**The DSE, SILC Roles and Responsibilities, and the Regulations**

**Presented by Ann McDaniel and Paula McElwee**

**January 25, 2017**

>> TIM FUCHS: Hey, good afternoon, everybody. This is Tim Fuchs with the National Council on Independent Living. I want to welcome you to the latest SILC-Net and SILC and IL-NET. This is part one. You may not have known that. We had a huge response to this webinar. We are really, really excited about that. We had over 279 sites register. So thanks so much for making time in your schedules, and whether you are joining us from the SILC or the DSE, I'm just really glad that this appealed to you and I hope it's helpful. So, of course, today's presentation is being brought to you by the SILC-Net and if you don't know. The SILC-Net is operated through a partnership among ILRU, Independent Living Research Utilization in Houston, Texas, NCIL, National Council on Independent Living and APRIL, The Association of Programs for Rural Independent Living. And support is provided by the Administration for Community Living at the U.S. Department of Health and Human Services.

So we are recording today's call and it will be archived on ILRU's website. Whether you want to review the call or share it with a colleague, you can go to the training web page and view the call, just like it happened. And that's always done within 48 hours, usually much sooner. And I'm happy to share that URL with you if you don't already have it.

We are going to break several times during the presentation today to take your questions and we have actually added time, as many of you saw. We're going to go until 5:00, a little longer than our normal calls just to make sure we have time for as many questions as possible. I mentioned we have a really big audience and so we will do our very best to take questions from everyone. And if any questions remain, you know, we will give instructions for how you all can ask questions going forward.

I just want to mention a couple of things about our materials for today, before we go ahead. So a couple of housekeeping things. First of all, if you are on the webinar today, which most of you are, that PowerPoint is going to display automatically. The slides will change and you can use the chat feature and that’s obviously the place to ask questions.

Some of you, though, are only on the phone. And so if you are just on the phone, I just want to make sure that you have a copy of that power point handy. So in the confirmation email with the connection instructions and phone number, the PowerPoint was attached. Both in a PDF and in a plain text format. So make sure you have that PowerPoint open. It will make today's presentation a lot easier to follow along with.

Similarly, if you are on the webinar, you see that there is captioning already embedded in the webinar platform, but in is a full screen option. So that StreamText link that was sent to you in the confirmation email, if the captioning box is not big enough for your preference, you can open up that full screen CART. And there's a chat feature on the full screen CART. I'm logged in there. If you prefer to ask your questions there, you can submit them and I will voice them for you during the call.

If you don't have any of that handy, if you didn't have the confirmation, you can email me at Tim@NCIL.org. And I will send a copy over to you.

Finally, towards the end of our PowerPoint slide deck, you will see a link to the evaluation form. And that is really short. It's easy to complete, but we take that feedback really seriously and so I hope that you will take the time to fill it out. If you are participating in a small group -- I know some of you are -- and that's okay. That's great. I hope each of you will fill it out as an individual. So -- and I will remind you of that when we get closer to the end of the call.

I just got a question come in on the chat, who my colleagues should call if they can't get on the webinar. First of all, make sure that they have the connection instructions from that confirmation email. If they are having technical issues, I would encourage them to call the folks at ILRU. Okay?

And for that matter, our staff here at NCIL would be happy to have them troubleshoot as, and I can't type right now, but I think Sharon will put up some phone numbers for you. Okay.

Before where he go ahead, let me mention that part two. So as we developed this presentation, we realized some of the things we wanted to talk about in terms of the SILC DSE roles and responsibilities and how they intersect was not going to fit into a single 90-minute presentation, not even a two-hour presentation. So we decided to add a second piece. And everyone that registered for today's presentation is automatically going to be registered for this part two and we are sending out an announcement, likely first thing in the morning to announce that that's going to be on March 8th. So on March 8th, there will be a part two call, a companion call to this, and you all are all invited to participate. Of course, that call, like this one, will be free of charge. And that's not something we normally do but we are doing it just to get as many of you all and as many of our DSE partners on the phone as possible. So we are happy to do that. And then anyone that was not on today's call, will obviously still have the opportunity to register for that.

So if you have colleagues, again, that hear about this, you know, they are going to be able to view the archive of today's call and then they can sign up for part two. I wanted to give that a plug. That will be advertised within 24, 36 hours at most here. So you ought to be able to share that with others. You don't need to take any action at all if you are on today's call. If you are already registered, you are automatically registered and you will get the registration for part two on March 8th. That's the end of my housekeeping stuff.

I will go ahead to slide three here and you just see a little plug for our evaluation form. Again, there's a link to that at the end of the PowerPoint, and I will remind you all of that.

And with us today, our presenters, we have Paula McElwee, and Ann McDaniel. They have put a tremendous amount of research and work into this presentation and I -- we're really indebted to them for the time they put into this, Ann and Paula, thank you so much. If you don't know them, and most of you probably do, Paula McElwee is the technical assistance coordinator for IL-NET with ILRU and Ann is with the West Virginia SILC. And both of them offered their email addresses there.

I will go ahead to slide four here. And these are just our learning objectives for today.

So on today's call, we will learn the content of the new regulations for independent living and how they will affect what you do. How IL philosophy impacts the role of the DSE. How to apply the regulations in your DSE and the DSE relationship to SILC and CIL operations and the content of our next webinar and how to access it.

Okay. Well, that's it for my opening piece. I'm going to turn it over to Paula now and click ahead to slide 5.

Paula?

>> PAULA McELWEE: Thank you, Tim. And we're going to start with probably the thing everybody wants the most, which is the initials, the alphabet soup that's part of any conversation, unfortunately because sometimes it doesn't fit to write it all out on the slide. We will try to save the entire item when we go through it, but if we don't, this is your reference slide. So you have that reference available to you.

The most common things, we say either the Rehab Act or the Act, which is the Rehabilitation Act.

It was amended by WIOA. That's the Workforce Innovation and Opportunity Act of 2014, and it's proposed and passed Rehabilitation Act amendments not just in the section that we are going to talk about but as some of you may know, also some other sections of the Rehabilitation Act.

The US Department of Health and Human Services is the department that's over the section of the Rehab Act that we are going to talk about today, which is Title VII. The department that we work in is the Administration for Community Living, and we are in the Independent Living Administration in that group. So we are in ILA at ACL, which is part of HHS. Yeah. I know. Initials! Sorry.

The DSE is the Designated State Entity and we'll talk a little bit about what that means because that's a big part of what we're going to present today is what does the DSE, the Designated State Entity, need to do. But that is the state entity that receives and distributes Title VII funds. Now those Title VII funds are the ones in the Title VII part B and they are on a State Plan for Independent Living which ought to be the other initials up there. We will put it on the next one.

So the SPIL is the State Plan for Independent Living and your Designated State Entity is identified in the SPIL, and receives the funds and has some responsibilities related to those funds that we'll go over today. We may touch on this, the Uniform Administrative Requirements. This used to be the OMB circulars, the Office of Management and Budget Circulars that told us how we could spend federal money.

We rolled all of those circulars into a single circular. For a while it was called super circular. And they put grant guidance all together and then each department has taken that new single circular and added its own nuances to it. There are a few things that are different from the rehabilitation center, for example, of the interpretation that many of the DSE follow to the one for health and human services. The.

The one for Health and Human Services is called the uniform administration requirements. Or UAR.

So the regulation went into effect. They are in place. They went through the -- they were initially released in draft and then there was a comment period and now the final regulations are available to you and there's a link there for you to copy and paste from the -- or are used from the copy that's posted on our website at a later time.

But those new regulations are a good part of what we are going to be talking about, both at this -- in this session and in the one that's coming up in March.

We will also talk a little about Standards and Indicators. Now standards and indicators for centers, for Centers for Independent Living or CILs, are included in the Rehab Act regulations now. The ones for the Statewide Independent Living Councils have been put out in draft and they are currently under review. They put them out in draft. We commented on them and they are going through their process now before they can actually put those up. But those indicators help to kind of clarify some of the things that are in the regulation, give a little more detail and give us some more information. So regulations themselves are interpreted by the standards and indicators. And then sometimes by official guidance of some sort.

