

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, DC 20202-2741**

**Policy Directive
RSA-PD-01-05
RSM-0501
DATE: April 25, 2001**

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
STATEWIDE INDEPENDENT LIVING COUNCILS
CENTERS FOR INDEPENDENT LIVING
CLIENT ASSISTANCE PROGRAMS
RSA SENIOR MANAGEMENT TEAM

SUBJECT : State Plan for Independent Living (SPIL) under Chapter 1 of Title VII of the Rehabilitation Act of 1973, as Amended (Act)

POLICY

STATEMENT:

This policy directive transmits the State plan preprint and instructions for the completion and submittal of the State plan for the State Independent Living Services (SILS), and Centers for Independent Living (CIL) programs for fiscal years (FY) 2002 - 2004. The effective date for this State Plan for Independent Living (SPIL) is October 1, 2001; OMB approval number for this plan is 1820-0527.

The purpose of Chapter 1 of Title VII of the Act (Chapter 1) is to promote a philosophy of independent living (IL), which includes consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.

To implement this purpose, Chapter 1 authorizes financial assistance to States for providing, expanding and improving the provision of IL services, to develop and support statewide networks of CILs, to improve working relationships among SILS programs, CILs, Statewide Independent Living Councils (SILCs), programs funded under other titles of the Act, and other programs that address issues relevant to individuals with disabilities funded by Federal and non-Federal authorities.

Multiple changes have been made in the SPIL preprint. The section on

Instructions for Completion and Submittal of the State Plan for Independent Living has been changed as follows. The years covered by the SPIL have been updated. For the purposes of the State review process, a date of July 1, 2001 has been established as the cutoff date for submission of a SPIL by a State. The time required to complete information collection is now estimated at 60 hours of response. The following changes to definitions have been made: designated State unit (DSU) was changed to reflect the definition in Title VII of the regulations; minority group was changed to reflect the self-identification of individuals in a particular minority group; wording was changed in the definition of State for the purposes of clarity and emphasis. The instructions for transmission of a SPIL to the Rehabilitation Services Administration (RSA) was changed to reflect the following: in instructions for electronic submission, the DSU must submit a copy of the SPIL as an electronic mail attachment; manual transmission should include a diskette, preferable in Word format; the transmittal letter that accompanies the SPIL must be signed by the DSUs authorized to submit the SPIL; the RSA Regional Office will transmit a hard copy of the approved SPIL to the DSU and the SILC. The following changes have been made regarding the composition of the SILC: the first requirement was made more specific in that the director chosen to serve on the SILC is chosen by other directors of independent living centers; a requirement has been added that, in a State where one or more projects are carried under section 121, at least one representative of the directors of projects must be included; in the permissive section, language has been added to encourage representation from the Independent Living Older Blind Program. The following changes have been made in regard to attachments: A new Attachment 1 has been added that incorporates the information formerly provided in Attachments 9, 10, 11, 12, and 14, all of which have been deleted; Attachment 1 now contains 3 mandatory areas to be addressed; Attachment 2 has replaced Attachment 4, which has been eliminated; all references to Outreach are now to be listed on a Reference Page; it is now recommended that attachments in the document not exceed a combined total of 40 pages in length. The following changes have been made specifically in the State Plan for Independent Living document. In Section 1, philosophy of the Programs, a language change in (d) refers to the entities providing services to and for people with significant disabilities; on the Legal Basis and State Certifications pages, some changes have been made to further clarify the titles to the person(s) whose signatures are needed; in Section 7.2(a) the ratio required for matching funds is clarified as one to nine; in Section 10, Information on the use of Part B, Chapter 1 funds, a column has been added to the chart to show the dollar amount involved in the description of Part B funds.

For a State to participate in the programs under Chapter 1, the DSU and the SILC must jointly develop and sign an approvable SPIL for 2002-

2004. The SPIL must be submitted by the DSU to the RSA by July 1, 2001, and be approved by RSA Regional Office. Final RSA action on the SPIL is contingent on the receipt of comments from the State's review process or the passage of at least 60 days from the submittal of the plan to the State review comments from the State's review process, or the passage of at least 60 days from the submittal of the plan to the State review process, whichever occurs first.

If it is not possible to approve the SPIL before October 1, 2001, the Regional Office may, in accordance with 34 CFR 76.703(c), determine that the SPIL is substantially approvable if it contains only minor technical problems which can be readily addressed and rectified, such as the omission of an assurance that the State has indicated was an oversight that will be immediately corrected. A minor problem would not include the failure of a State to receive approval under the State required review process. The determination of whether or not a problem is minor will be made on a case-by-case basis. A determination that a SPIL is in substantially approvable form would allow a State and CILs to begin obligating funds on or after October 1, 2001. Reimbursement for these obligations, however, is subject to final approval of the SPIL.

CITATIONS

IN LAW: Chapter 1 of Title VII of the Rehabilitation Act of 1973, as Amended

CITATIONS IN REGULATIONS:

34 CFR Parts 76, 77, 78, 79, 80, 82, 85, 364, 365, and 366.

EFFECTIVE

DATE: Upon Issuance

EXPIRATION

DATE: February 28, 2004

INQUIRIES:

RSA Regional Commissioners

Deputy Commissioner
Rehabilitation Services Administration

cc: Council of State Administrator of Vocational Rehabilitation
National Council on Independent Living

OMB NUMBER: 1820-0527
EXPIRATION DATE: 2/28/04

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202-2741

Instructions for Completion and Submittal of the State Plan for Independent Living

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1820-0527**. The time required to complete this information collection is estimated to average 60 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection¹. It is recommended that the attachments to this document not exceed a combined total of 40 pages in length. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651. **If you have any comments or concerns regarding the status of your individual submission of this form, write directly to:** Dr. Thomas Finch, Department of Education, Rehabilitation Services Administration, Special Projects Division, 400 Maryland Avenue, S.W., Room 3038, MES, Washington, DC 20202-2741.

I. Background

Chapter 1 of Title VII of the Rehabilitation Act of 1973, as amended (Act), provides financial assistance to States for providing, expanding, and improving the provision of independent living (IL) services. To develop and support statewide networks of centers for independent living (CILs); and to improve working relationships among State IL services (SILS) programs, CILs, Statewide IL Councils (SILCs), programs funded under other titles of the Act, and other programs that address the needs of individuals with significant disabilities funded by Federal and non-Federal authorities.

The purpose of Chapter 1 of Title VII of the Act (Chapter 1) is to promote a philosophy of

¹ The burden hours does not include data recording and annual reporting required of grantees under the programs funded under Title VII. Those reports and attendant burden requirements are the subject of separate report submissions to the Office of Management and Budget.

independent living, which includes consumer control; peer support; self-help; self-determination; equal access; and individual and system advocacy. To maximize the leadership; empowerment; independence and productivity of individuals with significant disabilities; and the integration and full inclusion of individuals with significant disabilities into the mainstream of American society.

For a State to participate in the programs under Chapter 1, it must submit to the Rehabilitation Services Administration (RSA) an approvable State Plan for Independent Living (SPIL). No Federal funds or other benefits can be made available under this Chapter unless the SPIL conforms with applicable statutory and regulatory requirements. This SPIL reflects the State's commitment to carry out the programs in compliance with the provisions in the plan, the application for funds under the part B, Chapter 1 program, and also the State's planning and implementation activities related to various administrative and operational considerations associated with the plan. As such, the approved SPIL will serve as one of the key elements in RSA's monitoring of the State's performance in carrying out the assurances to which the State commits itself in submitting the State plan.

