

IL T&TA

Independent Living
Training & Technical Assistance Center

SILC 101

SILC Congress 2025

March 10, 2025

Orlando, FL

IL T&TA

Independent Living

Training & Technical Assistance Center

The IL Training & Technical Assistance Center is operated by the University of Montana's Rural Institute for Inclusive Communities (RIIC) and funded by the Office of Independent Living Programs, Administration on Disabilities, Administration for Community Living (ACL), to provide expert information, support, and training tailored for Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and Designated State Entities (DSEs) across the country.



Your Presenters:



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What you will learn today

- ✓ **The regulations and indicators regarding the duties, standards, and authorities of all the IL Network partners (CILs, SILC, and DSE).**
- ✓ **The differences between the roles of CILs, SILCs, and DSEs.**
- ✓ **The basics of what the SILC is, what it does, and how it interacts with the other partners.**

CIL = Center for Independent Living
SILC = Statewide Independent Living Council
DSE = Designated State Entity

Resources for later review



The Rehabilitation Act:

<https://acl.gov/sites/default/files/about-acl/2020-07/rehabilitation-act-of-1973-amended-by-wioa.pdf>



SILC Indicators and SILC and DSE Assurances:

<https://www.ilru.org/sites/default/files/publications/SILC%20Indicators%20and%20SILC%20and%20DSE%20Assurances%201.2018.pdf>



Independent Living Regulations:

<https://www.ecfr.gov/current/title-45/subtitle-B/chapter-XIII/subchapter-C/part-1329>

The purpose of title VII (7) of the Act is to:

promote a philosophy of independent living (IL),
including a philosophy of :

Consumer Control	Peer Support
Self-Help	Self-Determination
Equal Access	Individual and Systems Advocacy

in order to maximize the:

**leadership, empowerment, independence, and
productivity** of individuals with disabilities, and to
promote the **integration and full inclusion** of individuals
with disabilities into the **mainstream of American
society...**

**There are also
regulations:
45 CFR 1329.2
quotes the
Rehab Act's
Purpose for IL**

What is the SILC?

- **Federal law** established that **each state** would have a Statewide Independent Living Council.
- While not all have done this, **most SILCs choose to organize as 501(c)(3)** non-profits (an IRS designation).
- Even though you are independent by law, the **governor appoints the members of the SILC**.
- Even though the Council is appointed by the governor, it **cannot be established as an entity within a State agency**. It **must be independent of and autonomous from the DSE and all other State agencies**. (Assuring this is one of the main reasons for becoming a 501(c)(3).

What is the makeup of the SILC?

Section 705 (b) of the Act states that the **membership of the council must include:**

- (A) among its voting members, at **least 1 director of a center for independent living** chosen by the directors of centers for independent living within the State;
- (B) among its voting members, for a State in which 1 or more centers for independent living are run by, or in conjunction with, the governing bodies **of American Indian tribes located on Federal or State reservations, at least 1 representative of the directors of such centers;** and
- (C) as ex officio, nonvoting members, **a representative of the designated State entity, and representatives from State agencies** (at least one other agency) that provide services for individuals with disabilities. (You decide which agency or agencies are included in this.)

Makeup of the SILC (cont.)

Additional members may include:

- A) other representatives from centers for independent living;
- B) individuals with disabilities;
- C) parents and guardians of individuals with disabilities;
- D) advocates of and for individuals with disabilities;
- E) representatives from private businesses;
- F) other appropriate individuals.

Makeup of the SILC (cont. 2)

A majority (**51% or more**) of the SILC membership **must** be individuals with significant disabilities that:

- Do **not** work for a Center for Independent Living
- Do **not** work for your State AND
- Individuals that provide **statewide representation**
- Individuals that **represent a broad range of individuals with disabilities from diverse backgrounds** (both ethnicity and type of disability)
- Individuals who **are knowledgeable about centers for independent living and independent living services**

All SILC members must be appointed by the governor

- **Appointments include** ex-officio, non-voting members and the CIL rep chosen by the centers.
- **A term is three years unless the person is filling an incomplete term.** Then it may be one or two years.
- **A member cannot serve more than two three-year terms unless they are filling an incomplete term;** then they may fill two full terms after that.
- **The SILC should solicit applications for membership** and after staff, chair and/or committee review, provide those applicants to the governor for consideration.
- **As a member you can provide applications to others you know or suggest they apply to serve on the council.** As you complete your service this would be extremely helpful.