Now guidance is typically a letter to the field or a guidance post at the ACL, Administration for Community Living's website, acl.gov that clarifies something that's under discussion in the field about how exactly this should be interpreted or implemented. So the guidance comes our way when there's something that we realize as a field has not been exactly clear and we all begin to ask for that clarification. And then sometimes we will see some kind of official guidance come out in response to that.

Next slide. We put the regulation numbers on the slides so you can go back and reference them if up want more detail or if you want to read them for yourselves.

But the program covered in Title 7 of the Rehab Act includes independent living services, which is what we call the part B funds and those are the funds that we're going to be talking about today. There are other -- there are some centers for independent living funded under that program. There are other centers for independent living funded under part C, and those part C centers get the money directly to them. It doesn't go through a DSE. They are direct grantees with HHS for the purpose of providing those services.

So the moment -- most of what we are going to be talking about falls in Title VII, Chapter 1, part B of the act itself and then it falls in these regulations, as you see here.

Next slide.

Right up front in the Title VII of the Rehab Act is a statement of purpose. And I always get excited when I go back and read this statement of purpose because it -- it takes us back to our roots in independent living. It talks right away about a philosophy of independent living, and that philosophy is what drives all of what we do, all of what we believe and it comes out of a history that will describe a little bit more to you next time. But that history of independent living and that philosophy of independent living includes a philosophy of consumer control, peer support, self-help, self-determination, equal access, individual and system advocacy, in order to maximize the leadership, empowerment, independence and productivity of individuals with disabilities and to promote the integration and full inclusions of individuals with disabilities into the mainstream of American society.

Now those of you who are used to working with programs might notice right away that the purpose is not to diagnose and treat. And that's a very different approach here. The purpose is that people who are themselves, people with disabilities are people who are in control and offering support to one another. Let's look at that next slide.

So independent living philosophy and the way that we think about how things should happen in the independent living movement, and yes, we do call it a movement because we feel like it is very much a movement more than it is a set of regulations.

Notice that right up front, we talk about this philosophy. So a lot -- these bullet points here, consumer control, peer support, self-help and self-determination, equal access, individual and systems advocacy, when I look through them, I get goosebumps. I know this is what we believe. It's not just regulation. It's actually a set of concepts and beliefs that are important. They are very much a part of the independent living philosophy, it's very much a part of all the funding that flows through Title VII of the Rehab Act. And that's why you saw these phrases right up front in the act itself.

More about that another time, but tuck that away that this is a significant piece of who we are as Independent Living Centers, as statewide councils for independent living, as people who believe in the independent living movement. So I think you will find that this is a very important part of the regulations themselves.

Next slide. So the regulations also clue a lot of definitions. So we have included some of them here. We are not going to spend a whole lot of time on them, but they are helpful, I think as you look at the regulations to kind of back up and see what -- and some are more significant than others. This first one is pretty simple one. The act means the Rehabilitation Act of 1973 as amended. And then it describes part B and part C because those are some terms that we use quite a bit because they distinguish -- they distinguish how the money is received by the centers, for sure, and different sections of money. So you will see that there.

Let's look at the next slide.

Administrative support services are very important for you to see right out of the gate. We know we have a lot of people on this call who are from the Designated State Entity in your state and administrative support services means the services and the supports provided by the Designated State Entity under Part B and Part C Centers administered by the State Section 723 of the Act, that's another -- we'll get into that a little bit more later. In support of goals, objectives and related activities under an approved State Plan for Independent Living.

Here are the key components. The designated state entity provides administrative support services of some sort. They are provided by the Designated State Entity to those who receive funds under the part of the Act that we are going to talk about today. And the purpose of that oversight or support is to look at the goals, objectives, and related activities of the SPIL. So the SPIL is the State Plan for Independent Living. You have one in your state. It was developed by your centers and by your council, your Statewide Independent Living Council. It was signed by the Designated State Entity and that's the document that you go to, to see what is -- what is it that we are supposed to be doing with these funds. How are we supposed to be looking at these?

So take a look at that. Such support includes any costs associated with contracts and subcontracts or subgrants, including fiscal and programmatic oversight among other services. And we'll get into a little bit more detail with that in just a minute. So next slide.

This is a definition of a Center for Independent Living. So a center means a consumer-controlled, which we’ll get to the definition for that in just a second. Consumer controlled, community-based, cross- disability, nonresidential, private nonprofit agency, for individuals with significant disabilities regardless of age or income. And then it has several under points under, that but those descriptions, consumer-controlled, community-based, nonresidential, and so forth, are very helpful for defining what is a center.

A center can only be considered a center if it's designed and operated within a local community, by the individuals with disabilities. There's a set of services that are required, which we'll cover in a minute. So it has to provide that array of independent living services that are designated there. And it complies with standards that we mentioned earlier as the standards and indicators, the center has to comply with those standards. The SILC will also have to comply with those standards but those are not yet available to us. So take a look at how that might impact your particular state.

The numbers there are for your reference. You can go back and check on what we said, and clarify it as you go forward with this. Next slide please.

So here's the definition of consumer control. Consumer control with respect to a center or eligible agency means that the center or eligible agency that's power and authority in individuals with disabilities, including individuals who are or have been recipients of those services, and the control is in terms of management, staffing, decision making, operation and provision of services. So there should be evidence that people who have disabilities are key players in all of those areas, in the management and the staffing and the decision making and the operation and the provision of services.

With respect to an individual, it means the individual has control over his or her own choices. And therefore over his or her independent living plan, unless they choose to waive a plan which they can do, and they make informed choices about the content, the goals, the implementation, what is it that they want to do? So when they came to your center, or to the center in your state, you know, they should be in control of laying out what it is that they want to be working on to advance their own independent living and integration in their communities.

Okay. Let's look at 14. I don't think I need to explain this one. Cross-disability means all disabilities. So that's not too hard to take a look at. We do mention here unserved or underserved and there are places where each state needs to be addressing that question of who is unserved or underserved in your area. That will be addressed in your plan and in your reporting for that plan.

Let's look at 15.

So the Designated State Entity is the state agency designated in the State Plan for Independent Living, the SPIL that acts on behalf of the state to provide the functions described in Title VII, Chapter 1 of the act in Section 704 (C) so you can look up exactly what that is and, of course we'll cover that for you.

And an eligible agency means a consumer controlled community-based, cross-disability, nonresidential, private, nonprofit agency. So an eligible agency in every case meets that description.

Let's look at slide 16.

This is a list of services that every Independent Living Center must provide. So an independent living -- we call them core services or the regulations here call them core services. So the core services are required services include information and referral, independent living skills training, peer counseling, including cross-disability peer counseling, individual and systems advocacy and on the next slide, services that facilitate transition, first from nursing homes or other institutions to home or community-based residences. So how do people transition from some kind of institutional setting in to some kind of a community-based setting?

And the next slide.

Part of the same bullet point is to provide assistance to individuals with significant disabilities who are at risk of entering institution. So a determination of who is at risk is part of what you would discuss with the person at the time they come to you for services.

And the next slide also was the designation of youth with significant disabilities and who were eligible for that individualized education program or IEP. So postsecondary individuals who have reached the age of 18 and are still receiving services would not have completed their secondary education. So this is transition after students leave school.

Now, remember, though, back when we first described centers, we described them as serving all ages and all disabilities. And so certainly there will be no prohibition for serving other youth. It's just that this particular service emphasizes postsecondary youth who are transitioning to their postsecondary life and it's emphasizing those who are -- who had an IEP or an individual education program while they were in school. That doesn't mean we can't serve. We do, indeed serve alarming and all disabilities and whether or not students had an IEP or some other kind of plan when they were in school. We still provide the services.

Let's look at a couple of other deaf nations. The state is, whatever the state is for you and includes our territories. And a state plan is the State Plan for Independent Living that was developed and submitted and approved that guides what’s going to happen with independent living in your state, especially with the funds that flow through part B and the other work of that group. So --

Let's look at 21. Ann, I will turn it over to you.

>> ANN McDANIEL: Thank you, Paula.

Well, we said in the beginning we wanted to talk about the roles of different entities, the DSE, the Statewide Independent Living Council and the Centers for Independent Living and one thing we thought that would be helpful is a chart that kind of lays those roles side by side to make them easier for you to see and to see the differences from entity to entity.

