



State Independent Living Council Indicators & Designated State Entity Assurances

Indicators of minimum compliance for Statewide Independent Living Councils (SILC) as required by the Rehabilitation Act (Section 706(b), 29 U.S.C. Sec 796d-1(b)), as amended and supported by 45 CFR 1329.14-1329.16; and Assurances for Designated State Entities (DSE) as permitted by Section 704(c)(4) of the Rehabilitation Act (29 U.S.C. Sec. 796c(c)(4)), as amended.

(a) IN GENERAL. –

Each Statewide Independent Living Council (SILC) that receives resources under this part shall carry out the activities of the SILC found in 45 CFR 1329.15(a) and comply with the indicators set out in subsection (b) of this document, and provide and comply with assurances set out in subsection (c) of this document in order to ensure that all activities under this part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter and the objective of carrying out activities to better serve individuals with disabilities and helping achieve the purposes of the Act (45 CFR 1329.15(d)).

(b) STATE INDEPENDENT LIVING COUNCIL INDICATORS. –

(1) SILC written policies and procedures must include:

- a. A method for recruiting members, reviewing applications, and regularly providing recommendations for eligible appointments to the appointing authority;
- b. A method for identifying and resolving actual or potential disputes and conflicts of interest that are in compliance with State and federal law;
- c. A process to hold public meetings and meet regularly as prescribed in 45 CFR 1329.15(a)(3);
- d. A process and timelines for advance notice to the public of SILC meetings in compliance with State and federal law and 45 CFR 1329.15(3);
- e. A process and timeline for advance notice to the public for SILC “Executive Session” meetings, that are closed to the public, that follow applicable federal and State laws;
 - i. “Executive Session” meetings should be rare and only take place to discuss confidential SILC issues such as but not limited to staffing.

- ii. Agendas for “Executive Session” meetings must be made available to the public, although personal identifiable information regarding SILC staff shall not be included;
 - f. A process and timelines for the public to request reasonable accommodations to participate during a public Council meeting;
 - g. A method for developing, seeking and incorporating public input into, monitoring, reviewing and evaluating implementation of the State Plan as required in 45 CFR 1329.17; and
 - h. A process to verify centers for independent living are eligible to sign the State Plan in compliance with 45 CFR 1329.17(d)(2)(iii).
- (2) The SILC maintains regular communication with the appointing authority to ensure efficiency and timeliness of the appointment process.
- (3) The SILC maintains individual training plans for members that adhere to the SILC Training and Technical Assistance Center’s SILC training curriculum.
- (4) The SILC receives public input into the development of the State Plan for Independent Living in accordance with 45 CFR 1329.17(f) ensuring:
- a. Adequate documentation of the State Plan development process, including but not limited to, a written process setting forth how input will be gathered from the state’s centers for independent living and individuals with disabilities throughout the state, and the process for how the information collected is considered.
 - b. All meetings regarding State Plan development and review are open to the public and provides advance notice of such meetings in accordance with existing State and federal laws and 45 CFR 1329.17(f)(2)(i)-(ii);
 - c. Meetings seeking public input regarding the State Plan provides advance notice of such meetings in accordance with existing State and federal laws, and 45 CFR 1329.17(f)(2)(i);
 - d. Public meeting locations, where public input is being taken, are accessible to all people with disabilities, including, but not limited to:
 - i. proximity to public transportation,
 - ii. physical accessibility, and
 - iii. effective communication and accommodations that include auxiliary aids and services, necessary to make the meeting accessible to all people with disabilities.
 - e. Materials available electronically must be 508 compliant and, upon request, available in alternative and accessible format including other commonly spoken languages.
- (5) The SILC monitors, reviews and evaluates the State Plan in accordance with 45 CFR 1329.15(a)(2) ensuring:

- a. Timely identification of revisions needed due to any material change in State law, state organization, policy or agency operations that affect the administration of the State Plan approved by the Administration for Community Living.
- (6) The SILC State Plan resource plan includes:
- a. Sufficient funds received from:
 - i. Title VII, Part B funds;
 - 1. If the resource plan includes Title VII, Part B funds, the State Plan provides justification of the percentage of Part B funds to be used if the percentage exceeds 30 percent of Title VII, Part B funds received by the State;
 - ii. Funds for innovation and expansion activities under Sec. 101 (a)(18) of the Act, 29 U.S.C. Sec. 721(a)(18), as applicable;
 - iii. Other public and private sources.
 - b. The funds needed to support:
 - i. Staff/personnel;
 - ii. Operating expenses;
 - iii. Council compensation and expenses;
 - iv. Meeting expenses including meeting space, alternate formats, interpreters, and other accommodations;
 - v. Resources to attend and/or secure training and conferences for staff and council members and;
 - vi. Other costs as appropriate.

(c) STATE INDEPENDENT LIVING COUNCIL ASSURANCES. –

- (1) The SILC regularly (not less than annually) provides the appointing authority recommendations for eligible appointments;
- (2) The SILC is composed of the requisite members set forth in the Act (Sec. 705(b)(2), 29 U.S.C. Sec. 796 (b)(2));
- (3) The SILC terms of appointment adhere to the Act (Sec. 705(b)(6), 29 U.S.C. Sec 796(b)(6));
- (4) The SILC is not established as an entity within a State agency in accordance with 45 CFR Sec. 1329.14(b);
- (5) The SILC will make the determination of whether it wants to utilize DSE staff to carry out the functions of the SILC;
 - a. The SILC must inform the DSE if it chooses to utilize DSE staff;
 - b. The SILC assumes management and responsibility of such staff with regard to activities and functions performed for the SILC in accordance with the Act (Sec. 705(e)(3), 29 U.S.C. 796(e)(3)).

- (6) The SILC shall ensure all program activities are accessible to people with disabilities;
- (7) The State Plan shall provide assurances that the designated State entity, any other agency, office, or entity of the State will not interfere with operations of the SILC, except as provided by law and regulation and;
- (8) The SILC actively consults with unserved and underserved populations in urban and rural areas that include, indigenous populations as appropriate for State Plan development as described in Sec. 713 (b)(7) the Act regarding Authorized Uses of Funds (29 U.S.C. Sec. 796e-2(b)(7)).

(d) DESIGNATED STATE ENTITY ASSURANCES

- (1) The DSE acknowledges its role as the fiscal intermediary to receive, account for, and disburse funds received by the State to support Independent Living Services in the State;
- (2) The DSE must make timely and prompt payments to Part B funded SILCs and CILs:
 - a. When the reimbursement method is used, the DSE must make a payment within 30 calendar days after receipt of the billing, unless the agency or pass-through entity reasonably believes the request to be improper;
 - b. When necessary, the DSE will advance payments to Part B funded SILCs and CILs to cover its estimated disbursement needs for an initial period generally geared to the mutually agreed upon disbursing cycle;
 - c. The DSE will accept requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as necessary when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act ([15 U.S.C. 1693-1693r](#));
- (3) The DSE will abide by SILC determination of whether the SILC want to utilize DSE staff;
 - a. If the SILC informs the DSE that the SILC wants to utilize DSE staff, the DSE assures that management of such staff with regard to activities and functions performed for the SILC is the sole responsibility of the SILC in accordance with Sec. 705(e)(3) of the Act(Sec. 705(e)(3), 29 U.S.C. 796(e)(3));
- (4) The DSE will assure that the agency keeps appropriate records, in accordance with federal and State law, and provides access to records by the federal funding agency upon request;
- (5) The DSE assures that the SILC is established as an autonomous entity within the State as required in Sec 1329.14 of the WIOA regulations;
- (6) The DSE will not interfere with the business or operations of the SILC that include but are not limited to:
 - a. Expenditure of federal funds,
 - b. Meeting schedules and agendas,

- c. SILC board business,
- d. Voting actions of the SILC Board,
- e. Personnel actions,
- f. Allowable travel,
- g. Trainings and;

(7) The DSE will fully cooperate with the SILC in the nomination and appointment process for the SILC in the State.