What kind of board is the council?

- If you are a non-profit, it is a non-profit board, **bound by its bylaws and IRS requirements**. Of course, you can change your bylaws if you wish, following the requirements of the bylaws for that process.
- It is also a **governmental entity, established in law and not only in your by-laws**. The council cannot change those laws. That is why you are subject to open meeting requirements, for example.
- It is a **governing board, that typically hires and oversees staff** to accomplish the day-to-day work of the council.
- The **responsibility of the council is to approve the SPIL** (with the CILs) and then **monitor and evaluate the implementation of the SPIL**.

Role of the DSE

- Serve as the “grantee” for Part B \$.
- **Account to SILC for the Part B \$ and disperse those funds according to the SPIL** (usually verified in a report at every meeting).
- Keep records. **Complete the PPR report with the SILC.**
- Complete **any other reports** required.
- **Retain not more than 5% of Part B for DSE administrative costs.** It is not required to take 5%.
- The DSE **cannot hold funds.**
- **Sign the SPIL** agreeing to serve as the DSE.
- Have an “**ex officio**” **position on the SILC** (appointed by governor).

A word about “ex officios”



- “Ex officio” means that the person holds the position on your SILC **because of the position they hold in a state agency related to disabilities.**
 - The individual may have **helpful information about their agency**, or **expertise about a funding source** that the Council will find useful.
 - In the case of the SILC, these are **non-voting positions**. Some SILCs also define the position further in either their policies or their bylaws.
 - It is **not unusual to limit the contribution of ex officio members to observation or specific items on the agenda**, and not always have them involved in the open discussions of the Council.
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Role of CILs

- Provide the **Core Services**.
- Provide **other Independent Living Services**.
- Develop SPIL with **SILC**.
- Help to **implement SPIL**.
- Comply with **CIL Standards & Assurances and Indicators**.
- Conduct **Resource Development Activities**.
- **Select a CIL ED to serve on the SILC**, subject to appointment by the Governor.
- **More than 50% of the CIL Directors must sign the SPIL** to approve its content.

45 CFR § 1329.15 -- Duties of the SILC.

- 1) The duties of the SILC are those set forth in section 705(c), (d), and (e) of the Act.
- 2) The SILC shall develop the SPIL (State Plan for Independent Living) in accordance with guidelines developed by the Administrator;

What This Means:

- This section of the law sets the standards of a State Independent Living Council (SILC).
- The SILC must follow the federal process for developing the SPIL, typically every three years.

CFR = Code of Federal Regulations

§ 1329.15 Duties of the SILC. (continued)

- 3) The SILC shall monitor, review and evaluate the implementation of the SPIL on a regular basis as determined by the SILC and set forth in the SPIL;

What This Means:

- The SILC must review how the SPIL is working and if the plan is being followed.
- The SILC must follow the review process set in the SPIL.
- This is the main job of the SILC when it isn't developing the SPIL.

§ 1329.15 Duties of the SILC. (continued)

- 4) The SILC shall meet regularly, and ensure that such meetings are open to the public and sufficient advance notice of such meetings is provided;

What This Means:

- The SILC must meet regularly.
- The SILC must make sure anyone can attend their meetings.
- The SILC must announce the meeting ahead of time.

****More info on meetings in SILC
Assurances**

§ 1329.15 Duties of the SILC. (continued)

5) The SILC shall submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and

What This Means:

- The SILC submits a report each year to ACL, called the Program Progress Report (PPR, formerly 704).
- The SILC completes this report with the DSE.
- The last year's report is due the end of this month.