Just to go through the DSE role first, the Designated State Entity serves as the grantee for the Part B funding. Accounts to the SILC for the money and the disbursement of the money, per the State Plan for Independent Living because the SILC monitors the implementation of the plan.

Provide administrative support for the IL program, the state IL program, whatever is funded with part B dollars. You have to keep records. You have to submit required reports and information and that's really at the discretion of the administrator of ACL. The DSE is to retain not more than 5% of the part B funds for their administrative costs and can't hold all of the funds or even a portion beyond the 5%.

And the DSE has to sign the State Plan for Independent Living before it is submitted to indicate that they are agreeing to serve as the Designated State Entity for that state or territory.

Then if you look at the SILC, under SILC duties, it includes develop the State Plan for Independent Living. Monitor, review and evaluate the implementation of the State Plan for Independent Living.

The SILC has to meet regularly in open meetings and provide advanced notice of those meetings. Has to submit reports including the 704 report regarding SPIL fulfillment and this is worded badly and I apologize. But basically regarding the progress on the state plan and the achievements that have been achieved during each year, and that report is currently 704 report part I.

They have to coordinate activities with other entities in the state and that can be to other disability councils, created under the Rehab Act or under other federal legislation, and then it's pretty limitless what other entities you are going to coordinate with. Conduct authorities as is described in the law and outlined in the State Plan for Independent Living. And in the WIOA amendments to the Rehab Act, there are specific authorities that SILCs are now allowed to do if they choose to, but they have to be included in the state plan in order for them to do them.

There is a limitation on the SILCs and that is that the SILC shall not provide or manage independent living services directly to individuals with disabilities. And then the SILC has to sign the state plan to approve the content of the plan. The chair of the SILC has to sign as -- after they have been authorized to do so by the full membership. Council, to show that the SILC actually approves and agrees with the content of the plan.

Then the Centers for Independent Living have to provide the core IL services which Paula just went over with you. They have to provide other independent living services, consistent with federal and state law. They have to comply with the standards and indicators for Centers for Independent Living, which are located in Section 725 of the Rehab Act.

They have to develop the SPIL with the SILC. And this is new, that the SILC and the centers together have to jointly develop the plan and that's all of the centers in your state. And then the regulations, you know, you need to provide in your state plan who those centers are. What is the network of centers in your state?

The centers for the most part implement the State Plan for Independent Living, using the part B funds. And the centers have to conduct resource development activities, and that's been a requirement for centers for a long time. And more than 50% of the directors of Centers for Independent Living in the state, and those are the ones in that network described in your plan, have to sign the plan to indicate their approval of the plan and the content of the plan.

Next slide.

Okay. We don't have time today to cover all the roles of all the partners in the network in detail. We will be able to hit on that some more in part two coming up in March, but this does -- looking at that chart, definitely does indicate a shift in responsibility and control from the DSU, the designated state unit for the VR program, transitioning to the Designated State Entity to the SILC with regard to the State Plan for Independent Living and the resource plan.

The plan for the use of the part B funds. So when we have our next webinar in March, we will discuss further how the SILC is organized, the roles of the SILC and SILC autonomy, and how the SILC and DSE roles insect, the roles of the Centers for Independent Living and really how all of those entities, roles, kind of coordinate, and a little bit more about the history and the philosophy of independent living and how it impacts the roles and is impacted by the regulations for independent living.

And Tim, I believe we have Q&A at this point.

>> TIM FUCHS: Yes, ma'am, thank you, Ann. Okay. So we are actually going to open it up for questions here. We will thought this would be a good place to stop. And there are a few ways to do that. For those of you that are just joining us, you can, of course, type your questions as the chat -- in the chat on the webinar, as many of you already are. And you can also press star pound if you are on the phone. So if you are on the phone today, you prefer to ask your question out loud, you can hit star pound and we’ll take them in the order that they come in.

Also if any of you are on the full screen CART captioning, the Streamtext link, you are welcome to use the chat feature there as well. So I will start with several questions that have come in already and then we'll keep an eye out for more.

All right. Our first question comes from Katherine, Katherine is curious if someone could explain the why the definition for a center for independent living refers to individuals with significant disabilities, not just disabilities generally.

Ann, could you respond to that?

>> ANN McDANIEL: I can. It has always been in the act that the centers are to be serving the needs of individuals with significant disabilities and if you look at the definition in the Act of significant disabilities, it's those folks for whom their disability is a substantial impediment to employment.

I think way back in the early days it was seen as we have the VR program for people who can work and now we have this independent living program for people who cannot work. Centers are not prohibited from serving other individuals, but that's their specific charge, is to serve people with significant disabilities and then centers, as you know, have the leeway to provide services beyond their core services and are under the direction of their board of directors to be responsive to the needs of individuals with disabilities in their communities. I hope that helps.

>> TIM FUCHS: Great. Thank you, Ann.

And sort of along the same lines, or at least related, Elizabeth is wondering, how does someone get involved with a center?

Ann, do you want to keep the microphone so to speak?

>> ANN McDANIEL: Sure. The first thing you can do is contact your center and ask for more information. I know a lot of individuals who have gotten involved at a center by asking to volunteer their time and often those individuals end up on the board of directors over a period of time. Reach out. Ask to come and visit. Ask to have a tour and to find out more about what the center does. And then offer yourself up become more involved, either as a volunteer or that you are interested in serving on the board, and that will give you the opportunity to really to get into the nuts and bolts of your Center for Independent Living and to help -- help them be more responsive to your community.

>> TIM FUCHS: Great. Thank you. All right. We have a few more web questions, but I'm going to go to the phones for a second. We have had a caller who has been waiting patiently. We will go ahead and open up your line. And caller, you can go ahead.

>> PARTICIPANT: Hi. This is Julie Case, Florida General. And my question is about the news that we had where each state can only have a single designated state entity. And Florida has a separation between our line service agencies and our general VR and I'm just trying to find out if you have any ideas about how that is going to be operationalized, because right now our line services gets a portion of the part B funds, and what is that going to look like after we only have one Designated State Entity, assuming that is the general VR agency because we get a larger share. Do you have any information about that? Thanks.

>> ANN McDANIEL: You can share my perspective. First of all, the law only provided for each state and territory to have one Designated State Entity. And I recognize and most all of us do, that for a very long time there have been states that had two DSUs, one general agency and one for the blind. But as that is no longer allowed under the language in the law, what they are asking is that states that have two and included that in their state plan are going to have to amend the State Plan for Independent Living to designate one Designated State Entity and then in terms of how the funding is going to work, it will come to the DSE as the grantee for state. And then it will be distributed according to the State Plan for Independent Living.

So if you include in your plan that this portion is going to go here and this portion is going to go there, and a portion will go over here, that's how the money gets distributed. So it's going to come through the DSE, but then if there's agreement in your state, and it's in your approved state plan, that a portion is going to be used by your DSU for blind, then that’s where that money will end up. But it will process through the one DSE first.

>> TIM FUCHS: Okay. Great. Thank you, Ann.

>> PARTICIPANT: Thanks.

>> TIM FUCHS: The next question comes from Nancy -- I'm going to have to paraphrase some of this. It says regarding consumer control, our state contracts with centers to provide reintegration services from nursing facility through the MFP, the Money Follows the Person Program. They insisted on training our staffs, directing them making approval because of the pilot program and Medicaid was involved. Now that the pilot was ending, they are still insisting on training our staff and approving those moves. It seems to go against consumer control and nonprofits. We are run by a board that designated our higher staff. We are not making decision for the program that we run and our numbers are way down. Any guidance, Ann?

>> ANN McDANIEL: I don't know about guidance. I mean, obviously the -- the law and the regulations we're talking about right now are with regard to independent living funding. And the funding that you are talking about is not independent living funding and I think you are probably aware that funders do have the ability to place requirements on you. So I think it's a matter of you deciding which hoops you are willing to jump through and whether end result, the outcome of you providing those services is worth the hoops.

