

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

POLICY DIRECTIVE

RSA-PD-98-03A

RSM-501

DATE: September 14, 1998

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

SUBJECT: Revised Provision for the State Plan for Independent Living (SPIL) under Chapter 1 of Title VII of the Rehabilitation Act of 1973, as amended (Act) Fiscal Years 1999-2001

POLICY: This transmits a revised Section 4 for the SPIL preprint under Chapter 1 of Title VII of the Act.

This revised Section 4 is to be used in place of Section 4 that was transmitted under Policy Directive 98-03, dated March 4, 1998. This revision is necessitated by the 1998 Amendments to the Act signed August 7, 1998.

**CITATIONS
IN LAW/**

REGULATIONS: Sections 705(b)(2)(B) and (5)(C) of the Rehabilitation Act of 1973, as amended

EFFECTIVE

DATE: Upon Issuance

EXPIRATION

DATE: September 30, 2001

INQUIRIES: RSA Regional Offices

Fredric K. Schroeder

Commissioner

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?	YES NO
(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).	
(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
(11)	Is there one or more section 121 (formerly 130) project in the State?	Y N
(12)	If #11 is answered as Y, does the Council include at least 1 representative of the directors of the section 121 projects?	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 (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.

4.4 Delegation of Appointment of SILC members
(Sec. 705(b)(7)(B) of the Act)

- (a) Members of the Council shall be appointed by the Governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities
- (b) Except as provided in paragraph 4.4(c), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.
- (c) The Governor may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.

(d) Has the Governor delegated to the remaining members of the Council authority to fill SILC vacancies after he or she makes the original appointment?

Yes _____

No _____

If the answer is yes, please attach a copy of the delegation with Attachment 4.

Attachment 4 describes the SILC Budget and includes a copy of the delegation of appointment authority, when appropriate.