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Designated State Entity (DSE) Peer Discussion

Section 4 of the SPIL

Today's Focus on SPIL Sections

- Section 4- Designated State Entity

Instructions and Instrument

State Plan for Independent Living Instructions and Instrument

- This link will take you to a direct download of the latest instructions for the SPIL (expiring in 2026) and the instrument, which is the template for filling out your State Plan.
- **NOTE FOR LINK:** *All instructions* (language not included in the SPIL Instrument itself) *are in italics.*

Section 4 DSE

Instrument Language: (name of entity) will serve as the entity in (name of state) designated to receive, administer, and account for funds made available to the state under Title VII, Chapter 1, Part B of the Act on behalf of the State.

4.1 DSE Responsibilities

- (1) receive, account for, and disburse funds received by the State under this chapter based on the plan;
- (2) provide administrative support services for a program under Part B, and a program under Part C in a case in which the program is administered by the State under section 723;
- (3) keep such records and afford such access to such records as the Administrator finds to be necessary with respect to the programs;
- (4) submit such additional information or provide such assurances as the Administrator may require with respect to the programs; and
- (5) retain not more than 5 percent of the funds received by the State for any fiscal year under Part B for the performance of the services outlined in paragraphs (1) through (4).
Sec. 704(c).

Section 4.2 Administration and Staffing: DSE

Assurances

Instrument Language: Administrative and staffing support provided by the DSE.

Instructions Language: Explain how the DSE will demonstrate that not more than 5% of the Part B appropriation (including state match) will be used on administrative costs.

When DSE employees serve as staff to the SILC, describe how the DSE will ensure that the SILC has the ability to hire, fire, and supervise such staff.

Describe how the DSE will assure that such staff will not be assigned to other projects/activities that would create a conflict of interest with their SILC responsibilities.

Section 4.3 State-Imposed Requirements

Instrument Language:

State-imposed requirements contained in the provisions of this SPIL including:

- State law, regulation, rule, or policy relating to the DSE's administration, funding, or operation of IL programs and/or establishment, funding, and operations of the SILC
- Rule or policy implementing any Federal law, regulation, or guideline that is beyond what would be required to comply with 45 CFR 1329
- That limits, expands, or alters requirements for the SPIL

Section 4.3 State-Imposed Requirements

Instructions Language:

Describe any requirements imposed by the State that is in addition to the Act and the IL regulations. Requirements may be with regard to:

- Establishment and operations of the SILC
- Provision of and uses of State funding for Independent Living services and/or the SILC
- Any other requirements having a direct impact on the SILC, CILs, IL services, and/or processing of funding

Describe how the DSE will ensure compliance with State requirements without restricting the autonomy of the SILC in fulfilling its duties, authorities, and responsibilities.

(NOTE: Pursuant to 45 CFR 1329.15(c)(4), the DSE may not include any conditions or requirements in the SILC's Resource Plan that may compromise the independence of the SILC.)

Section 4.4 Grant Process & Distribution of Funds

Instrument Language: Grant processes, policies, and procedures to be followed by the DSE in the awarding of grants of Part B funds.

Instructions Language:

Describe the processes, policies, and procedures to be followed by the DSE in the awarding of grants of Part B funds including (all of the following are required):

- Process for soliciting proposals
- Development of format for proposals
- Process for reviewing proposals and who reviewers will be
- Process for evaluating performance and compliance of grantees

(The above must also specify any differences for continuation funding vs. new awards.)

Section 4.5 Oversight Process for Part B Funds

Instrument Language: The oversight process to be followed by the DSE.

Instructions Language: Describe the oversight process for:

- Part B (with or without Part C received) oversight by DSE
- Other funds included in 1.5 Financial Plan, excluding section 722 part C funds
- Other oversight activities

NOTE:

Section 1.4 (Evaluation) Instructions Include this Note: *“Compliance of CILs receiving Part B funds for general operations is the responsibility of the DSE with respect to the Part B funding. **The process for that oversight must be negotiated and included in Section 4.5 of the SPIL.**”*

Section 4.6 722 vs. 723 State

Instrument Language:

Check one: To indicate which applies to your state

722 (if checked, will move to Section 5

723 (if checked, will move to Section 4.7)

Background:

722 - Refers to Section 722 of the Rehabilitation Act, which addresses Title VII Part C funding for states in which Federal funding exceeds State funding of CILs.

Section 722 state DSEs do not administer Federal funding to Grantees under Part C of the Rehabilitation Act.

723 - Refers to Section 723 of the Rehabilitation Act, which addresses Title VII Part C funding for states in which State funding exceeds Federal funding of CILs.

Section 723 state DSEs may apply to ACL to administer Federal funding to Grantees under Part C of the Rehabilitation Act.

Section 4.7 723 States

Instrument Language:

- Order of priorities for allocating funds amounts to Centers, agreed upon by the SILC and Centers, and any differences from 45 CFR 1329.21 & 1329.22.
- How state policies, practices, and procedures governing the awarding of grants to Centers and oversight of the Centers are consistent with 45 CFR 1329.5, 1329.6, & 1329.22.
- The oversight process to be followed by the DSE.

Section 4.7 723 States

Instructions Language: Describe the order of priorities for allocating funds, how agreement of the SILC and CILs was secured, and differences (if any) from the priorities in the regulations.

- Describe the processes, policies, and procedures to be followed in the awarding of grants of Part B and Part C funds including:
 - Process for soliciting
 - Development of format for proposals
 - Process for reviewing proposals and who reviewers will be
 - Process for evaluating performance and compliance of grantees

The above must also specify any differences for continuation funding vs. new awards.

- Describe the oversight process for:
 - Part C and Part B (alone or in combination with other funds)
 - Other funds included in 1.4 Financial Plan
 - Other oversight activities

Section 5.1 Establishment of the SILC

Instrument Language: How the SILC is established and SILC autonomy is assured.

Instructions Language: Describe the establishment (legal mechanism by which the SILC was established), placement (where the SILC is located organizationally and fiscally), and organizational status of the SILC (nonprofit, or other) and how autonomy and independence from the DSE (and all other state agencies) is assured.

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Resources

- [The Rehabilitation Act:](#)
- [Independent Living Regulations:](#)
- [State Plan for Independent Living Instructions and Instrument:](#)
- [SILC Indicators](#)

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