I know many centers have been Medicaid providers for a very long time and that requires a set of hoops that they don't go through to get their independent living funding. And you have to decide what you are willing to do. Whatever your funding source requires, obviously is what you will have to do. It may be worth your while to look at your outcomes and to do some measure of consumer satisfaction so that you can be able to demonstrate to your state that the drop off in the program -- you said your numbers were way down. Apparently folks are not happy with the way things are being run and if you can show that, if you can show what it was like in the beginning and what it's like now, and correlate it back to some of their micromanagement perhaps, that might be -- give you some ground to stand on, that things should be offered more in keeping with your traditional consumer control stance as the Center for Independent Living.

>> TIM FUCHS: Okay. Great. Thanks, Ann.

Lisa comments that she was -- so Congress last week, she thought she heard Kelly Buckland, NCIL's director that the fifth core service was going away. The only thing that's going away is calling it the fifth core service. ACL has reminded folks that that terminology, which has been around for a very long time, when it was thought of in terms of nursing home transition being the fifth core service, that in light of the fact that it's actually several services that was misleading and suggested that folks call it the new core services.

So only thing changing is terminology. Those services are brand new and will be required. So that's helpful.

Okay. A couple of people, Heidi and Jack asking for that clarification, going back to slide 21 and I will click over in a second after I read this. Heidi says on slide 21, discussing DSE role number six, does this mean that they are to release all of the funds when they are received or can the DSE control when and how those funds are released?

Jack simply asked for a little bit more information. So I'm going to click back here to slide 21 so we can all look at this DSE role number 6 together. Paula, do you mind walking us through that?

>> PAULA McELWEE: No, not at all. So part of -- this has got two parts and the first part is that only 5% of the total of the part B is to be retained by the DSE to cover their administrative costs. So that's the first part of this. They can only take -- or you can only take 5% of the total part B for the purpose of the services and the supports and administrative services and supports and your other administrative costs.

Now, this issue of the DSE cannot hold funds is actually an issue that is in the uniform administrative requirements both fiscal -- those fiscal guidelines we talked about and they state very clearly that when money is drawn down from the federal government, which the state can do as is needed, that it needs to be turned back around and given out to the vendors as quickly as possible and there's a suggestion in some of the regulation around that being 72 hours or sometimes you will see 48 hours in some of the state policies. We know that this has not been the case. We know that in many cases the state system is a little more complex and makes it a little more difficult to turn those funds around on a timely basis. We do understand that cash flow is a problem for some of the centers who are on reimbursement with their states, which is not a requirement, by the way. You can give a payment out in advance to get people started.

But if your SILC is on reimbursement only and it takes two months to get reimbursed, then you are already three months in the hole. If you don't have any cash reserves of any sort, this can put you in a terrible position and I know Ann has talked to a lot of folks who have been in this position, and it's been very difficult. So this is a reminder that the federal law around -- or regulations around distributing federal Grant funds says that you hold on to them once you draw them down. They have to be turned around very quickly.

Ann, do you want to mention anything else with that?

>> ANN McDANIEL: Well, I think it's been an issue not only for Centers for Independent Living, but for SILCs as well. And there's been a trend toward operating on a reimbursement basis, but as Paula said, in the uniform guidance, it does allow for an advance of funds and if you are operating as a nonprofit, whether you are a center or a SILC, being able to front all of the money and then wait for reimbursement is not always doable. So I think we need to make sure we all clearly understand what the regulations allow so that we can make sure hardships are not being presented in the management of the funding.

>> TIM FUCHS: Okay. All right. Great. Thanks, you all. All right, Victor asks if the role of the DSE with respect to this guidance is different in any way with states that make significant funding investments to their IL network, above part B and C funds.

>> PAULA McELWEE: Yes, there are two states that fall into that category where they invest more and there are a couple of places where that's addressed here and we can sure take that up with you separately if you fall into one of those two states but most of the states and the territories do not give more than the federal allocation and therefore these are the regulations that apply to most.

>> TIM FUCHS: And that's Massachusetts and Minnesota, right?

>> PAULA McELWEE: UGH?

>> PAULA McELWEE: Yes, I should have said that. It's Massachusetts and Minnesota, the two big M’s.

>> ANN McDANIEL: The other -- this is Ann, the other perspective on that is if your state is investing in independent living, even if it doesn't meet that level of being more than the federal money as it does in Massachusetts and Minnesota, and they have elected, therefore to be a 723 state, but if your state is allocating funding for independent living, how that has an impact depends very much upon how that allocation is made.

For example, in West Virginia, we have a state independent living act and it requires that the state funding -- the use of the state funding be directed by the State Plan for Independent Living. And we did that deliberately because we wanted everybody to be in agreement on how the money was going to get used, just like as we have always had to be for part B. If you don't have that kind of a requirement, you may have some other requirement or some other direction from your legislature in how that money is going to get handled. So the part B money has to be handled the way it's directed to be handled in the State Plan for Independent Living. And therefore, the Centers for Independent Living and the Statewide Independent Living Council are the ones making those decisions in terms of writing it into that state plan.

And the DSE role is clearly to receive the funds and then ensure that they are used consistently with the state plan.

What happened with state funding may or may not be handled that way, depending on whether there's state law, and depending on the language of the appropriation by your state legislature or state governing body.

>> TIM FUCHS: Okay. Good reminder. Thank you, Ann.

Colorado just reminded us they are a 723 state. They announced that at SILC Congress.

>> PAULA McELWEE: Oh, I have to change all of my notes to three!

>> TIM FUCHS: Thanks for reminding us. That's right. Congratulations on your state funding increases.

Hey, we are out of time for this first Q&A break but all of these questions that you guys have been typing, I have saved and we will get to them before we close today. A couple I can answer quickly.

Paul asks do you or will you have guidance on developing criteria for qualifying persons for services from CILs and that's very open ended. Anyone that seeks services, IL services from a center and says they have a disability can receive services. I don't believe that's -- that's outlined anywhere. Paula or Ann can correct me if I'm wrong.

>> PAULA McELWEE: You're correct.

>> TIM FUCHS: And Elizabeth asks if you can be both on the SILC board -- serve on the SILC board, and the CIL representatives. Theoretically you can. Your SILC can help you, you know, answer whether or not they have vacancies. That would depend on who is serving on a SILC at a time. But theoretically yes, but there are some limits you need to be aware of.

For the rest of you thanks so much for your patience. I have got your questions here and we will start off with them on our next Q&A break. I'm going to go ahead to slide 23, and turn it back over to Ann. Ann?

>> ANN McDANIEL: Thank you, Tim.

So let's talk a little bit more in detail about the roles and the responsibilities of Designated State Entity or DSE. The DSE administrates the independent living services part B funds and programs. The DSE must receive and account for and disburse the funds received by the state under part B as directed by the SPIL. The whole purpose of a SPIL, quite frankly is to -- it's the grant application for the part B dollars.

So you have to use the dollars the way you said you were going to use them in your approved SPIL, or State Plan for Independent Living.

Because the statute and the final rule reinforce the autonomy of the SILC, the SILC plays a much larger role than it did in the past. With regard to the development of the plan and just autonomy in general for the SILC. The majority of the state plans for independent living retained the designated state unit or DSU which is the state VR agency to serve as the DSE and administrate the independent living services program. But there are some states that made a successful transfer from the DSU to a new DSE, which is some other state agency as allowed in the workforce innovation and opportunity act.

The DSE may only retain 5% of part B funds to perform its administrative responsibilities and that includes the match, the state match for the part B funds. So it's the total pot of federal dollars and state matching dollars. You can own retain 5% of that.

Next slide.

The placement and autonomy of the SILC. The law specifically states that the council should not be established as an entity within a state agency. And that is the original demonstration of the intent that the SILC be autonomous. There is a conflict of interest policy in Section 705 (E) (3) that precludes any staff or personnel of the SILC that is assigned by the DSE to provide staff support to the SILC. They are precluded from assigning duties to those personnel or staff that would create any conflict with their duties that they perform as staff support to the SILC.

So you can't have a staff person that's provided by the state agency to you that is then given responsibilities in their state job that provide a conflict with their responsibilities to the SILC. And it seems to us, anyway, that it would be an apparent conflict of interest for the SILC to be assigned to DSE staff who also monitor the independent living program.

And part of the autonomy of the SILC is in the selection of that staff and in the supervision and evaluation of that staff and those are required in the law as well.

Next slide.

How does the DSE fulfill its responsibilities?

