

State: NORTH DAKOTA

**STATE PLAN FOR  
INDEPENDENT LIVING  
(SPIL)**

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

**STATE INDEPENDENT LIVING SERVICES (SILS) PROGRAM  
PART B**

**CENTERS FOR INDEPENDENT LIVING (CIL) PROGRAM  
PART C**

**FISCAL YEARS 2017-2019**

Effective Date: October 1, 2017

OMB NUMBER: 1820-0527

## TABLE OF CONTENTS

### Part I: Assurances

Section 1: Legal Basis and Certifications .....	3
Section 2: SPIL Development .....	3
Section 3: Independent Living Services .....	5
Section 4: Eligibility .....	5
Section 5: Staffing Requirements .....	5
Section 6: Fiscal Control and Fund Accounting .....	6
Section 7: Recordkeeping, Access and Reporting .....	6
Section 8: Protection, Use and Release of Personal Information .....	7
Section 9: Signatures.....	7

### Part II: Narrative

Section 1: Goals, Objectives and Activities.....	8
Section 2: Scope, Extent, and Arrangements of Services .....	12
Section 3: Design for the Statewide Network of Centers .....	14
Section 4: Designated State Unit (DSU) .....	14
Section 5: Statewide Independent Living Council (SILC) .....	15
Section 6: Service Provider Requirements .....	16
Section 7: Evaluation .....	17
Section 8: State-Imposed Requirements .....	17

## **PART I: Assurances**

State of: North Dakota

### **Section 1: Legal Basis and Certifications**

- 1.1 The designated State unit (DSU) eligible to submit the State Plan for Independent Living (SPIL or the plan) and authorized under State law to perform the functions of the State under the State Independent Living Services (SILS) and Centers for Independent Living (CIL) programs is North Dakota (insert name of DSU). *34 CFR 76.104(a)(1) and (2); 34 CFR 364.22(a)*
- 1.2 The separate State agency eligible to submit the plan and authorized under State law to provide vocational rehabilitation (VR) services to individuals who are blind is the North Dakota Vision of Vocational rehabilitation (insert name of separate State agency). Indicate N/A if not applicable. *34 CFR 76.104(a)(1) and (2); 34 CFR 364.20(d) and 364.22(c)*
- 1.3 The Statewide Independent Living Council (SILC) that meets the requirements of section 705 of the Act and is authorized to perform the functions outlined in section 705(c) of the Act in the State is North Dakota Statewide Independent Living Council (insert name of SILC). *34 CFR 364.21(a)*
- 1.4 The DSU and, if applicable, the separate State agency authorized to provide VR services to individuals who are blind, and the SILC are authorized to jointly develop, sign and submit this SPIL on behalf of the State, and have adopted or otherwise formally approved the SPIL. *34 CFR 76.104(a)(7); 34 CFR 364.20(c) and (d)*
- 1.5 The DSU, and, if applicable, the separate State agency authorized to provide VR services to individuals who are blind, may legally carry out each provision of the plan and will comply with all applicable Federal statutes and regulations in effect with respect to the three-year period it receives funding under the SPIL. *34 CFR 76.104; 34 CFR 80.11(c)*
- 1.6 The SPIL is the basis for State operation and administration of the program. All provisions of the SPIL are consistent with State law. *34 CFR 76.104(a)(4) and (8)*
- 1.7 The representative of the DSU and, if applicable, of the separate State agency authorized to provide VR services to individuals who are blind, who has the authority under State law to receive, hold, and disburse Federal funds made available under the SPIL and to submit the SPIL jointly with the SILC chairperson is Russell Cusack, Director, North Dakota Division of Vocational Rehabilitation (Name, title of DSU director) and N/A. (Name, title of separate State agency director, if applicable). *34 CFR 76.104(a)(5) and (6)*

### **Section 2: SPIL Development**

- 2.1 The plan shall be reviewed and revised not less than once every three years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, the needs in the State for:

- The provision of State independent living services;
- The development and support of a statewide network of centers for independent living; and
- Working relationships between programs providing independent living services and independent living centers, the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities. *34 CFR 364.20(f)*

2.2 The DSU and SILC conduct public meetings 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 Commissioner and on any revisions to the approved State plan. *34 CFR 364.20(g)(1)*

2.3 The DSU and SILC establish and maintain a written description of procedures for conducting public meetings in accordance with the following requirements. The DSU and SILC shall provide:

- appropriate and sufficient notice of the public meetings (that is, 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);
- reasonable accommodation to individuals with disabilities who rely on alternative modes of communication in the conduct of the public meetings, including providing sign language interpreters and audio-loops; and
- public meeting notices, written material provided prior to or at the public meetings, and the approved State plan in accessible formats for individuals who rely on alternative modes of communication. *34 CFR 364.20(g)(2)*