II. Glossary of Terms and Acronyms

Act	The Rehabilitation Act of 1973, as amended.
CIL	A center for independent living.
CIL Program	The Centers for Independent Living program funded under Part C, Chapter 1.
Client Assistance Program	A program established by section 112 of the Act to provide assistance in informing and advising all clients and client applicants of all available benefits under the Act, and, upon request of such clients or client applicants, to assist and advocate for such individuals in their relationships with projects.
Core Services	IL services defined in section 7(29) of the Act--information and referral; IL skills training; peer counseling (including cross-disability peer counseling); and individual and systems advocacy.
CSR	A consumer service record maintained for eligible consumers receiving IL services, other than or in addition to information and referral, under Chapter 1.
DSU	(1) The State agency or the bureau, division, or other organizational unit within a State agency that is primarily concerned with the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities and that is responsible for the administration of the VR program of the State agency; or

(2) The independent State commission, board, or other agency that has the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities as its primary function.

Earmarked Funds	Funds appropriated by the State and expressly or clearly identified as State expenditures in the relevant fiscal year for the sole purpose of funding the general operation of CILs meeting the requirements of section 702 and 725 of the Act.
§722 State	A State in which either Federal funding exceeds State funding for the general operation of eligible CILS or the Director of the DSU elects not to administer the CIL program and in which RSA issues grants under part C, Chapter 1, directly to eligible entities for the planning, establishment, and operation of CILs.
§723 State	A State in which State funding for centers equals or exceeds the amount of funds allotted to the State under Part C, Ch.1 and in which the director of the DSU elects to administer the CIL program as provided in section 723 of the Act.
IL	Independent living
ILP	An independent living plan for the provision of IL services mutually agreed upon by an appropriate staff member of the service provider and an individual with significant disabilities.
Minority Group	Individuals from a minority background means individuals who report their race and ethnicity in any of the following categories: American Indian, or Alaska Native, Asian , Black or African American, Native Hawaiian or other Pacific Islander, or Hispanic or Latino.
RSA	The Rehabilitation Services Administration in the Department of Education, Office of Special Education and Rehabilitative Services.
Service Provider	<ul style="list-style-type: none"> (i) A DSU that directly provides IL services to individuals with significant disabilities; (ii) A CIL that receives financial assistance under Parts B or C of Chapter 1; or (iii) An entity or individual who: <ul style="list-style-type: none"> (A) meets the requirements of 34 C.F.R. 364.43(e); and (B) provides IL services under a grant or contract from the DSU pursuant to 34 C.F.R. 364.43(b).
SILC	The Statewide Independent Living Council established in each

SILS Program State as required by sections 704 and 705 of the Act.
The State IL services program funded under part B, Chapter 1.

SPIL The State Plan for IL, which governs the SILS and CIL programs and describes the services to be provided under the IL Services for Older Individuals Who Are Blind program (ILOIB) funded under Chapter 2 of Title VII of the Act. The SPIL is jointly developed and signed by the SILC and the DSU.

State For purposes of Chapter 1, the DSU(s) and the SILC jointly represent the State, except where otherwise noted, "State" means, except for sections 711(a)(2)(A) and 721(c)(2)(A) and where otherwise specified in the Act, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Statewide Network of CILs A statewide network of centers that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of 34 C.F.R. Part 366. The design of the network must identify unserved and underserved areas and must provide an order of priority for serving these areas.

III. Format and Content of the SPIL

The SPIL consists of a preprint in the form of affirmative statements of assurances, each representing a Federal requirement. Each preprint assurance is based on a statutory and/or regulatory requirement; citations to the appropriate statutory provision or regulation are included. The preprint portion of the SPIL provides a macro picture of what services and activities will be provided without identifying any agencies or service providers.

In addition to the assurances, the Act and implementing regulations call for descriptions of the State's plans, policies, and activities relating to the implementation of the programs under Title VII. These descriptions are submitted in the form of attachments to the SPIL and provide necessary operational detail (the who, where, when, what, how, and why) regarding certain sections of the preprint assurances. For example, an attachment may describe activities and responsibilities of various State agencies, organizations, or service providers for activities or services identified in the preprint.

Where Chapter 1 affords the State choices of action, the choices are identified in the SPIL and call for either a yes or no (Y or N) selection, or a check off (X) for choices selected.

IV. Preparation of the SPIL

(a) Preprint Assurances and Information

- (1) States may reproduce the SPIL preprint for manual submittal, or may work directly on the electronic preprint provided through the RSA website located at ed.gov/offices/OSERS/RSA/rsa.html on the world wide web.
- (2) Since the assurances reflect the State's commitment to comply with statutory and RSA policy requirements, changes to the assurance statements are not permitted.
- (3) For optional choices, indicate the option selected by marking Yes or No, (Y N) or placing an "X" in the appropriate space.
- (4) At the lower right hand corner of each page of the preprint, indicate the effective date as follows:

Effective Date: October 1, 2001

- (5) In those instances where an assurance requires documentation or implementation of an activity not addressed in any of the required attachments, related materials must be maintained by the State and made available to Federal staff for review and monitoring purposes. For example, all recipients of financial assistance under Chapter 1 will notify all individuals seeking or receiving services under Title VII, in an appropriate accessible format, about the availability of the Client Assistance Program under section 112 of the Act. The purposes of the service provided under such program, and how to contact such a program. (SPIL Section 13.4).

(b) Attachments

- (1) An attachment should provide a clear, succinct and informative narrative that gives the who, where, how, when, what and why, or the operational detail, to the information provided in the corresponding preprint assurance. Within this context, manuals, bulletins, memoranda, budgets, and similar materials are not to be submitted unless specifically required or clearly suitable to the purpose of the attachment.
- (2) Each attachment should identify the corresponding section of the preprint, be paginated and show an effective date. The identification is to be placed in the lower right hand corner of the page, e.g., as follows: Attachment 1: Page 2 of 24 pages

V. **Procedures Regarding Development, Submittal, and Disposition of the SPIL**

(a) **Development of the SPIL** (34CFR 364.20)

- (1) A single SPIL must be jointly developed and signed by the DSU and the SILC. However, in a State with a separate DSU for individuals who are blind, attachments to the SPIL may be organized in a manner that has a separate portion that describes the activities and objectives of the DSU for the blind and that separate DSU's administration and supervision of those parts of the SPIL relating to the provision of IL services to individuals with significant disabilities who are blind, including the Chapter 1 program. (34 CFR 364.20(a) and (d))
- (2) Public hearings must be held to provide all segments of the public, including interested groups, organizations, and individuals, the opportunity to comment on the contents of the SPIL prior to submission of the original SPIL. Public hearings must also be held on each subsequent review or substantive revision of the SPIL. Summaries of comments received at these meetings must be attached to the SPIL or substantive revision of the SPIL. (34 CFR 364.20(g))

(b) **State Review Process** (34 CFR Part 79)

The SPIL is subject to the provisions of Executive Order 12372 pertaining to the State process for review and comment. All States must submit a SPIL by July 1, 2001.

(c) **Transmittal of Official SPIL to RSA**²

- (1) The SPIL may be transmitted to RSA through **either** electronic or manual transmission:
 - (i) **ELECTRONIC TRANSMISSION**. The DSU must submit a copy of the SPIL electronically as an attached file transmitted via electronic mail to the appropriate RSA Regional Commissioner or on a disk mailed to the appropriate Regional Office. To create a file for transmission, add the two letter State designator to the RSA file name followed after the decimal by the date of transmission, e.g., Arizona's 2002-2004 State plan for IL, filed June 25, 2001, would be identified as "AZSPIL01.625" and would be sent to RSA's Regional Commissioner for Region IX, "gilbert_williams@ed.gov".

A separate transmittal letter (original hard copy), containing the information in paragraph (c)(3) must be sent to the Regional Office and must include Section 2 of the SPIL, signed by the director or directors of the DSU(s) and the Chairperson or

² **RSA REGIONAL OFFICE AND CENTRAL OFFICE CONTACTS**. Attached at the end of these instructions is a list of RSA Regional Offices and the Central Office, contact persons, addresses, telephone numbers, fax numbers, and electronic mail addresses.