First of all, the DSE needs to follow the State Plan for Independent Living in disbursing funds and grants or contracts need to be -- and a grant or contract process needs to be defined in the SPIL because that gives direction to the DSE as to how that is going to work. The DSE needs to provide administrative support for the program and responsibility for the funding.

So they need to receive reports from the providers, and they need to monitor the grants or the contracts depending how your state structures it. They need to monitor those that are funded with part B funds and they have to keep fiscal and program records. And while there's no mention of a report for the DSE in the law, one would anticipate that the administrator would expect reporting with regard to the funding. So more news to come on that issue.

Next slide.

This is continued. The other piece that the DSE is responsible for is to provide necessary and sufficient funding for the SILC resource plan and this is to be negotiated between the DSE and the SILC. What is necessary and sufficient and how much funding we're talking about and which sources of funding that might be, and the allowable sources of funds include Title 1 innovation and expansion funds, which are actually required in Title I, Section, 101 (A) (18) part B funds if they are provided for in the state map for independent living and the resource plan and then other and private funds and that may include Social Security reimbursement funds that may be received by the designated state unit if they are serving as the DSE particularly for services they provide to individuals who have received Social Security services -- funding, benefits.

And if you look on the bottom of that slide, there's a little more detail about what the law says about innovation and expansion activities. When it says the state plan in this section, it's talking about the Title I state plan and it says the state plan shall include a performance that it will reserve and use a portion of the funds allotted to the state under Section 110 to support the funding of the Statewide Independent Living Council, consistent with the plan prepared in Section 705, which is the State Plan for Independent Living.

So it says that they shall set aside money for INE, that you shall set aside money for INE and that you will use it to support the resource plan of the SILC and it also includes the resource plan of the state rehab council. And then if you look at the rule for VR, that was promulgated by the Rehabilitation Services Administration, they provided a little more detail saying that the -- the funding for the SILC be consistent with the SILC resource plan and that the state and the SILC may together decide to use innovation and expansion funds to support that plan. We're not to do so as they determine how they will use the source of the funding available to support the SILC.

So you are going to have to have a conversation. We knew that. It says that in the law. And it's reinforced in the regulation about what sources of funds are going to be and the amounts of funds, but I would just point out again that the I & E funds are the own funds in the law where the language is directive. It doesn't say it may be used. It says it shall and will be used. So you need to consider that when you are having that conversation.

Next slide.

>> PAULA McELWEE: I can pick up on this one, if you would like, Ann.

>> ANN McDANIEL: Thank you very much.

>> PAULA McELWEE: You're very welcome. We are going to talk about monitoring, but this might be a good topic to give you an example of how things are still emerging. So we have a fairly recent changes in how we're doing different things. We have some standards of conformance that are still out for comments that vice president been clarified yet. So we have -- haven't been clarified yet. So we have emerging information.

One the areas of emerging information is this area. So when ACL took on the independent living section, they are working on a draft of how they will monitor what things will they do, to monitor, what check lists will they use and what information would they review, all of which will be very helpful to us in anticipation of that monitoring process.

But as the grantee of part B dollars, the DSE is accountable to ACL and may be monitored by them. There may be a visit from the federal reviewers or the peer reviewers or a combination of federal and peer reviewers emerging, remember. Whoever is going to come out on that team so that there would be monitoring that would take place and we would all know in advance what is it -- what standards are we supposed to meet in order to be accountable during that monitoring visit.

Now, we believe that the ACL monitoring of the SILC-related funds, the council's related funds would be of the DSE overseeing those funds because the DSE will look at the SILC. So the centers and the councils account for their own funds. They have their own funders, including the DSE, of course, maybe some other funders, and are accounting for those, but the DSE is then accountable to ACL.

Now, the goal in the law is very ambitious, that there would be a considerable number of reviews. The law was passed, the WIOA law that amendment, last amendment to the rehab act was passed in 2014. And we are in 2017. The goal that was set was that they would review a third of the grantees every year, and, of course, we can already see that that's a lot and probably more than what is easy for ACL to do. So we're anticipating that the review will be happening but it will probably not be as rapid as you might think.

But this will be the same kind of review that you have for any other pot of money that you have where a grantor might come in and review the grantee to make sure that things are in place. Some of the things that they will probably be checking is the eligibility to receive funds S. there an approved SPIL? That the federal people should know all the time.

Do you have a fully constituted SILC? So is your council fully constituted? Now, one of the questions a little earlier in the sidebar was, how many of the SILCs are private nonprofits? And the answer to that is -- the last time we looked, it is well over 60%. It's probably continued to climb because I know some others that have become nonprofits since then. So certainly some of them are private nonprofits but there are specific requirements for SILCs around how they are constituted, what their membership is, how many consumers are included in their membership, and how that works, all of which we'll be covering in a little more detail in that second -- in that second webinar when we talk more about the responsibilities of the council.

But you need to know the, the DSE needs to know that the SILC is eligible to receive funds. And so having that approved SPIL is a piece of that. Another piece of it is having a fully constituted SILC. Certainly there needs to be adopted fiscal control and fund accounting procedures. Now those might be individual to that SILC or it might be that they adopt some of the state requirements or it might be a hybrid of that. That's probably the more common one. Know what you require is the DSE, what are you requiring for them to do and then figure out what their side of that work is and put that together.

But we're expecting that those would be written so that the fiscal control and the fund accounting procedures are written, policies and procedures that guide how the SILC manages those federal dollars and probably state laws -- state dollars as well or other dollars as well and they need to comply with all of the applicable standards. Some of them -- more of them around that Uniform Administrative Requirements or what we used to call uniformed guidance.

So we really need to make sure that you take a look at, you know, at what those requirements are. To be eligible to receive funds includes the DSE being eligible to receive funds. So you are passing that down to the SILC but for you to get those federal dollars as the DSE, you really need to have an approved SPIL. You need to have a fully constituted SILC. You need to have written policies and procedures for how things happen and you need to comply with all of the laws. So these are requirements for any level of the funding that comes your way. So you need to have all of those things in place as well. Let's look at that next slide.

So on site review, as I said, in the regulations it states that one-third of the DSEs would be required per year, and, of course, that's going to be difficult to accomplish and we're already a little bit into our history with this. But ACL and monitoring may very well take a look at what you are doing and have ideas for what you should do differently. Now this has usually been handled want on-site review of some sort. Sometimes a paper review of some things. A determination, if you are out of compliance, and then some kind of assistance to help develop a corrective action plan to come into compliance with whatever is out of compliance at the time of the review.

This has not been any such reviews with ACL since the independent living programs moved over to the Independent Living Administration within the administration on community living. So since it hasn't happened yet, it's another area where information is emerging and we will know more as we go forward. We believe that ACL will be giving us more guidance or more information about what the review process is going to look like as we go forward. I know that they are very interested in developing a process that includes peer support from other entities, maybe a peer review part of that process and very much interested in making sure that we are all in compliance, more than they are in punishing anybody who is not. So we're hearing, anyway, that there's a very great desire to help us all stay in compliance and a great desire to not have this be punitive, but more have it be peer support. So it's emerging. We'll see how it all turns out as it goes forward. But that's kind of what we are seeing the ACL monitoring discussion looks like.

On 29, the next slide. As the independent living part B grant recipient, the DSE is responsible for ensuring a submission of a report. Now in the past this has been called the 704 report. This is also emerging. We will have training in the next couple of weeks on this report itself. And it's now being called the program performance report, the PPR, which makes a lot more sense anyway, because 704 doesn't relate to any current section of the law. The 704 portion is -- is related to SILCs but it’s not related to this report. So certainly it makes sense to change it.

There are two parts to it, and the part one would be something that the DSE would be responsible for, making sure that it's submitted, consistent with however you put together your application for your grant and your resource plan and your SPIL. Now historically, there have been some states who have just done this report and not engaged with the SILC related to the report. And we know that this new system is going to allow both the state, the DSE and the SILC to submit and the other to acknowledge the report itself.

But as this report is filled out we need to remember that this is probably an emerging area of SILC autonomy. So this expectation would be and many SILCs have already been doing it, that the SILC would be a partner with you, as the DSE in the submission of this report.