2.4 At the public meetings to develop the State plan, the DSU and SILC identify those provisions in the SPIIL that are State-imposed requirements beyond what would be required to comply with the regulations in 34 CFR parts 364, 365, 366, and 367. *34 CFR 364.20(h)*

2.5 The DSU will seek to incorporate into, and describe in, the State plan any new methods or approaches for the provision of IL services to older individuals who are blind that are developed under a project funded under chapter 2 of title VII of the Act and that the DSU determines to be effective. *34 CFR 364.28*

2.6 The DSU and SILC actively consult, as appropriate, in the development of the State plan with the director of the Client Assistance Program (CAP) authorized under section 112 of the Act. *34 CFR 364.20(e)*

### **Section 3: Independent Living Services**

- 3.1 The State, directly or through grants or contracts, will provide IL services with Federal, State, or other funds. *34 CFR 364.43(b)*
- 3.2 Independent living services shall be provided to individuals with significant disabilities 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. *34 CFR 364.43(c)*
- 3.3 All service providers will use formats that are accessible to notify individuals seeking or receiving IL services under chapter 1 of title VII about:
- the availability of the CAP authorized by section 112 of the Act;
  - the purposes of the services provided under the CAP; and
  - how to contact the CAP. *34 CFR 364.30*
- 3.4 Participating service providers meet all applicable State licensure or certification requirements. *34 CFR 365.31(c)*

### **Section 4: Eligibility**

- 4.1 Any individual with a significant disability, as defined in 34 CFR 364.4(b), is eligible for IL services under the SILS and CIL programs authorized under chapter 1 of title VII of the Act. Any individual may seek information about IL services under these programs and request referral to other services and programs for individuals with significant disabilities, as appropriate. The determination of an individual's eligibility for IL services under the SILS and CIL programs meets the requirements of 34 CFR 364.51. *34 CFR 364.40(a), (b) and (c)*
- 4.2 Service providers apply eligibility requirements without regard to age, color, creed, gender, national origin, race, religion or type of significant disability of the individual applying for IL services. *34 CFR 364.41(a)*
- 4.3 Service providers do not impose any State or local residence requirement that excludes any individual who is present in the State and who is otherwise eligible for IL services from receiving IL services. *34 CFR 364.41(b)*

### **Section 5: Staffing Requirements**

- 5.1 Service provider staff includes personnel who are specialists in the development and provision of IL services and in the development and support of centers. *34 CFR 364.23(a)*
- 5.2 To the maximum extent feasible, a service provider makes available personnel able to communicate:
- with individuals with significant disabilities who rely on alternative modes of communication, such as manual communication, nonverbal communication devices,

Braille or audio tapes, and who apply for or receive IL services under title VII of the Act; and

- in the native languages of individuals with significant disabilities whose English proficiency is limited and who apply for or receive IL services under title VII of the Act. *34 CFR 364.23(b)*

5.3 Service providers 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 programs emphasize improving the skills of staff directly responsible for the provision of IL services, including knowledge of and practice in the IL philosophy. *34 CFR 364.24*

5.4 All recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will take affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act. *34 CFR 364.31*

#### **Section 6: Fiscal Control and Fund Accounting**

6.1 All recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will comply with applicable EDGAR fiscal and accounting requirements and will adopt those fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for those funds. *34 CFR 364.34*

#### **Section 7: Recordkeeping, Access and Reporting**

7.1 In addition to complying with applicable EDGAR recordkeeping requirements, all recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will maintain records that fully disclose and document:

- the amount and disposition by the recipient of that financial assistance;
- The total cost of the project or undertaking in connection with which the financial assistance is given or used;
- the amount of that portion of the cost of the project or undertaking supplied by other sources;
- compliance with the requirements of chapter 1 of title VII of the Act and Part 364 of the regulations; and
- other information that the Commissioner determines to be appropriate to facilitate an effective audit. *34 CFR 364.35(a) and (b)*

7.2 With respect to the records that are required by *34 CFR 364.35*, all recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will submit reports that the Commissioner determines to be appropriate. *34 CFR 364.36*

7.3 All recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will provide access to the Commissioner and the Comptroller General, or any of their duly

authorized representatives, to the records listed in 34 CFR 364.37 for the purpose of conducting audits, examinations, and compliance reviews. 34 CFR 364.37

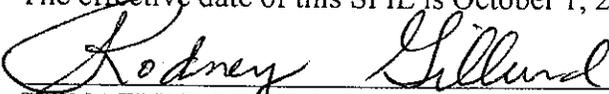
**Section 8: Protection, Use, and Release of Personal Information**

8.1 Each service provider will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names in accordance with the requirements of 34 CFR 364.56(a)(1-6). 34 CFR 364.56(a)

**Section 9: Signatures**

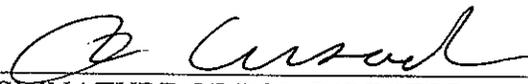
After having carefully reviewed all of the assurances in sections 1 - 8 of this SPIL, the undersigned hereby affirm that the State of North Dakota is in compliance and will remain in compliance with the aforementioned assurances during 2017-2019.

