this something a SILC should be done? I can add that we received word in the previous week that our State plan has been approved.

>> TIM: Good. That's a good feeling. Congratulations.

>> BRAD: Yep.

>> TIM: Thanks, Brad. That's really good and again, Brad was generous enough to offer us contact information. You're always welcome to contact us. If you have any follow-up questions. And I hope you'll join that Q & A call on the 28th. All right. Have a wonderful afternoon, everybody. Thanks! Bye-bye.