Now, this year, this is a late report because they have been redoing the software. So typically this report is for the year that ended September 30th, which it still is, and it's for the -- it's usually completed by the end of the next quarter which would have been December, and, of course, here we are in January and we're just rolling out the actual process over the next couple of weeks. So it's a little behind this year, but I'm excited that they have made some changes and made a document that I hope will be a lot more user friendly. It looks like it on paper. We're anxious to see your feedback as we -- as we go.

But this report as you fill it out, we're expecting that this would be submitted by one and acknowledged by the other, both signing, both the DSE and the SILCs signing this 704 report. Next slide.

The reason why it has to be a joint effort, if you just think about it, the DSE has all the financial records related to the administration of the grant funds. You know who requested money, and how much they got and, you know, whatever requirements that you did related to the fiscal piece.

The SILC is responsible for monitoring the implementation of the SPIL and there's a program portion to this report. And that would be, okay, is our SPIL being implemented, right? So as that goes forward, it just seems logical that those two entities, the SILC and the DSE really must work together to do the report. And so that's the way that it's emerging.

And as I said, we have got training related to this coming up soon. You can check it on the website and there's some stuff that's prerecorded and you can even see it, if not now, very, very soon. So you will want to take a look at that shortly.

Let's look at the next slide. And I think, Ann, would you like to pick this up?

>> TIM FUCHS: Hey, Ann, make sure you're not on mute. We can't hear you. Well, coincidentally, I've got an error on my computer that the audio bridge has cut out. So we might be having an audio problem for everyone, and let’s just give it a second and see if we get it back. Paula, you can hear me, right?

>> PAULA McELWEE: I can, yes.

>> TIM FUCHS: Okay. Great. Ann, are you there?

>> PAULA McELWEE: She's still listed. Go ahead and break in when you get your audio. I will go ahead.

>> TIM FUCHS: Oh, the -- excuse me, Paula, the webinar audio is fixed, but coincidentally, in bout of bad luck, Ann got cut off, and she will be dialing back in.

>> PAULA McELWEE: We can wait for her that long. I bet she will be back on in just a couple of seconds do. We want to take one of the questions from the queue while we are waiting?

>> TIM FUCHS: Sure. That's a great idea. Paul asks if state law designated two DSEs, in light of the guidance from ACL, does that mean that the states need to change their law now to have one DSE?

>> PAULA McELWEE: No, it doesn't. What has to happen, though, is that whatever portions of the part B funds were shared, that will now all be administrated through whichever one is selected by the SILC and agrees to serve as the DSE. Now there's some states where that is neither of the VR agencies. They chose to go with another party in their state. Sometimes the department of aging and sometimes another social services department.

In one case, within the USED, the university services. So that's really an interesting, you know, mix of things out there. The requirement is that it has to come through a state entity and so who is chosen by the SILC is different state to state, but the state has its own thing going on. You don't have to change that, but your SPIL has to reflect only one DSE.

So if you submitted your SPIL, because this guidance came after the -- or the regulation came after the SPILs were submitted, if you submitted your SPIL and it was approved but it had two DSEs in it, then that SPIL has to be amended and there's a process for that that we won't go into that, but Ann or I can help with you more guidance on that if you like.

>> TIM FUCHS: Thank you. I understand Ann is back with us and we will let you take over on slide 31. Ann, are you there?

>> PAULA McELWEE: I can't hear her. I see she's typed. In but we can't -- do you want to try muting and unmuting a couple of times and see if that clicks over?

Well, while Krista and Ann are working this out, maybe one more question?

>> TIM FUCHS: That's great. Good idea, Paula.

Okay. So Mary asks. Are there mandates for CIL periodic reporting to SILCs and the DSU? And there's a second part, but I will let you answer that first.

>> PAULA McELWEE: Yeah, yeah, how you do your reporting is different for part B than it is for part C. I can tell you for part C right now those direct grantees, the federal processes that they do their spending within a quarter and they get report in relates to their spending, Talk about what reporting and to whom and the entities that will receive the part B funds. Sorry. Was checking because it said we lost captioning. I want to make sure that we are back.

>> TIM FUCHS: It's back.

>> ANN McDANIEL: Include that in your state plan. Talk about it up front. Make an agreement. Make sure everybody is clear on what the expectations are and put it in your state plan.

>> TIM FUCHS: Okay. Great. Thank you.

>> ANN McDANIEL: Do you want to go on to slide 31.

>> TIM FUCHS: Before we move on there was a quick second part to Mary's question. How many SILCs or 501(c)(3)s. I they it's between 40 and 50%. Do you all have a more exact number?

>> ANN McDANIEL: I don't know, Paula, do you?

>> PAULA McELWEE: I thought it was running right at about 60.

>> TIM FUCHS: Oh, a little above half. I'm sure you know better than I do, Paula. A little over half, Mary.

>> PAULA McELWEE: Yep.

>> TIM FUCHS: Thanks, Ann. We were keep things moving. Glad to you have back.

>> PAULA McELWEE: With slide 31, we are talking about the sections of regulation with regard to the use of funds for independent living services. And that starts in Section 1329.10 and it specifically talks about the state using part B to support the SILC resource plan but not more than 30% of the funds may be used for the SILC resource plan, unless the approved State Plan for Independent Living so specifies.

It's very specific that there has to be adequate funds for the SILC that are necessary and sufficient for it to accomplish its duties and authorities and responsibilities.

If 30% of the part B funds is not necessary and sufficient, it's not enough money, you can put more than that in your plan but you have to make sure it's in your state plan and you have to justify it and it has to be approved by ACL when they approve your plan.

Second piece is that DSE may not retain more than 5% of the funds, for their administrative costs and then the third piece is that the DSE shall distribute the remainder of the funds received under this part being part B in a manner consistent with the approved state plan for the activities described in paragraph B of this section.

And if we move to the next slide, you can see Paragraph B. The state may use the reminder of the funds to provide to individuals with significant disabilities the independent living services as required by Section 704 (E) of the act and that's with regard to what's in the State Plan for Independent Living. That's Section 704 of the act, it's all about the state plan.

Particularly in unserved areas of the state, the funds can be used to demonstrate ways to expand and improve independent living services. They can be used to support the operations of Centers for Independent Living that are in compliance with the standards assurances in Section 725 of the Act.

Next slide. The funds can be used to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services. The funds can be used to conduct studies and analyses, gather information, develop model policies and procedures, present information, approaches, strategies, findings, conclusions and recommendations to federal, state and local policymakers in order to enhance independent living services for individuals with disabilities.

Next slide. To train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy and that goes back to that whole purpose piece that Paula referred to at the beginning of our presentation from Section 701 of the act, provide outreach to populations that are unserved or underserved by programs under Title VII of the act, and that's independent living programs, including minority groups and urban and rural populations.

So those are all authorized uses of the part B funds. That's the ways that the funds may be used, in addition to supporting the SILC resource plan.

Now, remember, that which of these things you do in your state are dependent upon what your state plan says you are going to do. You are allowed to do these things but you have to do whatever is included in your state plan and if these -- some of these are not included in your state plan, the funds can't be used for that, because, remember, the state plan is an application for the funding and you have to follow that plan in using and distributing that funding.

Are we ready for more questions? Tim?

>> TIM FUCHS: I think so. We have plenty of them. Just a quick refresher. If you are on the phone, you can press star pound if you have a question and, of course, you all know by now that chat box on both the captioning page and on the webinar are both available.

So moving along with these ones that came in previously. Let's see, Greg asks: Can you explain the DSE and the SILC relationship of autonomy? Specifically, if SILC staff are hired by the state, how ought the state to manage the SILC's staff?

Paula? Do you want to take that?

>> PAULA McELWEE: That's a great one. Because it does happen quite a bit. Our assumption is that a SILC can only be autonomous if they are hiring and supervising their own staff. Now, sometimes they are hiring and supervising staff that actually work for the state and that's not a bad thing in that lots of sometimes they can offer more benefits to your staff person than what the SILC can offer. But as Ann said earlier, we need to make sure that the staff person assigns to the SILC, does not have other duties other job responsibilities that will create a conflict of interest with that role.

So the SILC staff would need to be certainly -- in order to be autonomous, need to be supervised, hired and supervised by the DSE.