§ 1329.15 Duties of the SILC. (continued)

- 6) The SILC shall, as appropriate, coordinate activities with other entities in the State that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.

What This Means:

- There are entities in your state that offer services similar to or that can be paired with independent living services.
- The SILC must coordinate activities with these types of entities.
- This work is often accomplished by SILC staff.

§ 1329.15 Duties of the SILC. (continued)

In carrying out the duties under this section, the SILC may provide contact information for the nearest appropriate CIL. Sharing of such information shall not constitute the direct provision of independent living services as defined in section 705(c)(3) of the Act.

What This Means:

- The SILC is allowed to provide information to the public about the CILs.
- This is allowed and not considered directly providing independent living services.
- The SILC cannot directly provide independent living services.

§ 1329.15 Duties of the SILC. (continued)

- c) The SILC, in conjunction with the DSE, shall prepare a plan for the provision of resources, including staff and personnel that are necessary and sufficient to carry out the functions of the SILC.

What This Means:

- The SILC and the DSE will work together to come up with a resource plan (budget). The resource plan will show what types of funding will be used and how much will be used to support the SILC's responsibilities.
- This plan must be enough to operate the SILC.

§ 1329.15 Duties of the SILC. (continued)

(6) A **description of the SILC's resource plan must be included in the State plan.** The plan should include:

- i. Staff/personnel;
- ii. Operating expenses;
- iii. Council compensation and expenses;
- iv. Meeting expenses, including public hearing expenses, such as meeting space, alternate formats, interpreters, and other accommodations;
- v. Resources to attend training and/or secure training for staff and Council members; and
- vi. Other costs as appropriate.

§ 1329.15 Duties of the SILC. (continued)

(1) The resource plan amount shall be commensurate, to the extent possible, with the estimated costs related to SILC fulfilment of its duties and authorities consistent with the approved State Plan.

What This Means:

- The plan's funding should cover the costs of the SILC's required activities.
- The plan must have enough funding for the SILC to follow federal rules and the State Plan.

§ 1329.15 Duties of the SILC. (continued)

(2) Available resources include: Innovation and Expansion (I&E) funds authorized by 29 U.S.C. 721(a)(18); Independent Living Part B funds; State matching funds; other public funds (such as Social Security reimbursement funds); and private sources.

What This Means:

- Your resource plan can be made up of different federal, state, and private sources.
- Some of these sources include VR Innovation and Expansion Funds, federal Part B Funds, Social Security reimbursement funds, etc.

§ 1329.15 Duties of the SILC. (continued)

(3) In accordance with § 1329.10(a)(1), no more than 30 percent of the State's allocation of Subchapter B and Subchapter B State matching funds may be used to fund the resource plan, unless the approved SPIL provides that more than 30 percent is needed and justifies the greater percentage.

What This Means:

- Your resource plan cannot include more than 30% of the state's Subchapter B funds.
- An exception to this rule is when your state plan provides an explanation as to why more than 30% is needed by the SILC.
- Not all SILCs receive Part B funds.

§ 1329.15 Duties of the SILC. (continued)

(4) No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC.

What This Means:

- Your resource plan cannot require you to agree to something that will risk the SILC's independence.

§ 1329.15 Duties of the SILC. (continued)

(5) The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan.

What This Means:

- The SILC is responsible for ensuring it follows the rules when spending money from its Resource Plan.
- Often this means the council has someone perform an independent audit of the use of Part B and other SILC funds.

§ 1329.15 Duties of the SILC. (continued)

- d) The SILC shall carry out the activities in paragraph (a), to better serve individuals with significant disabilities and help achieve the purpose of section 701 of the Act.
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What This Means:

- The SILC is required to follow the federal rules to better serve people with significant disabilities.
- The SILC is also required to help achieve the purpose of this part of the Rehab Act.