- other designee of the SILC, and incorporate the SPIL by reference³.
- (ii) MANUAL TRANSMISSION. The official original signed SPIL, one signed copy, and an electronic copy on diskette (Word) should be transmitted to the appropriate RSA Regional Office.
- (2) The SPIL is to be submitted for approval no later than 90 days before the completion date of the previous plan (July 1, 2001). (34 CFR 364.11)
 - (3) A transmittal letter (original hard copy) must be sent to the appropriate RSA Regional Office, signed by the DSU's authorized to submit the SPIL. The transmittal letter should include:
 - (i) A description of the materials transmitted (either enclosed or through electronic transmission);
 - (ii) Identification of the effective date for the materials;
 - (iii) Information concerning the comments, if any, pursuant to the State review process under Executive Order 12372, if applicable; and
 - (iv) A request for approval of the SPIL.
 - (4) If comments from the State review process under Executive Order 12372 become available subsequent to the submission of the official SPIL, the comments should be transmitted to the RSA Regional Office.
- (d) Disposition of the State Plan (34 CFR 364.12)

After the SPIL is approved by the Regional Commissioner, the RSA Regional Office will transmit an electronic copy of the SPIL and the signed signature page to the RSA Central Office. It will also transmit a hard copy of the SPIL to the DSU and SILC, together with an approval letter, and retain the original. The approved SPIL will be posted on RSA's world wide web site for public viewing.

³ When filing electronically, below the bottom signature line in Section 2, insert: "This document incorporates by reference (insert party transmitting the SPIL and the electronic transmission file name, e.g. "AZSPIL99.625" filed 6/25/98 by Administrator, RSA, DES, Phoenix, AZ).

(e) Amendments to the Approved State Plan (34 CFR 76.140 -.142)

- (1) The State must amend an approved SPIL when the Secretary determines that an amendment is essential during the effective period of the plan, or when there is a significant and relevant change that materially affects: the information or assurances in the plan; the administration or operation of the plan; or the organization, policies, or operations of the State agency(s) that receive funds under the plan if the change materially affects the information or assurances in the SPIL. Within this context, the DSU(s) and the SILC need to periodically review the State's approved SPIL to ensure its consistency with the State's policies, priorities, and administration relating to the Chapter 1 programs.
- (2) The procedures applicable to the submission and disposition of substantive amendments to the approved SPIL are the same as those described for the submission and disposition of the original SPIL, e.g., State review process, due date, etc. However, the State will continue to operate under the existing SPIL during the period covered by the SPIL until the substantive amendments are approved.

(f) Responsibilities of RSA Regional Offices (34 CFR 364.12)

The RSA Regional Offices are responsible for the review of plan submissions; negotiation of required changes with the DSU and SILC; provision of technical assistance; approval of the SPIL; and Federal monitoring of the State's compliance with the provisions of the plan. The RSA Regional Commissioner is also responsible for recommending to the RSA Commissioner the disapproval of a SPIL submission when, after negotiation with the State, the Regional Commissioner determines that the SPIL is not approvable.

(g) Responsibilities of RSA Commissioner (Sec. 3 of the Act; 34 CFR 364.12 and .13)

The Commissioner of RSA is responsible for the preparing of the SPIL preprint; ensuring RSA Regional Office consistency in the review and approval of SPILs; issuing policies; and for the rejecting of SPIL submissions based upon the recommendation of the RSA Regional Commissioner and a complete review of the submission, related facts, and relevant laws and regulations.

VI. Instructions and Clarification regarding Sections of and Attachments to the SPIL Preprint⁴

Section 3.3: Public Hearings (34 CFR 364.20(g))

⁴ Reference is made only to sections where clarification is needed or an example is desirable. Attachments are numbered to relate to the section of the SPIL to which they pertain. A section determined not to require additional narrative have no attachment number related to that section included in the SPIL preprint.

- (1) At least one public hearing must be held regarding the original SPIL. Public hearings must also be held regarding any substantive revisions. The SPIL must assure that the DSU and SILC conduct public hearings to provide all segments of the public, including interested groups, organizations, and individuals, an opportunity to comment on the State plan prior to its submission to the Secretary and on any revisions to the approved State plan. The DSU and SILC may meet the public participation requirement by holding the public hearings before a preliminary draft State plan is prepared or by providing a preliminary draft State plan for comment at the public hearings.

- (2) The DSU and SILC must establish and maintain a written description of procedures for conducting public hearings in accordance with the following requirements:
 - (i) The DSU and SILC shall provide appropriate and sufficient notice of the public hearings. Appropriate and sufficient notice means notice provided at least 30 days prior to the public meeting through various media available to the general public, such as newspapers and public service announcements, and through specific contacts with appropriate constituency groups and organizations identified by the DSU and SILC.
 - (ii) The DSU and SILC shall make reasonable accommodation to individuals with disabilities who rely on alternative modes of communication in the conduct of the public hearings, including providing sign language interpreters and audio-loops.
 - (iii) The DSU and SILC shall provide the notices of the public hearings, any written material provided prior to or at the public hearings, and the approved State plan in accessible formats for individuals who rely on alternative modes of communication.

Section 17 of the Act requires that a State identify State-imposed requirements that relate to the administration or operation of any program funded under the Act. RSA expects the State to identify such requirements included in the SPIL, e.g., a decision to impose a financial needs test, an order of selection, State licensing and certification requirements that have been included pursuant to the provisions of Executive Order 12372 pertaining to the State process for review and comment. If specific manuals or policies are to be used in the administration of the part B, Ch.1 or State IL program, the manual or policy should be referenced.

Section 4.1: Composition of the SILC

- (1) Requirement. The SILC must include--
 - (A) At least one director of a center for independent living chosen by the directors of centers for independent living within the State;

- (B) As ex officio, nonvoting members, a representative from the DSU and representatives from other State agencies that provide services to individuals with disabilities; and
- (C) In a State in which one or more projects are carried out under section 121, at least 1 representative of the directors of the projects.
- (D) A majority of the voting members of the SILC must be individuals with disabilities who are not employed by any State agency or center.

(2) Permissive. The SILC may include--

- (A) Other representatives from centers;
- (B) Parents and legal guardians of individuals with disabilities;
- (C) Advocates of and for individuals with disabilities;
- (D) Representatives from private businesses;
- (E) Representatives from organizations that provide services for individuals with disabilities;
- (F) Representatives from Independent Living Older Blind program; and
- (G) Other appropriate individuals, i.e., individuals from minority backgrounds especially those with significant disabilities.

Section 4.2: Placement of the SILC (34 CFR 364.21(a)(2))

The SILC may not be established as an entity within a State agency, including the designated State agency or DSU. The SILC shall be independent of the DSU and all other State agencies. Although funds may flow through the DSU either directly to the SILC or another entity operating under grant or contract supporting the SILC, nothing in the grant or contract can serve to limit the independence of the SILC.

Attachment I: Goals, Missions, and Objectives

The purpose of this plan is to promote a philosophy of independent living. A philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.

The purpose of this Attachment is to provide a description of the State's overall mission, goals,

and objectives for independent living in the State; the various priorities for the types of services and populations to be served; and the types of services to be provided, regardless of the Federal, State, or other source of funds supporting a particular service or activity. This attachment should also include goals and objectives of the Chapter 2 program, consistent with paragraphs (b) (2) and (3) below goals and objectives of any other disability-specific IL program(s) in the State should also be included.

Although the Secretary understands that the DSU and/or SILC may not exercise any control over other State or private agencies that do not receive any State funding not administered by the DSU or SILC or any funding under the Rehabilitation Act of 1973, as amended. The Secretary encourages the State to describe any activities carried out by other agencies that affect the delivery of IL services within the State. In this way, the IL activities of the State agency may be seen in context with other IL programs and services provided by other State and private agencies.

- (1) The plan shall include that the State will provide independent living services to individuals with significant disabilities, and will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.
- (2) This attachment of the SPIL cuts across a number of SPIL requirements and is intended by RSA to be the principal section wherein guidance and direction are given to the entities and organizations responsible for implementing the SPIL and providing IL services in the State.