In some cases where they are state employees then that would mean that someone, the SILC chair often would be a part of the -- the performance appraisal process, which is another thing that they need to have them put on or be a part of.

And Ann, how have you seen that work?

>> ANN McDANIEL: Well, I think it's worked differently in different states, and that's, you know, part of the beauty of having a state plan is you have a lot of flexibility within your state to decide how you are going to do things. I think it can be difficult to figure out how to manage this responsibility and particularly maintaining SILC autonomy if the staff don't report directly to the SILC and no one else, but that doesn't mean it's not possible.

In some states, the staff are assigned by the DSE to the SILC. The SILC ought to have some say in who those -- who that individual or individuals are going to be. In some states, the staff support is actually through a consultant that is selected to provide staff support to the SILC because it's not a nonprofit and therefore can't hire its own staff. But, again, the SILC needs to be certainly involved or if not even in control of how that's going to happen and in making that decision of who the individual is going -- or individuals are going to be that, actually provide their staff support. I know in some states, when they are doing the performance review for a staff that is actually an employee of the DSE, each party completes the performance evaluation, both of the DSE and the SILC and those are -- are in some way merged together or provided so that the individual gets their full job reviewed by both of the entities that they are responsible to.

Does that make sense?

>> PAULA McELWEE: It does.

>> TIM FUCHS: It does. Great. Thanks.

All right. Erin says in Michigan, we have the DSCVR, and DSVP and a SILC member from Michigan. How does one determine which DSE to use? I understand the drawbacks of each organization. I don't know who to toss that to but I don't know if you have any guidance for Erin.

>> ANN McDANIEL: I think it has to be a pretty detailed conversation between the SILC and the centers to look at the pros and cons of all the options. I think you are going to have to have conversation with your administration. You know, if your governor says that entity can't be your DSE, then you don't really have a way around that. So you want to involve them in that conversation as West N well. Then you need to talk to the entities that you are thinking about. What can they bring to the table? Are there things they can bring to the Independent Living Center and the SILC in their role as a DSE?

And together, the SILC and the centers will have to make their choice and try to secure approval from the governor's office for that to actually be the DSE that goes into the plan. That's my perspective. Paula?

>> PAULA McELWEE: And when you look at these different councils that you have, you have ways that you can still include them in the state independent living process as ex-officio members of your SILC. So if they are state employees that represent these councils or other members that represent these councils, the structure of your council, which we are not going to go into in detail here, the structure of your council can give you access to those people.

So you've got two things here, who is represented on your council, and who is your DSE. And both of them require -- require you to do some thinking about how will it work. You know, who are the players and do they want you and how will it go from there?

I do have to say that there were a couple of states -- I was very disappointed in this, but there were a couple of states where the DSU just decided to hand off the SILC to another state entity without the SILC's involve. And then there was a lot of catch up to do regarding how that SPIL was done and training and orientation for the new DSE and all kinds of other things. It's always better when it's a conversation between all the parties.

>> TIM FUCHS: Okay. Great good. Guidance from both of you will. Okay. Thanks. Next question comes from Ann. Ann says it would be very helpful to get more guidance on the distribution of part B funds in terms of reimbursement versus up front funding. Paula, any advice there?

>> PAULA McELWEE: Yeah, a little bit. And we did publish these on our website at ILRU.org, you will find if you go down the menu on the right-hand side, you will find SILC training of different kinds, there are several different titles there that have to do with the operation of the SILC and the -- and there were two documents that we had a CPA do some review about two things. One for the SILC to help their cash flow, and the other for the SILC to have the conversation about their DSE around why they could, indeed release the funds early.

And I would be glad to post both of those or we could maybe post them again or post the link to them on the page for this webinar because they are written documents by someone very qualified to give you some guidance on -- on how that would work, but basically, it is allowable and it is, of course, desirable that you have a SILC that can actually operate. If your SILC has no operational funds of its own, it can't operate on credit for very long. And so if your reimbursement process is taking a long time or have you not done some advances, you could be causing them to not be able to operate at all.

So we really encourage you to have that conversation and we would be glad to provide more detail on that, if you would want to contact either of us, we will give you the direct link or we will make sure it's posted with this training as well.

>> TIM FUCHS: Okay. Great. Thanks, Paula. Lisa asked in Alaska we only receive about 300,000 in part B funds and our SPIL is very broad and covers activities of both the SILC and the CILs. Should the SPIL be more focused on systems change activities or direct services to individuals? What about part C funds?

Ann, any guidance?

>> ANN McDANIEL: This goes down to the SILC and the CIL sitting down together and saying what is the best use of these funds? What is it that we think we can accomplish in the next three years, because, remember, the plan only covers three years, and I think we are all prone to shoot for the stars that aren't reachable in three years. So you really have to look at that together. Are you going to use the funding for systems advocacy, or are you going to use it to develop the network of centers in your state. Are you going to use funding to serve some served or underserved population? That's the conversation that you have to have when you are developing your state plan and hopefully you have received public input that is going to help direct those conversations and decisions because you have to seek that public input before you. Sit down to write your plan.

I don't think that there is a write or a wrong way to go, in terms of your question, but I do think that it has to be responsive to unmet needs and the input that you received before you started writing your plan, and it obviously is going to have to be agreed upon amongst the partners, Centers for Independent Living and the SILC. While every center doesn't have to agree, you certainly have to have the majority of your centers agree to the content of the plan and you want, I hope, that to reach agreement that all the centers are going to agree and sign the plan.

But I don't think there's a right or a wrong way to go. I think it -- you know, you get about the same amount of money in Alaska that we get in West Virginia and you have to sit down and look at your current network, where our part C funds are being used and how are they being used and are they adequate. And will you try to expand or reinforce your network or will you try to do something a little different with the Part B funds amongst all of those allowable uses of funds?

>> PAULA McELWEE: And, Ann, I would like to just that we are talking mostly about part B funding here but when we talk about the network, we are talking about all the different ways that independent living services provided. So those part B centers, of course, are part of the plan, but the part C centers are also part of your network, even though they receive their money directly, they should be as involved as all the other partners in this conversation.

>> TIM FUCHS: Okay. Good. Thanks, you all.

Okay. The next few questions come from a participant. Then don't list their name or state, but they said, you mentioned monitoring by ACL and, in fact, we talked quite a bit about it. They say, how does that work if the SILC is strictly I & E funds which are VR dollars. The statement was posed that this training might not even be relevant to us. Paula, what do you think? Or Ann? Do you want to go ahead?

>> ANN McDANIEL: So it's not the SILC that's being reviewed. So let's back up a step. So who is being reviewed by ACL is the grant recipient for the Part B monies which is the DSE. Now, the DSE is overseeing the SILC and we have seen a situation where the DSE ended up bearing the brunt of a corrective action for a state, because there were problems anticipated by the -- or -- there was an assumption that there were some issues on the SILC and it was the DSE that ended up having the plan of correction. So the SILC, however it's funded has to operate under those regulations that we are going to cover next time, and the responsibilities of SILC and so forth, regardless of funding source, the SILC has those same responsibilities.

But the actual review process over these funds is going to be ACL reviewing the DSE.

>> TIM FUCHS: Okay. All right.

>> ANN McDANIEL: And if the SILC's funding is all I & E funds the ACL will still want to make sure that the SILC is in compliance, is fully constituted, is actual filling its responsibilities regarding the funding source. And then in terms of any other monitoring of the I & E funds, that is up to the RSA.

>> TIM FUCHS: Is up to the DSE to determine how many I & E funds are used.

>> ANN McDANIEL: It's a conversation that the SILC and the DSE have to have together to determine where the resource plan funding is going to come from and what is necessary and sufficient for the SILC to fulfill all of its duties and responsibilities.

So it's not an individual decision on either side. It's a matter of reaching agreement together.

>> TIM FUCHS: Okay. Great. We are going to get back to the preparation. I want to make sure that we get through the remaining slides. There's one last question that I sea from Paul. Paul asks we have several questions now regarding how to identify underserved populations. Do you have any guidance on how to do that?

Of course at a low cost.

We have a lot of information. It's a little bit outside the scope of this training. I will post a link to a training that we did a couple of years ago with a couple of SILCs that had a really -- or excuse me, a SILC that had a really innovative approach to this, with a number of different populations.

