



## Updates and Options for the FY2020 SPIL October 2018

### **Status**

ACL/ILA is in the process of revising the State Plan for Independent Living (SPIL) instrument and instructions. The ILA has engaged in extensive activities during the SPIL revision process that included engagement at SILC Congress and an external ILRU led workgroup comprised of SILC, CIL, NCIL, APRIL, DSE, ILRU, and ILA staff.

Sec. 704(a) of The Rehabilitation Act, as amended requires the review and revision of the SPIL, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for—

- (A) the provision of independent living services in the State;
- (B) the development and support of a statewide network of centers for independent living; and
- (C) working relationships and collaboration between—
  - (i) centers for independent living; and
  - (ii)(I) entities carrying out programs that provide independent living services, including those serving older individuals;
  - (II) other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities; and
  - (III) entities carrying out other programs providing services for individuals with disabilities.

### **The FY2021-FY2023 SPIL Instrument**

The current timeline anticipates the new SPIL instrument and instructions will begin the PRA process no later than December 2018. Once cleared, the SPIL will be posted in the Federal Register and open for a 60-day public comment period. At the end of the public comment

period, ILA will process the public comments, make appropriate changes to the SPIL reflecting public comments, and then repost the SPIL in the Federal Register for an additional 30 days. After the 30 days have concluded, ILA will release the SPIL to the network as a final product, which we anticipate will be no later than November 2019.

Once an approved FY2021-FY2023 instrument is approved, guidance will be provided to assist state networks in the SPIL development process. Approvable FY2021-FY2023 SPILs would be due to ILA no later than July 31, 2020 with an effective date of October 1, 2020.

Because the new SPIL instrument will not be implemented prior to the expiration of the current SPILs, ILA is providing state networks guidance on the process to draft and submit for approval an FY2020 SPIL. State networks will have the option to make either (a) substantial and material changes or (b) technical amendments to the FY2017-FY2019 SPIL in order to develop an FY2020 SPIL.

### **FY 2020 SPIL Options**

Sec. 704(a) of The Rehabilitation Act, as amended, requires states review and revise SPILs not less than once every three years (Rehab Act Sec. 704 (a)). As such, ILA is providing guidance to state networks for the development and approval of SPILs for FY2020 (the period between the current SPIL expiration and the new SPIL instrument being implemented).

ILA is providing two options for the FY2020 SPIL year:

- (a) Make substantial and material changes to the FY2017-FY2019 SPIL; or
- (b) Make technical amendments to extend the FY2017-FY2019 SPIL through FY 2020.

To assist in deciding between these options states should consider the following:

1. Are substantial and material changes to the SPIL necessary to meet the requirements and activities as described in Sec. 704 and Sec. 713(b)?
2. Are technical amendments to the SPIL sufficient to meet the requirements and activities as described in Sec. 704 and Sec. 713(b)?

**Substantial and material changes** are significant changes to a SPIL. These may include but are not limited to:

- Changes in the SPIL goals and objectives that impact the scope of services to individuals with significant disabilities;
- Changes in the designation of unserved or underserved areas and the priorities for serving them;
- Changes in the state's priorities for funding new or existing centers;
- Changes in the distribution method (e.g., formula for distributing excess funds to centers); or

- Changes of the DSE to an entity NOT currently identified in the SPIL.

**Technical amendments** are technical changes to the SPIL that **do not constitute a substantial and material** change in information in, or operation of, the SPIL. These may include but are not limited to:

- Changing the entity responsible for achieving a SPIL objective (without changing the objective itself);
- Changing the DSE director or SILC chairperson (without changing the DSE); or
- Changing the implementation dates.

If you are unsure about what changes in your SPIL would be considered significant and material, ask the ILA Project Officer (PO) assigned to SPILs Regina Blye at [regina.blye@acl.hhs.gov](mailto:regina.blye@acl.hhs.gov).

**Required steps for a substantial and material change to a SPIL are (in the following order):**

1. SILC holds public hearings to solicit input from individuals with disabilities and other stakeholders in the state. When scheduling public hearings, allow adequate time to avoid delays in the SPIL amendment and approval process.
2. Submit an approvable SPIL amendment request that includes the specific section(s) of the SPIL to be amended, the exact language to be used, and all required signatures to your PO no later than July 31, 2019 (to allow adequate time for the PO to complete the SPIL amendment process before expiration of the current SPIL in effect on September 30, 2019).

*Amendments must be signed by three parties: the chair of the SILC, acting on behalf of and at the direction of the SILC; not less than 51 percent of the directors of the Centers in the state; and the director of the DSE.*

**Required steps for a technical amendment to a SPIL are (in the following order):**

1. A written statement to ILA, via the state project officer, requesting a technical amendment to the FY2017–2019 SPIL.
2. Submit an approvable SPIL amendment request that includes all required signatures to your project officer no later than July 31, 2019 (to allow adequate time for the PO to complete the SPIL amendment process before expiration of the current SPIL in effect on September 30, 2019).

*Amendments must be signed by three parties: the chair of the SILC, acting on behalf of and at the direction of the SILC; not less than 51 percent of the directors of the Centers in the state; and the director of the DSE.*

\*A public hearing is allowed though not required.

If you are unsure about what steps to take to complete either a substantial and material change OR a technical amendment to your SPIL, ask the ILA Project Officer (PO) assigned to SPILs Regina Blye at [regina.blye@acl.hhs.gov](mailto:regina.blye@acl.hhs.gov).

Important information about these options

ACL strongly recommends you communicate the state's intention to your state project officer by May 1, 2019. All requests and attachments for the SPIL amendment process should be submitted in accessible PDF formats or as Word documents. The assigned state project officer will make amendments to the SPIL on behalf of each state. A revised SPIL will be provided back to the state upon completion, no later than September 29, 2019.

Once ILA receives notice of the state's intention, the project officer will work one-on-one with each state and provide appropriate follow-up information.

If additional guidance is needed immediately, please reach out to ILA Project Officer Regina Blye at [regina.blye@acl.hhs.gov](mailto:regina.blye@acl.hhs.gov) or the training and technical assistance center, which can be accessed at <http://www.ilru.org>.