Objectives must include efforts to maximize cooperation, coordination, and communication among the DSU(s), CILS and other service providers and with other State agencies represented on the SILC, other councils and public and private entities, including Indian Tribal Councils. It must address the needs of specific disability populations and issues; and to coordinate Federal and State funding for CILs and IL services.

Specifically, Attachment 1 shall:

- (I) Specify the mission, goals, and objectives to be achieved under the plan. When appropriate, Attachment 1 will also include activities necessary to accomplish each objective;
- (II) Establish timelines for the achievement of the objectives;
- (III) Establish a financial plan to support each objective, when appropriate;
- (IV) Establish evaluation measures to determine when each objective has been achieved, and
- (V) Explain how such objectives are consistent with and further the purpose of Chapter 1 of Title VII of the Act.

Mandatory Area 1: Scope of and Arrangement for IL Services

The IL Services checked in the preprint are intended to be comprehensive in scope. It is not necessary for all checked services to be provided by all service providers, except that CILs must provide the core services and the DSU must provide IL core services either directly or through

grant or contract. Provisions in the Act, e.g., sections 722 (d), 723 (d), 725(c) (4), and 752(i) (2) (c) require that programs funded under Title VII of the Act be consistent with the SPIL. Thus, sections 704 (f), (g), (i), (j), and (k) of the Act require that the SPIL contain a description of what IL services are to be provide in the State, from all sources of funding, including CILs funded directly by RSA. At the discretion of the SILC and DSU(s), this attachment may be organized with one complete set of objectives covering services provided by the Title VII, Chapter 1, part B program, the Title VII, Chapter 1, part C program, and IL services supported by other sources (State, local, and private) or with separate pages describing objectives by service provider or disability population receiving services. This attachment is to be descriptive rather than directive regarding Chapter 2 activities. (704 (e) and (f) of the Act and 34 CFR 364.43)

The SILC and DSU(s) of the State will provide leadership and guidance for the provision of IL services in the State through the SPIL. The objectives for IL services in the State will include:

A. Consistency of objectives with purposes of SPIL Section 1 (Sec. 704(d)(2) of the Act; 34 CFR 364.42(e))

Objectives must describe the extent and scope of IL services to be provided in the State, including services funded under Part B and Part C of Chapter 1, of Title VII of the Act. The extent and scope of independent living services must include:

- 1) how the State plans to make the core services available;
- 2) grant or contractual arrangements with other entities for providing IL services; and,
- 3) how the services and arrangements are consistent with and supportive of the purposes in SPIL.

B. Consideration of CIL work plans (Sec. 704(d) of the Act; 34 CFR 364.42(c))

In developing the objectives in the SPIL, the SILC and the DSU will consider, and incorporate where appropriate, the priorities and objectives established by the CILs undersection 725 (c) (4) of the Act.

C. Timelines for Achievement of Objectives

The State will establish timelines for the achievement of the objectives required by SPIL (Sec 704(d)(1) of the Act; 34CFR 364.42(d)

D. Evaluation of individual objectives

Mandatory Area 2: Cooperation, Coordination, and Working Relationships Among Various Entities

Attachment 1 of the plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among --

- (1) the independent living rehabilitation service program, the Statewide Independent

Living Council, and centers for independent living; and,

- (2) the designated State unit, other State agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.

One or more objectives must include efforts to maximize cooperation, coordination, and communication among the DSU(s), CILs and other service providers and with other State agencies represented on the SILC, other councils and public and private entities, including Indian Tribal Councils. It must address the needs of specific disability populations and issues; and to coordinate Federal and State funding for centers for independent living and independent living services.

Mandatory Area 3: Outreach to Unserved or Underserved Populations and Minority Groups

Attachment 1 must describe steps to be taken regarding outreach to populations that are unserved or underseved by Chapter 1, including minority groups and urban and rural populations. One or more objectives must specifically demonstrate how outreach will be accomplished under the SPIL, including the activities of CILs and other service providers.

All references to Outreach will be listed on the Reference page.

Examples of activities and questions the State may consider include the following:

- (1) Activities of the DSU(s), the SILC, its members and subcommittees or advisory groups, and CILs and other service providers;
- (2) How results of completed and planned studies of CSR data are, or will be, used to identify unserved and underserved disability and ethnic groups in urban and rural areas;
- (3) Current and planned cooperative agreements with government agencies, private non-profit agencies and organizations that represent targeted groups, and service provider entities that are known to serve targeted groups;
- (4) How outreach activities are promoted through the advisory councils of public and private non-profit organizations;
- (5) Initiatives to promote interagency referrals for serving targeted underserved, unserved or minority groups in urban and rural areas;
- (6) A description of planned public information programs using media options such as television, radio and newspapers in urban and rural areas targeted to unserved and underserved groups of individuals;

- (7) Information dissemination activities--
- (i) directed towards professionals, para-professionals, social workers, county welfare workers, and other related service providers working with unserved and underserved individuals;
 - (ii) addressing the nature of the SILS and CIL programs;
 - (iii) including application procedures; and
 - (iv) including how program information in appropriate accessible form such as print, tape, Braille, etc., is to be developed and distributed to service providers, cooperating agencies, interested associations or organizations, and advocacy groups
- (8) Specific plans and plan objectives for each CIL designed to reach out to unserved, underserved, and minority populations present in the service area of each CIL;
- (9) Cooperative IL programs conducted in conjunction with Indian Tribal Councils designed to provide IL services on Native American reservations; and,
- (10) Other initiatives by the DSU/SILC and CILs to reach out to targeted populations, determine eligibility, and provide services in a timely manner or otherwise address the needs of individuals with significant disabilities from minority backgrounds.

Objective I - Network of Centers

The attachment must describe a design for the establishment of a statewide network of CILs that complies with the standards and assurances set forth in section 725 of the Act. The attachment is designed to be visionary of the network of CILs actually required to provide IL core services in all areas of the State. The attachment should identify existing CILs, a priority order for expansion of the network of new CILs to serve populations that are currently unserved or underserved, and requirements/barriers to the completion of the State's network of CILs.

If the State believes that a Statewide network has been completed, the attachment should describe the network, including how it complies with §725 of the Act.

- (1) Expanding and Improving Services. Demonstrating ways to expand and improve IL services;
- (2) CIL Support. Supporting the operation of CILs using funds under part B, Chapter 1;
- (3) Increasing Capacities. Increasing capacities of entities to provide IL services, including any resource development objectives for CILs to encourage self-support and expansion of capabilities;
- (4) Conducting Studies, etc. Conducting studies, gathering information, developing model

policies and procedures, and presenting recommendations to policy makers to enhance IL services ; and,

- (5) Training. Training consumers, service providers and other persons on the IL philosophy.

Attachment 2: Plan for the Provision of Resources to the SILC (SILC Budget) (34 CFR 364.21(i) and (j))

Attachment 2 must include a description of the SILC’s Budget for the three years covered by the SPIL, including the sources of funds, staff, supplies, and other resources made available under Parts B and C of Chapter 1, Part C of Title I of the Act, and from State and other public and private sources, that may be necessary for the SILC to carry out its responsibilities under section 705 of the Act and the SPIL. No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC. The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan. The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions. While assisting the SILC in carrying out its duties, staff and other personnel made available to the SILC by the DSU may not be assigned duties by the designated State agency or DSU, or any other agency or office of the State, that would create a conflict of interest.

The statute and regulations do not specify the detail that must be included in this attachment, as it is a matter to be decided by the DSU and SILC. (This attachment was a source of problems for many States in developing and implementing prior SPILs). Since this attachment serves as the SILC's budget, detail and clarity are encouraged.