Other duties/requirements



- The **plan also guides how the Part C centers**, who receive direct grants, are to **work within the state network**, whether or not they receive Part B funds.
 - The **SILC members are appointed by the governor**. The **SILC is a public entity**, and **meets regularly with open or public meetings**. These may or may not include public comments. Your plan describes this and must also comply with state open meeting requirements.
 - Your **SILC is independent** and **cannot agree to conditions or requirements in your SPIL or Resource Plan that risk that independence**.
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Some notes about public meetings

- You are **required to publish** the date and location of the meeting **prior** to the meeting. How much prior is **based on your state's open meetings act**.
- You are **required to publish the agenda prior to the meeting** based on the **open meetings act** in your state.
- **Typically**, you are **not required to take public comments**.
- You **can choose** if you take comments and when the public comments take place **in your agenda**.
- You **can limit the length of comments** provided by the public.
- You **CANNOT respond to public comments during the meeting** if those items are **not on the published agenda**. Because you are a public entity you **CANNOT deviate from the agenda** to address comments.
- You **can add the questions raised to a future agenda** or **offer to meet with the individual** to answer their questions off the record.

Other duties/requirements (continued)

- You are also **required to coordinate activities** with other entities in your state that **relate to your SPIL or people with disabilities**. Often this **coordination is a staff role**. Often these **entities can provide funding for their specialty services** (grants or fees for service) to either the SILC or the CILs.
 - Developmental Disabilities Council
 - Commission on Deaf/HH
 - Older Individuals who are Blind
 - Department of Education Special Education Department
 - Division of Vocational Rehabilitation
 - Are there other state entities that you include in your Council or your SPIL?

Other duties/requirements (continued 2)



- **You may hire or contract** with an Executive Director or other staff to **manage the day-to-day operations of the SILC**. You should have a **Scope of Work or job description** for that role.
 - The SILC should have a **policy for how the performance of the staff is evaluated**. This is **at least annually**, and typically is conducted by either the **chair or a committee of the SILC**.
 - The **staff role** is to manage the **day-to-day communication and operation** of the SILC.
 - Usually **staff is the contact** for **other organizations** and the **routine contact for the DSE**.
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§ 1329.15 Duties of the SILC. (continued)

e) The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions under this sections.

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What This Means:

- The SILC must supervise and evaluate its staff.
- This also means that if the SILC is assigned one or more State employees, they shall supervise and evaluate that personnel. The State must accept this feedback.

§ 1329.16 Authorities of the SILC.

- a) The SILC may conduct the following discretionary activities, as authorized & described in approved State Plan:

What This Means:

- The SILC is allowed to do the following optional activities if they are included in the State Plan:

§ 1329.16 Authorities of the SILC (continued)

- a) SILC **may** conduct the following **discretionary** activities, as **authorized & described** in approved State Plan:
- 1) Work with Centers for Independent Living to **coordinate services** with public and private entities to **improve services** provided to individuals with disabilities;
 - 2) Conduct **resource development** activities to support the activities described in the approved SPIL and/or to support the provision of independent living services by Centers for Independent Living; and
 - 3) Perform such **other functions**, consistent with the purpose of this part and comparable to other functions **described in section 705(c) of the Act**, as the **Council determines to be appropriate and authorized in the approved SPIL** (including advocacy and disaster planning).

§ 1329.16 Authorities of the SILC. (continued)

- a) Work with Centers for Independent Living to coordinate services with public and private entities to improve services provided to individuals with disabilities;

What This Means:

- Work with CILs to come together with other entities to improve services for people with disabilities.

§ 1329.16 Authorities of the SILC. (continued)

2) Conduct resource development activities to support the activities described in the approved SPIL and/or to support the provision of independent living services by Centers for Independent Living; and

What This Means:

- The SILC is allowed to find new funding sources to support the CILs or SPIL activities.
- You cannot spend federal funds on “fund raising” but other resource development is allowed if you include it in your SPIL.

§ 1329.16 Authorities of the SILC. (continued)

3) Perform such other functions, consistent with the purpose of this part and comparable to other functions described in section 705(c) of the Act, as the Council determines to be appropriate and authorized in the approved SPIL (including advocacy).