And also, as you have probably seen for those of you on the webinar, Sharon Finney from ILRU has been posting a whole host of resources relating to these peripheral topics. So all of these trainings that we do, you know, week in, week out here at IL-Net are posted on ILRU's website and their archives. I would encourage you all to check that out. She shared just the primary URL, ILRU.org and encouraged people to use the search feature and let us know if we can help identify any of these trainings for that.

With that, I will go ahead to slide 36 and turn it over to you, Ann.

>> ANN McDANIEL: Thank you, Tim. Now we will talk a little more about the regulations with regard to the DSE. The first slide is about eligibility. Any designated state entity identified by the state and included under the SPIL is eligible under this part. That goes back to you have to decide together who that is going to be and get it in your state plan. To receive financial assistance under parts B and C of Chapter 1 of Title 7, a state shall submit to the administrator and obtain approval of a state plan. Just to be clear if you don't get an approved state plan, none of the Title 7 funds will flow to your state or at least the administrator has the authority to withhold all Title 7 funds to your state.

Allotments to states are determined in accordance with connection 711 of the act and that talks about the funding formula and how they determine how much goes to each state and each territory.

Next slide. With regard to the role of the Designated State Entity in the regulation, a DSE that applies for receives assistance must receive and being and disperse funds received by the state under part B and part C of the state under Section 723 and that's Massachusetts, Minnesota and now Colorado. Of the act based on state plan. They have to follow state plan for add independent living. Provide administrative support services for a program under Part B as directed by the approved state plan and for centers under Part C in the 723 states.

Next slide.

This is, again, about the role of the designated state entity. You have to keep records, and afford access to those records as the administrator finds to be necessary. With respect to the programs, with respect to whatever is funded with the part B funds you need to maintain records and provide access to those records. And submit any additional information or assurances as the administrator may require and that could include reports to be submitted to the administrator.

Next slide.

Retain not more than 5% of the funds. Again, this is in both the law and in the regulations for any fiscal year under part B to performance the administrative services of the DSE. And for the purpose of these regulations, the 5% cap, applies only to the part B funds and the state match added together. It doesn't apply to other program income funds, including but not limited to Social Security reimbursement funds.

So if you are using Social Security reimbursement funds for your administrative costs or other purposes for independent living, that's allowed, but the 5% cap applies to all the part B appropriation and the 10% state match.

Next slide. Then they wanted to reinforce that as part of the regulatory process, they received comments with concern that the 5% was not sufficient, given the scope of the responsibilities of the DSE, and they just want to remind everyone that the 5% is a cap in statute. It's in the law, and therefore they don't have any ability to change that in regulations.

And then some DSUs use state general revenue, Social Security reimbursement and our sources of funds to supplement that 5% of the DSE funds. And then you are under the act and not limited to allocating funds for the delivery of services as directed by the SPIL. And allocating necessary and sufficient resources to the SILC for its resource plan so that it can fulfill its statutory duties and authorities. And all of this, again, is consistent with the State Plan for Independent Living.

Next slide.

As far as fiscal and accounting requirements, the DSE has to adopt fund control and fund accounting procedures, as may be necessary to ensure the proper disbursement of and accounting for federal funds. And that doesn't matter whether they are providing them to the centers or the SILCs or other service providers under the independent living services program. They have to -- the DSE has to comply with all of the federal and state laws and regulations, including those in the new uniform guidance or the Uniform Administrative Requirements.

And while the DSE is the grantee and the CILs and the SILC are subgrantees, the oversight role of the DSE may be limited by the autonomy of the SILC. There's a fine line there that you have to tread. You have to be accountable and responsible, but you cannot infringe upon the SILC autonomy.

And I believe Ms. Paula that the next slide is yours.

>> PAULA McELWEE: All righty. So the oversight responsibilities and autonomy, a little bit about what we know about this at this point, so the DSE is the grantee, that you are the ones who receive the independent living services funds that are designated for your state, and the CILs, if you are funding some centers with your part B funds and the SILC, if you are funding them with part B are subrecipients. We gave you the reference on the last slide. You will see that they will talk there about what subrecipients have to do and what grantees have to do.

So it's good for you to have to know, that's where you fall if you are looking at the federal regulations on how to spend grant money. So they are accountable to the DSE for those part B funds.

Now, the centers always and the SILC always are governed by their own boards or in the case of the SILC, their council. So the center must be private nonprofit entities and therefore they will have a board of directors that oversees their operations and the SILC is constructed as a council that will have an autonomous council that will -- that will oversee the activities of the SILC, some of which we will go through in that next training. So we will talk quite a bit about the SILC roles and responsibilities and roles and authorities. So that's the main topic for coming up on March 8th.

The law states that the SILC must remain autonomous, and we may see more guidance around what autonomous means as you come up with examples in your day-to-day operations, and say well, what about this? We'll get clarification from our funders related to that.

Put autonomy is certainly emphasized in the law. The SILC members are the governing body of the SILC and supervise the SILC's staff and by supervisor, we would see hiring, supervising and evaluating performance as elements of supervision.

The DSE has the oversight of the subrecipient. So a subrecipient does have a responsibility to report to the grantee. And so the subrecipients, the centers and the SILC receiving part B money have a responsibility for reporting to the DSE and whatever way is necessary to assure that the funds are being used as their recipient agreement indicates.

So usually based on the SPIL and any grantee documents that come out of that process. Now, we want to say, though, that as you do that, your goals should be to advance independent living in your state and not to hinder the goals or mission or the operations of these subrecipients. If we are all working together for -- for the process, of strengthening our independent living network, improving consumer control throughout our state, assuring that people have a chance to -- to equality and to opportunity in your state for their own independence, that's what we are working together.

We have some materials available they are on-demand webinars, publications, resource materials and more trainings coming up. We have a lot of different information available to you. The main website is at ilru.org and you can also go to the SILC-NET.org where we have SILC specific information and you can find that there.

Somebody asked early in this session about how you contact the centers, and there is a list of centers on our website at www.ilru.org. There is a list of SILCs on our website. And there is an updated list of the independent living project officers, those are the people at ACL who are the officers over the specific states. You will want to look at that because they have added someone fairly recently to their roster, project officers, and so you will want to make sure that you double check and know who your project officer is at the federal level.

So take a look at all of that information. Make sure the information about your entity is correct. If not, contact us, and we will get your listing corrected and make sure you take a look at it. But these are some real key resources for you to take a look at.

And with that Tim, I think it's all yours.

>> TIM FUCHS: Yeah. Thanks. I have gone to slide 45 where Paula and Ann have been generous enough to offer their email addresses. Paula and I are on the project and its part of our job, really to provide you all assistance. So please let us know what we can do to help answer these questions that you all have. Again, whether they are related directly to the training or sort of peripheral things that come up.

But I do want to offer -- we have ten minutes left. By all means, this time is yours. Let us know what questions linger and we will answer them until the top of the hour.

So again, you can press star pound if you are on the phone or type your questions in the chat. And I don't see any waiting. So we'll give about 30 seconds just to make sure we don't miss anyone. Folks might be thinking of it.

Just so there's not dead air, let me give you my email address again. It's very simple. It's just Tim@NCIL.org.

Okay. We will give it just about ten more seconds to see if there are any questions.

And before we lose our audience, really, I want to thank all of you for taking time to join us today, especially those of you all from the DSE. Really, really do appreciate you taking time to be with us, to hear us out to share your questions. We have had great discussion today. I really do appreciate it. And in case you joined late, with he going to have a part two call on March 8th.

If you registered for today's call, if you are hearing this right now, you don't need to take any action at all, you will receive the connection instructions and an announcement about that will be going out this week. So you will have that in writing.

All right. It doesn't look like there are any other questions. So I'm going to go ahead here to slide 46 and as promised, there's that live link to the evaluation form. Please do take a few more minutes since we are ending early to fill out that evaluation. We really do appreciate your feedback.

Ann and Paula, a great job today. Thank you so much for putting this together for us and we look forward to having you back next month.

Okay. With that, everyone, we are going to close. Have a wonderful afternoon and we'll talk to you soon.

Bye-bye.

(End of session)

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