Many States have requested advice on how to ensure the independence of the SILC, while providing the necessary resources. RSA makes no recommendation of one successful approach above another. Several approaches are quite common:

1. The DSU makes a competitive grant to a private nonprofit organization, based on criteria and selection jointly made by the DSU and SILC. The grantee houses the SILC; hires SILC staff, who are supervised and evaluated by the SILC for administrative duties; and provides fiscal administration of the resource plan.
2. The DSU makes a grant to the SILC operating as a nonprofit organization.
3. The SILC is in the State Governor’s Office.

In all situations, clarity and detail in SPIL language typically reduce confusion.

Attachment 3: Evaluation Plan (34 CFR 364.21(g) and 364.38)

Attachment 3 must describe the State's evaluation plan, including methods for the periodic

evaluation of the effectiveness of the SPIL in meeting the objectives established in SPIL Attachment 1. The methods must also specifically provide for the evaluation of the satisfaction by individuals with significant disabilities who have participated in Chapter 1 programs. The results of this evaluation must be sent to the appropriate RSA Regional Office as part of the annual performance report (704 Report, Part I) submitted by the SILC and DSU.

The evaluation plan must specifically address:

- (1) The activities to be undertaken by the SILC under section 705(c) (2) and 34 CFR 364.21(g) (2) in its duty to monitor, review, and evaluate the implementation of the SPIL; and in doing so considerations should include what entities (DSU(s)/ CILs/ other service providers) are to be monitored, reviewed, and/or evaluated; how those activities are to be accomplished (e.g., analysis of review of 704 Reports, Parts I and II; joining RSA with Federal on-site reviews or the DSU with State on-site reviews; and/or other); and when the activities under this attachment are planned to occur.
- (2) **In §723 States**, the evaluation activities planned by the DSU in the review of CILs in accordance with section 723(g) (1) of the Act. Consistent with §723(g) (1) of the Act and 34 CFR 366.38, States must periodically review each center receiving funds under section 723 of the Act to determine whether the center is in compliance with the standards and assurances in section 725 (b) and (c) of the Act and Subparts F and G of this part. The periodic reviews of centers must include annual on-site compliance reviews of at least 15 percent of the centers assisted under section 723 of the Act in that State in each year. Each team that conducts an on-site compliance review of a center shall include at least one person who is not an employee of the designated State agency, who has experience in the operation of centers, and who is jointly selected by the Director and the chairperson of the SILC, or other individual designated by the SILC to act on behalf of and at the direction of the SILC. A copy of each review under this section shall be provided to RSA and the SILC.

The evaluation plan must include evaluation activities of the DSU in relation to its oversight activities of IL subgrantees and contractors other than those described in paragraph (b) above, if any, in evaluating their effectiveness in meeting the objectives established in Attachment 1. 34 CFR 364.21 (g) and 364.38

Planning Consideration - In planning and writing the SPIL the State's SILC and DSU(s) must:

- (1) Assure that community input is adequately reflected in the SPIL. The State must consider CIL work plans, developed by the CILs in compliance with section 725(c) (4) of the Act, when developing or revising the SPIL. This requirement encourages coordination, cooperation, and communication between the State and community based service providers, and provides a means to help ensure that the State is advised of, sensitive to, and responsive to the needs of individuals with significant disabilities identified by the CILs in their service areas, the plans of the CILs to address those needs, and that the CILs operate in a manner consistent with the SPIL. (34 CFR 364.42(c))

- (2) Consider any new methods or approaches for the provision of services to older individuals who are blind developed by a project funded under Chapter 2 of Title VII that the DSU responsible for the ILOIB program determines to be effective, and seeks to incorporate into and describe in the SPIL; (§752(h) of the Act; 34 CFR 364.28, 367.11(c))
- (3) Assure that the SPIL reflects the plans prepared by the DSU responsible for the ILOIB program; and (§752(I)(2)(C) of the Act; 34 CFR 367.11(f))
- (4) Obtain input from other service providers; and incorporate into the SPIL the provisions that are considered appropriate.

Attachment 4: Policies, Practices and Procedures for Award of Grants Under Section 723 (34 CFR 364.39)

This Attachment Applies Only to States That Earmark More State Funds for the General Operation of CILs than the Federal Government Does under the Part C Program, and the State Elects to Administer the Part C Program.

Section 723 States must describe:

(a) Funding priorities

Unless the Director of the DSU and the chairperson of the SILC, or other individual designated by the SILC to act on behalf of and at the direction of the SILC, jointly agree to another order of priorities, the SPIL shall provide that the State will use the following order of priorities in allocating funds among CIL ---

- (1) support existing CILs that comply with the standards and assurances in section 725 of the Act at the same level of funding for the previous year first;
- (2) provide for a cost-of-living increase for such existing CILs second; and,
- (3) fund new CILs that comply with the standards and assurances in section 725 of the Act third.

If the decision is made to have priorities other than those in section 723(e) of the Act, paragraph (a)(1) of SPIL, Attachment 4, must describe the changed priorities.

(b) Continuation Funding for Existing CILs (34 CFR 366.39)

The attachment must describe the policies, practices, and procedures to be used by the DSU in reviewing and renewing grants or assistance contracts to CILs currently funded under part C of Chapter 1.

(c) Establishing new CILs (34 CFR 366.37)

The attachment must describe the policies and procedures for awarding grants or assistance contracts for new CILs including:

- (1) The appointment of a peer review committee by the DSU and the SILC;

- (2) The establishment and definition of selection criteria regarding--
 - (i) evidence of need for a CIL;
 - (ii) an applicant's plan for complying with or demonstrated success in complying with the standards and assurances in section 725 of the Act;
 - (iii) quality of key personnel;
 - (iv) budget and cost effectiveness;
 - (v) evaluation plan;
 - (vi) past performance of an applicant; and
 - (vii) ability of an applicant to carry out the plans.

The DSU will award the grant or assistance contract on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with Federal and State law.

(d) Monitoring and Oversight

The attachment must include a description of the policies, practices, and procedures for periodic on-site compliance reviews to determine CIL compliance with section 725 of the Act. The periodic on-site reviews must include annual on-site reviews of at least 15% of the CILs supported under part C, Chapter 1.

(§§704(h), 723(g) and (h) of the Act; 34 CFR 366.38)

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STATE PLAN

FOR

INDEPENDENT LIVING

FISCAL YEARS 2001 - 2004

Chapter 1, Title VII of the Rehabilitation Act of 1973, as Amended

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ATTACHMENTS

The following is a list of the attachments in the SPIL. The attachments listed are numbered to coincide with their section. It is recommended that these attachments not exceed a combined total of 40 pages in length.

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Section 1: Purpose of the State Plan for Independent Living (SPIL), under Chapter 1 of Title VII

1.1 Philosophy of the Programs (Sec. 701 of the Act; 34 CFR 364.2)

The State assures that in the implementation of this plan the State will:

- (a) Promote a philosophy of independent living (IL), including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual, and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with significant disabilities, and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society by providing financial assistance to States;
- (b) Provide financial assistance for providing, expanding, or improving the provision of IL services;
- (c) Provide assistance to develop and support a Statewide network of centers for independent living (CILs), operated by consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agencies that are operated within local communities by individuals with disabilities and that provide an array of IL services; and
- (d) Advocate for improving working relationships among the various entities providing services to and for people with significant disabilities.

1.2 Participation in the Programs (Sec. 704(a)(1) of the Act; 34 CFR 364.10)

The DSU and SILC understands that no Federal funds or other benefits can be made available under Chapter 1 unless the State conforms with all applicable statutory and regulatory requirements.

- (a) This SPIL reflects the State's commitment to carry out an IL plan under Chapter 1 of Title VII of the Rehabilitation Act of 1973, as amended (Chapter 1)¹, and also the State's planning and implementation activities related to the plan.

¹ Public Law 93-112, as amended by Public Laws 93-516, 93-651, 95-602, 98-221, 99-506, 100-259, 100-630, 101-336, 102-569, 103-73, and 103-218.