What This Means:

- The SILC is allowed to do other activities as long as:
 - The activity lines up with the Rehab Act,
 - The Council approves it, and,
 - The State Plan allows it.

Emergency Response Coordination as an authority in your SPIL

Many SPILs include this, typically that the **CILs will work with the SILC** to establish state-wide **emergency response coordination** to better reach and support individuals with disabilities residing in identified unserved counties.

- How many of you do this?
- Take a minute to tell your peers how this is coordinated.

Advocacy as an authority in your SPIL

This is the **most common authority**, as advocacy is such an important part of Independent Living.

- How many of you do this?
- Take a minute to tell your peers how this is coordinated.
- Is this a staff function or do council members participate?

Do you know how advocacy is different from lobbying, which is not allowed with federal funds or by you in your official council member role?

§ 1329.16 Authorities of the SILC. (continued)

In undertaking the foregoing duties and authorities, the SILC shall:

- Coordinate with the CILs in order to avoid conflicting or overlapping activities within the CILs' established service areas;
- Not engage in activities that constitute the direct provision of IL services to individuals, including the IL core services; and
- Comply with Federal prohibitions against lobbying.

What This Means:

- When a SILC is doing activities allowed under federal law, it must:
 - 1) Work with CILs to prevent duplicate or conflicting activities in a service area.
 - 2) Not directly provide IL services.
 - 3) Follow federal lobbying rules.

Many of the things we are discussing require policies and procedures for the SILC

- Whether or not your SILC is a 501(c)(3) you need written and Council approved policies and procedures.
- The SILC Indicators [SILC Indicators and Assurances](#)(effective (January 31, 2018) include some areas for policies.
- If you don't have a copy of the [SILC Indicators](#) and the SILC and DSE Assurances you can find them here:
<https://www.ilru.org/sites/default/files/publications/SILC%20Indicators%20and%20SILC%20and%20DSE%20Assurances%201.2018.pdf>
- Your SILC should have these policies approved by the full Council.

Highlights of SILC Policies Needed



- **Conflict of Interest and Disputes:** A method for identifying and resolving actual or potential disputes and conflicts of interest that are in compliance with State and federal law.
 - **Appointment Process:** The SILC must “maintain regular communication with the appointing authority to ensure efficiency and timeliness of the appointment process.”
***Notice that it is the SILC – either the chair or the staff, typically – that should have contact with the governor’s office regarding appointments to the SILC.*
 - **Training Plans:** The SILC must maintain individual training plans for each member.
***NOTE: Your training plan can include handouts and/or short training videos for a 20-minute segment of each meeting.*
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SPIL Basics

What is a SPIL?

To be eligible to receive Part B and Part C funding, a state needs to **submit an approvable three-year State Plan for Independent Living (SPIL) to the Administration for Community Living / Office of Independent Living Administration (ACL/OILP).**

The SPIL should serve as a blueprint for the independent living network in the state.

Who Develops the SPIL?

Developed by the **chairperson of the SILC**, and the **directors of the CILs**, **after** receiving **public input from individuals with disabilities and other stakeholders** throughout the State. **Signed by the chair with authorization of the council**, and at least **51% of the CILs**.

SILC Process for the SPIL

The **regulations lay out the requirements the SILC must follow** to get public input on the development of the SPIL. **Indicators provide greater detail.

At a minimum, the SILC must have document that you've followed your written process for:

- The SPIL development process
- How information is collected and used in SPIL development
- How input is gathered from the CILs
- How input is gathered from people with disabilities

You should have a current approved SPIL. If you feel your process needs to be improved, decide on that now! The next one is only two years away!

Keep a list now of things you want to change in your SPIL...

- You may want to **add the authority of resource development** for your SILC or another “missing” authority. (The CILs are already required to conduct resource development.)
- You may not want to revise your SPIL before next is developed in 2+ years, but **you don’t want to forget the things that come up**. The chair, the secretary or a committee chair may take on the role of keeping that list.
- As you monitor and evaluate progress you will want to **keep track of the new indicators** you want to add.