Section 2: Legal Basis and State Certifications (Sec. 704 of the Act)

As a condition to the receipt of financial assistance under Chapter 1, the

(Name of Statewide Independent Living Council)

jointly with the DSU is authorized to develop and sign the SPIL. The DSU and SILC agree to administer the programs in compliance with the provisions of the Act, all applicable regulations, policies, and procedures promulgated by the Secretary, and the provisions of this SPIL.

- (b) The State legally may carry out each provision of the SPIL and the DSU has the authority under State law to perform the functions of the plan.
- (c) All provisions of the SPIL are consistent with State law.
- (d) The _____

(Title of State Official) (acting on behalf of DSU)

has authority under State law to receive, hold, and disburse Federal funds made available under the SPIL.

- (e) The SPIL being submitted has been adopted or otherwise formally approved by the DSU and SILC.
- (f) The SPIL is the basis for State operation and administration of the Chapter 1 programs, as appropriate,² and is available for public inspection.
- (g) The effective date of this SPIL is October 1, 2001.

² If a State's expenditures earmarked to support the general operation of CILs is equal to or greater than the amount of Federal funds allotted to the State for this purpose, and the State has applied in SPIL Section 8 to administer the Part C, Ch. 1 program pursuant to section 723 of the Act, then the DSU must provide administrative support to the CILs; otherwise, the Secretary administers the CIL program pursuant to section 722 of the Act and the approved SPIL and the DSU is not required to provide administrative support services. §704(c)(2) of the Act

SIGNATURE OF SILC CHAIRPERSON

DATE

NAME OF SILC CHAIRPERSON

PHONE NO.

SIGNATURE OF DESIGNATED STATE UNIT DIRECTOR

DATE

NAME AND TITLE OF DESIGNATED STATE UNIT DIRECTOR

PHONE NO.

SIGNATURE OF DESIGNATED STATE UNIT DIRECTOR

DATE

NAME AND TITLE OF DESIGNATED STATE UNIT DIRECTOR

PHONE NO.

Section 3: Plan Submittal

3.1 Frequency of Submittal (Sec. 704(a)(3) of the Act; 34 CFR 364.11, 364.20(b))

- (a) This SPIL is for fiscal years 2002 - 2004. A three-year plan must be submitted every three years by July 1 of the year preceding the first fiscal year for which the plan is submitted, (i.e., July 1, 2001).
- (b) Plan amendments are submitted whenever the Secretary determines an amendment to the SPIL is essential during the effective period of the plan; or when there is a significant and relevant change that materially affects the information or the assurances in the plan, the administration or operation of the plan, or the organization, policies, or operations of the DSU or SILC.

3.2 State Plan Development (Sec. 704(a)(2) of the Act; 34 CFR 364.20(c))

The State plan is jointly developed and signed by the director of the DSU and the chairperson of the SILC or other individual acting on behalf of and at the direction of the Council.

3.3 Public Hearings (Sections 17, 704(m)(6) of the Act; 34 CFR 364.20(g), (h))

- (a) The State conducts public hearings to provide all segments of the public, including interested groups, organizations, and individuals, an opportunity to comment on the SPIL prior to its submission to RSA, and on any substantive review or revision of the approved SPIL. The DSU and SILC may meet the public participation requirement by holding the public hearings before a preliminary draft State plan is prepared or by providing a preliminary draft State plan for comment at the public hearings.
- (b) The State establishes and maintains a written description of procedures for conducting public hearings in accordance with the following requirements:
 - (i) The DSU and SILC shall provide appropriate and sufficient notice of the public hearings. Appropriate and sufficient notice means notice provided at least 30 days prior to the public meeting through various media available to the general public, such as newspapers and public service announcements, and through specific contacts with appropriate constituency groups and organizations identified by the DSU and SILC.
 - (ii) The DSU and SILC shall make reasonable accommodation to individuals with disabilities who rely on alternative modes of communication in the conduct of the public hearings, including providing sign language interpreters and audio-loops.
 - (iii) The DSU and SILC shall provide the notices of the public hearings, any written material provided prior to or at the public hearings, and the approved State plan in accessible formats (e.g., Braille, large print, on disk) for individuals who rely on alternative modes of communication.
 - (iv) At the public hearings to develop the State plan, the DSU and SILC will identify those provisions in the State plan that are State-imposed requirements. For purposes of this section, a State-imposed requirement includes any State law, regulation, rule, or policy relating to the DSU's administration or operation of IL programs under Title VII of the Act, including any rule or policy implementing any Federal law, regulation, or guideline, that is beyond what would be required to comply with the regulations in 34 CFR Parts 364, 365, 366, and 367.
- (c) The State identifies State imposed requirements resulting from the application of any State rule or policy relating to the administration or operation of the programs under

Chapter 1. Following are descriptions of the State imposed requirements included in the SPIL, if any:

3.4 Opportunity for Review and Comment Under State Review Process (34 CFR 76.141-142)

If the SPIL or an amendment to the plan is subject to the State review process, such materials are reviewed, and commented on, in accordance with the provisions of Executive Order 12372. Comments provided through the State review process will be transmitted to RSA.

Section 4: Statewide Independent Living Council (SILC) (Sec. 705(a) and (b) of the Act)

4.1 Composition of the SILC (Sec. 705(b) of the Act; 34 CFR 364.21(b))

(1) State the total number of persons on the SILC.	
(2) State the number of SILC members with disabilities, as defined in 34 CFR 364.4 (b), and not employed by a State agency or a CIL	
(3) Is a representative of the DSU an ex-officio, member of the SILC?	Y N
(4) State the number of voting members on the SILC.	
(5) State the number of different disability groups (physical, mental, cognitive, sensory, or multiple) represented by members of the SILC (up to five).	Y N
(6) Is a CIL director chosen by CIL directors within the State appointed to the SILC?	Y N
(7) Does the SILC include representatives from other State agencies that provide services for individuals with disabilities.	Y N
(8) Does the council have a voting membership that is knowledgeable about CILs and IL services?	Y N
(9) Do Council members provide statewide representation?	Y N

(10) Is the Council Chairperson elected from among the voting members of the Council by the voting members of the Council or the Governor, pursuant to section 705(b)(5) of the Act?	Y N
--	-----

4.2 Placement of the SILC (Sec. 705(a) of the Act; 34 CFR 364.21(a)(2))

The SILC is not established as an entity within any State agency, including the DSU, and is independent of the DSU and all other State agencies. Following is a brief description of the legal status and placement of the SILC:

4.3 Plan for Provision of Resources to the SILC (SILC Budget) Sec. 705(e) of the Act; 34 CFR 364.21(i)

- (a) In conjunction with the DSU, the SILC will prepare a Resource Plan Attachment 2 (SILC Budget) for the provision of resources, cash or in-kind, including staff and personnel, rent, supplies, telephone expenses, travel, and other expenses(e.g., child care, personal assistance services, and compensation to a member of the SILC, if the member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing SILC duties) that will be necessary to carry out the functions of the SILC during the term of the SPIL.
- (b) The SILC will be responsible for the proper expenditure of funds and the use of resources it receives under the SILC Budget.
- (c) No conditions or requirements are included in the SILC Budget that will compromise the independence of the SILC.
- (d) While assisting the SILC in carrying out its duties under the SPIL, staff and other personnel assigned to the SILC under the SILC Budget will not be assigned duties by the DSU or other agency or office of the State that would create a conflict of interest.

Attachment 2 - Describes the SILC Budget.

Attachment 2 must include a description of the SILC’s Budget for the three years covered by the SPIL, including the sources of funds, staff, supplies, and other resources made available under parts B and C of Chapter 1, Part C of Title I of the Act, and from State and other public and private sources, that may be necessary for the SILC to carry out its responsibilities under section

705 of the Act and the SPIL. No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC. The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan. The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may

be necessary to carry out its functions. While assisting the SILC in carrying out its duties, staff and other personnel made available to the SILC by the DSU may not be assigned duties by the designated State agency or DSU, or any other agency or office of the State, that would create a conflict of interest.