So let's talk about your SPIL

- You recently developed and submitted a three-year State Plan for Independent Living (SPIL).
- That plan went into effect October 1, 2024.
- **What is the SILC role in monitoring the effectiveness of that plan?**
- This is the **primary purpose of your meetings** now that you are monitoring the implementation of your SPIL.
- This includes **assuring Part B funds are spent** according to the SPIL.

An interesting fact...

The **SILC** cannot provide any direct services except referring someone to their local CIL.

- So if your SPIL addresses service needs for your state, **the CILs provide those services.**
- **Are your CILs reporting on their progress related to SPIL goals?**
You don't need full reports of everything they've done, but **you must be reviewing and evaluating the implementation of the SPIL.**

So if the CILs are doing a lot of the work...

- How can the SILC **monitor the implementation** of the SPIL?
- What **measures** are in your plan and how are the CILs **reporting** on them?
- The **SILC doesn't monitor the effectiveness of the CILs**, but there has to be a **relationship here in order to monitor if the agreed-to plan is being worked on**.
- Because this is **the SILC's primary role** – to monitor and evaluate the progress on the SPIL – the **reports from the CILs** are a (the?) **primary agenda item** for the Council's meetings.

Reminder: A SILC is fully operational if —

1. There is a current, complete and approved SPIL
2. The Council is properly constituted (meeting the membership requirements).

BUT the SILC can continue to do business as it works with the appointing authority to fill all the SILC positions. The Rehabilitation Act states in **Section 705.b.7: (B)** *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.

DSE Roles and Responsibilities—The Highlights

- Because of the autonomy of the SILC, the **SILC takes much more of a role** than in the past.
- While **most SILCs stayed with the Department of Rehabilitation as their DSE**, there have been **successful transitions to others** – ask if you want to consider another arrangement.
- The **DSE is specified in the SPIL** and a change can only be made with a new or amended SPIL.
- The **DSE agrees to assume these duties by signing the SPIL** that designates them.
- The **DSE can only retain 5% for the administrative operations** (but doesn't need to keep that).
- The **DSE receives, accounts for, and disburses funds received by the State under Subchapter (Part) B and Subchapter C in a State under section 723 of the Act** based on the State plan (Minnesota and Massachusetts).

Roles

DSE	SILC	CILs
1. Serve as the “grantee” for Part B \$.	1. Develop the SPIL.	1. Provide the Core IL Services.
2. Account to SILC for \$ and disbursement \$ per SPIL.	2. Monitor, review, & evaluate the implementation of the SPIL.	2. Provide other IL services consistent with Federal and State Law.
3. Provide administrative support for IL Program.	3. Meet regularly – open meetings.	3. Comply with CIL Standards, Assurances & Indicators.
4. Keep records. Complete PPR report with the SILC	4. Submit reports including SPIL fulfillment portion of PPR report Part I.	4. Develop SPIL with SILC.
5. Submit required reports/information.	5. Coordinate activities with other entities.	5. Implement SPIL.
6. Retain not more than 5% of Part B for DSE administrative costs. The DSE cannot hold funds.	6. Conduct Authorities as described in the law and outlined in SPIL, including advocacy and resource development.	6. Conduct Resource Development activities.
7. Sign the SPIL agreeing to serve as the DSE.	7. Shall NOT provide or manage IL services.	7. More than 50% of CIL Directors must sign the SPIL to approve content.
	8. Sign the SPIL to approve content.	

How do you apply these and other regulations?

- ✓ Call Paula if you aren't sure, 1-406-243-5438 or paula.mcelwee@mso.umt.edu
- ✓ Or ask your Program Officer.

The Program Officers are assigned by federal region and are listed on the ACL website. Go to <https://acl.gov/programs/community-living-programs/office-independent-living-programs-contact-list> and look for your state.

Contact Information

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Thank you on behalf of Independent Living Training and Technical Assistance Center for learning more today!

This project is on assignment through contract with the Administration on Disabilities, Administration for Community Living, Health and Human Services.