Section 5: Designation and Responsibilities of the State Unit(s)

5.1 Designation (Sec. 704(c) of the Act; 34 CFR 364.22)

The State unit(s) designated to receive, account for, and disburse funds, and provide administrative support services is (are):

5.2 DSU Responsibilities under the SPIL (Sec. 704 (c) of the Act; 34 CFR 364.22)

The DSU:

- (a) Receives, accounts for, and disburses funds received by the State under Chapter 1 in accordance with the SPIL;
- (b) Provides administrative support services for the part B State IL services (SILS) program and the part C, Chapter. 1, CIL program in a case in which the program is administered by the State under section 723 of the Act;
- (c) Keeps such records and affords such access to such records as the Secretary finds to be necessary with respect to the programs; and
- (d) Submits the SPIL and such additional information or provides such assurances as the Secretary may require with respect to the programs.

Section 6: Staff and Staff Development

6.1 Personnel Administration (Sec. 12(c), 704(m) of the Act; 34 CFR 364.23)

- (a) The staff of service providers will include personnel who are specialists in the development and provision of IL services and in the development and support of CILs.
- (b) To the maximum extent feasible, each service provider will make available personnel able to communicate --
 - (1) With individuals with significant disabilities who rely on alternative modes of communication, such as manual communication, nonverbal communication devices, Braille, or audio tape, and who apply for or receive IL services under the SPIL; and
 - (2) In the native languages of individuals with significant disabilities whose English proficiency is limited and who apply for or receive IL services under the SPIL.

6.2 Personnel Development (Sec. 12(c), 704(m) of the Act; 34 CFR 364.24)

The State assures that service providers will establish and maintain a program of staff development for all classes of positions involved in providing IL services and, if appropriate, in administering the CIL program. The staff development program will emphasize improving the skills of staff directly responsible for the provision of IL services, including knowledge of the IL philosophy.

6.3 Affirmative Action (Sec. 704(m)(2) of the Act; 34 CFR 364.31)

All recipients of financial assistance under Chapter 1 take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act.

6.4 Nondiscrimination (34 CFR 76.500)

No individual will, on the basis of race, color, national origin, gender, age, or disability be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under this SPIL.

Section 7: Financial Administration

7.1 General Provisions (Sec. 704(m)(3) of the Act; 34 CFR 364.34)

All recipients of financial assistance under Chapter 1 will adopt such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under Chapter 1.

7.2 Source of State Funds (Sections 712(b)(2) and 7(7)(C) of the Act; 34 CFR 365.12, .13 and .14, 367.11, .42)

- (a) The one to nine non-Federal share of the cost of any project that receives assistance through an allotment under part B, Chapter 1 will be provided in cash or in kind, fairly evaluated, including plant, equipment, or services, consistent with 34 CFR 365.13, .14, and .15.
- (b) For the purpose of determining the Federal share with respect to the State, expenditures by a political subdivision of the State will, subject to regulations prescribed by the Secretary, be regarded as expenditures by the State.
- (c) The State may not condition the award of a grant, subgrant, or contract under part B, Chapter 1 or a grant, subgrant, or assistance contract under part C, Chapter 1 on the requirement that the applicant for the grant or subgrant make a cash or in-kind contribution of any particular amount or value to the State. Furthermore, an individual, entity, or organization that is a grantee or subgrantee of the State, or has a contract with the State, may not condition the award of a subgrant or subcontract under part B, Chapter 1 or part C, Chapter 1 on the requirement that the applicant for the subgrant or subcontract make a cash or in-kind contribution of any particular amount or value to the State or to the grantee or contractor of the State.

7.3 Financial Record Keeping (Sec. 704(m)(4)(A) and (B) of the Act; 34 CFR 364.35)

All recipients of financial assistance under Chapter 1 will:

- (a) Maintain records that fully disclose--
 - (1) the amount and disposition by each recipient of the proceeds of such financial assistance,
 - (2) the total cost of the project or undertaking in connection with which such financial assistance is given or used, and
 - (3) the amount of that portion of the cost of the project or undertaking supplied by other sources; and

(4) compliance with the requirements of Chapter 1 and 34 CFR Parts 364, 365, 366, and 367.

(b) Maintain such other records as the Secretary determines to be appropriate to facilitate an effective audit.

7.4 Access to Financial Records (Sec. 704(m)(4 & 5) of the Act; 34 CFR 364.37)

All recipients of financial assistance under Chapter 1 will afford access to the Secretary and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, to all records maintained pursuant to section 7.3 of the SPIL immediately above and any other books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under Chapter 1.

7.5 Financial Reports (Sec. 704(m)(4)(D) of the Act; 34 CFR 364.36)

All recipients of financial assistance under Chapter 1 will submit reports with respect to records required in section 7.3 of the SPIL, as the Secretary determines to be appropriate.

Section 8: State Administration of Part C Program³

³ (a) To meet the requirements in section 723(a)(1)(B) and (2) of the Act, a **§723 State**

NOTE - THIS SECTION APPLIES ONLY TO §723 STATES.

8.1 Funds Earmarked to Support CILs (Sec. 723(a) of the Act; 34 CFR 366.32)

In the second fiscal year preceding fiscal year 2000, the general operations of CILs in the State were supported by the following amounts of earmarked funds⁴:

<u>State Funds</u>	<u>Federal Allotment</u>
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8.2 State Applies to Administer Part C Program (Sections 704(h) and 723 of the Act; 34 CFR 366.32)

The director of the DSU hereby applies to award grants or assistance contracts to eligible agencies in the State that comply with the standards and assurances set forth in section 725 of the Act. The grants are to be made from the funds allotted to the State for the planning, conduct, administration, and evaluation of CILs under part C, Chapter 1.

8.3 State administers funds in compliance with §723 (Sec. 704(h) of the Act; 34 CFR 366.32, .35)

must submit this section of the SPIL for approval each year subsequent to the first year of approval to administer the Part C, Chapter 1 program.

(b) Unless the provisions of Attachment 8 are materially changed, submittal of this Section shall not constitute a material revision of the SPIL requiring public hearings or State review under SPIL Section 3.

⁴ The amount of State funds earmarked by a State to support the general operation of centers does not include: (1) Federal funds used for the general operation of centers; (2) State funds used to purchase services from a CIL, including State funds used for grants or contracts for personal assistance or skills training; (3) State attendant care funds; (4) Social Security Administration reimbursement funds; or (5) funds used to support an entity that does not meet the definition of a CIL in section 702 of the Act, e.g. funds used to support a single disability (If a State or outlying area is operating a CIL pursuant to section 724 of the Act, the funds used to support this CIL can be considered "earmarked" for purposes of section 723(a)(1)(A)(i) of the Act.) or residential facility cannot be counted as earmarked funds.

- (a) If Section 8.2 is answered in the affirmative, the director of the DSU awards grants or assistance contracts under section 723 of the Act to any eligible agency that was awarded a grant under part C, Chapter 1 on September 30, 1993, unless the director makes a finding that the agency involved fails to comply with the standards and assurances set forth in section 725 of the Act or the director of the DSU and the chairperson of the SILC, or other individual designated by the SILC to act on behalf of and at the direction of the SILC, jointly agree to another order of priorities.
- (b) The State assures that any assistance contracts issued to eligible agencies will not add any requirements, terms, or conditions to the assistance contract other than those that would be permitted if the assistance contract were a subgrant consistent with grants issued by RSA under section 722 of the Act.
- (c) In administering the part C, Chapter 1 program, the State will not enter into any procurement contracts with CILs to carry out section 723 of the Act.

8.4 Monitoring and Oversight. (§§704(h), 723(g) and (h) of the Act; 34 CFR 366.38)

The State assures that periodic and on-site compliance reviews will be conducted to determine CIL compliance with section 725 of the Act as described in Attachment 3.

Attachment 4 describes the policies, practices, and procedures, which comply with section 723 of the Act, that the State utilizes for awarding continuation and new grants.

Section 9: Information on Use of Part B, Chapter 1 Funds

9.1 Use of §711 funds in support of §713 purposes (Sec. 713 of the Act; 34 CFR 365.1)

Part B Funds are to be used only for any one or more of the following purposes (all optional):	Directly by DSU	Grant/Contract	Dollar Amt.
(a) Fund the resource plan for SILC (SPIL Section 4).	Y N	Y N	
(b) Provide IL services to individuals with significant Disabilities	Y N	Y N	
(c) Demonstrate ways to expand and improve IL services.	Y N	Y N	
(d) Support the general operation of CILs.	Y N	Y N	
(e) Support activities to increase capacity of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing IL services.	Y N	Y N	
(f) Conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policy makers to enhance IL services.	Y N	Y N	
(g) Train individuals with significant disabilities, individuals providing services to individuals with significant disabilities, and other persons regarding IL philosophy.	Y N	Y N	
(h) Provide outreach to unserved or underserved populations, including minority groups and urban and rural populations.	Y N	Y N	

Attachment 1 describes the uses, objectives, and amounts of part B, Chapter 1 funds supporting each purpose.

Section 10: Outreach (Sections 704(l) and 713(7) of the Act; 34 CFR 364.32)

The State reaches out to populations, including minority groups and urban and rural populations, that are unserved or underserved by the programs funded under Chapter 1.

Attachment 1 describes the steps that will be taken regarding outreach to populations, including minority groups and urban and rural populations, that are unserved or underserved by the programs funded under Chapter 1. Attachment 1 also describes populations designated for special outreach efforts and the geographic areas in which they reside (e.g., individuals with significant disabilities residing on land controlled by American Indians.)

Section 11: Extent and Scope of IL Services (Sections 7(30), 704(e) and 713(1) of the Act; 34 CFR 364.43)

- (a) Attachment 1 describes all IL services to be provided under the SPIL to meet the objectives in Section 10.
- (b) The State provides the following IL core services to individuals and groups of individuals with significant disabilities:
 - (1) Information and referral;
 - (2) IL skills training;
 - (3) Peer counseling (including cross-disability peer counseling); and
 - (4) Individual and systems advocacy,
- (c) The IL core services may be provided directly by the DSU, or through grant or contract. While the State is required to provide these services, it may fund the services using funds from any source, e.g., part B or part C, Chapter 1, State funds, or other funds.
- (d) In addition, the State provides the following IL services to individuals and groups of individuals with significant disabilities⁵:

⁵ Insert an "X" or check mark for each IL service that will be made available. It is not necessary to insert any projection of numbers of consumers to be served.

- (1) ___ Counseling services, including psychological, psychotherapeutic, and related services;
- (2) ___ Services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with significant disabilities);
- (3) ___ Rehabilitation technology;
- (4) ___ Mobility training;
- (5) ___ Services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;
- (6) ___ Personal assistance services, including attendant care and the training of personnel providing such services;
- (7) ___ Surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;
- (8) ___ Consumer information programs on rehabilitation and IL services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act;
- (9) ___ Education and training necessary for living in the community and participating in community activities;
- (10) ___ Supported living;
- (11) ___ Transportation, including referral and assistance for such transportation;
- (12) ___ Physical rehabilitation;
- (13) ___ Therapeutic treatment;
- (14) ___ Provision of needed prostheses and other appliances and devices;

- (15) ___ Individual and group social and recreational services;
- (16)___ Training to develop skills specifically designed for youths who are individuals with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;
- (17) ___ Services for children with significant disabilities;
- (18)___ Services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with significant disabilities;
- (19)___ Appropriate preventive services to decrease the need of individuals with significant disabilities assisted under this Act for similar services in the future;
- (20)___ Community awareness programs to enhance the understanding and integration into society of individuals with disabilities; and
- (21)___ Such other services as may be necessary and not inconsistent with the provisions of this Act.

Attachment 1 describes the extent and scope of the IL services identified above, and how they meet the State's objectives for IL. The attachment also describes any arrangements of grants or contracts made by the State for providing such services.

Section 12: Eligibility, Records, IL Plans, and Notice of Client Assistance Program

12.1 Eligibility for Receipt of Services (Sections 7(15)(B) and 703 of the Act; 34 CFR 364.51)

- (a) Individuals with significant disabilities are eligible for services provided under the SPIL.
- (b) To be eligible, an individual is one:
 - (1) Who has a significant physical, mental, cognitive, or sensory impairment;
 - (2) Whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited; and
 - (3) For whom the delivery of IL services will improve the ability to function, continue

functioning, or move towards functioning independently in the family or community or to continue in employment.

12.2 Consumer Service Record (Sections 704(m)(4)(B), 725(c)(8) of the Act; 34 CFR 364.53)

A consumer service record (CSR) will be maintained for each consumer of services, other than information and referral, which will contain documentation that the consumer is eligible or ineligible for IL services, the information required for the annual performance report under 34 CFR 364.36 and 366.50(h), and an IL plan (ILP) or a waiver as described in SPIL Section 13.3.

12.3 IL Plans (Sec. 704(e) and 725(c)(14) of the Act; 34 CFR 364.52)

The State provides IL services under Chapter 1 to individuals with significant disabilities in accordance with an ILP mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

12.4 Notice about the Client Assistance Program (Sections 20 and 704(m)(1) of the Act; 34 CFR 364.30)

All recipients of financial assistance under Chapter 1 that provide services to individuals with significant disabilities advise those individuals seeking or receiving IL services about the availability of the Client Assistance Program under section 112 of the Act, the purposes of the services provided under such program, and information on the means of seeking assistance under such program.

Section 13: Statewide Network of Centers for Independent Living (CILs)

13.1 Network Design (Sec. 704(g) of the Act; 34 CFR 364.25(a))

The State has developed a design for the establishment of a statewide network of CILs that comply with the standards and assurances set forth in section 725 of the Act.

13.2 Unserved and Underserved Areas and Priorities (Sec. 704(g) of the Act; 34 CFR 364.25(b))

(a) The network design:

- (i) identifies unserved and underserved geographic areas of the State; and
- (ii) includes an order of priority for the establishment of CILs in those areas.

Attachment 1 describes the design for the establishment of a statewide network of CILs and the order of priorities for the establishment of new CILs. This attachment should be visionary. If the State believes the network is complete, the attachment describes the network, including how it complies with §725 of the Act. future plans for expansion of the network to serve populations that are currently unserved or underserved.

Section 14: Communication, Cooperation, and Coordination (Sections 704(I-k) of the Act; 34 CFR 364.26 and .27)

- (a) The State takes steps that maximize the communication, cooperation, coordination, and working relationships among --
 - (1) the SILS program, the SILC and CILs; and
 - (2) the DSU, other State agencies represented on the SILC, other councils that address the needs of specific disability populations and issues, and other public and private entities, including Indian Tribal Councils, determined to be appropriate by the SILC.
- (b) The State ensures that services funded under Chapter 1 will complement and be coordinated with other services to avoid unnecessary duplication with other Federal, State, and local programs, including the IL program for older individuals who are blind funded under Chapter 2 of Title VII.
- (c) The State coordinates Federal and State funding for CILs and SILS.

Section 15: Evaluation Plan (Sec. 704(n) of the Act; 34 CFR 364.38)

- (a) The State establishes a method for the periodic evaluation of the effectiveness of the SPIL:
 - (1) In meeting the State's objectives and timelines for meeting those objectives;
 - (2) In the satisfaction of individuals with disabilities; and
 - (3) In meeting the objectives established in Section 9 of the SPIL.
- (b) The State agrees to annually submit the results of DSU and SILC evaluation activities, including the most recent evaluation of Title VII consumer satisfaction, with the annual

performance report to RSA.