The effective date of this SPIL is October 1, 2017.

  
SIGNATURE OF SILC CHAIRPERSON

6-17-2016  
DATE

Rodney Gillund  
NAME OF SILC CHAIRPERSON

  
SIGNATURE OF DSU DIRECTOR

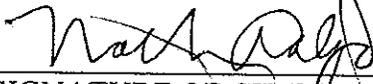
6-23-2016  
DATE

Russell Cusack, Director of Vocational Rehabilitation  
NAME AND TITLE OF DSU DIRECTOR

\_\_\_\_\_  
SIGNATURE OF DIRECTOR OF THE SEPARATE  
STATE AGENCY FOR INDIVIDUALS WHO ARE BLIND

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NAME AND TITLE OF THE DIRECTOR OF THE  
SEPARATE STATE AGENCY FOR INDIVIDUALS WHO ARE BLIND

  
SIGNATURE OF CIL DIRECTOR

6/23/16  
DATE

Nate Aalgaard, Director of Freedom Resource Center for Independent Living  
NAME AND TITLE OF CIL DIRECTOR



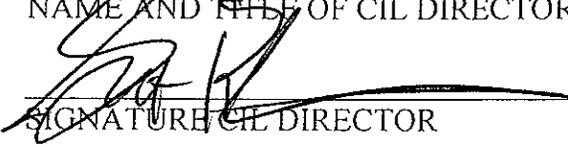
6/20/16

SIGNATURE CIL DIRECTOR

DATE

Randy Sorenson, Director of Options Resource Center for Independent Living

NAME AND TITLE OF CIL DIRECTOR



6/13/16

SIGNATURE CIL DIRECTOR

DATE

Scott Burlingame, Director of Independence Inc.

NAME AND TITLE OF CIL DIRECTOR



6-13-16

SIGNATURE CIL DIRECTOR

DATE

Royce Schultze, Director of Dakota Center for Independent Living

NAME AND TITLE OF CIL DIRECTOR

## **Part II: Narrative**

### **Section 1: Goals, Objectives and Activities**

#### **1.1 Goals and Mission – 34 CFR 364.42(b)(1)**

Describe the overall goals and mission of the State's IL programs and services. The SPIL must address the goals and mission of both the SILS and the CIL programs, including those of the State agency for individuals who are blind as they relate to the parts of the SPIL administered by that agency.

The mission of the Statewide Independent Living Council (SILC) is to lead the independent Living network by developing resources and advocating for full community participation of North Dakotans with disabilities.

The Statewide Independent Living Council with the Designated State Entity (DSE) and CIL representatives have established the following four overall goals under the plan for federal fiscal years 2017 - 2019 and has determined them to be consistent with its mission and Title VII, Chapter 1 of the Act.

Center for Independent Living (CIL) representatives are active participants in all SILC meetings. Each of the CILs hosted the public hearings for this SPIL and all CILs distributed public input flyers and SPIL needs assessments during the winter of 2015/2016. In addition, CIL representatives, CIL staff, the DSE, and CAP have been consulted regarding the compatibility of the SPIL with their goals and missions and have assisted in the development and review of this entire SPIL. The work plans of the CILS were reviewed in order to ensure compatibility with the SPIL.

**Goal I: The Statewide Independent Living Council recruits and maintains an active, cross-disability, consumer-controlled membership.**

**Goal II: The needs of individuals with disabilities are identified and met by current IL agencies.**

**Goal III: North Dakota citizens are aware of the Independent Living philosophy and services available through IL agencies.**

**Goal IV: The SILC, DSU and CILs will collaborate with other disability organizations.**

**The SILC, DSE and CILs will assist with the transition of people with disabilities from nursing facilities and other institutions to home and community based living; provides assistance to those at risk of entering an institution; and facilitates the transition of youth with disabilities into higher education, the**

**workforce and the community.**

1.2 Objectives – 34 CFR 364.42(a)(1) and (d); 34 CFR 364.32; 34 CFR 364.33

1.2A Specify the objectives to be achieved and the time frame for achieving them.

The goals and objectives were reviewed by the Director of the state Client Assistance Program. The director’s comments were reviewed and taken into consideration when finalizing the SPIL.

<b>GRID FOR SPIL GOALS &amp; OBJECTIVES 2017-2019</b>			
<b>Goal I</b>			
<b>The Statewide Independent Living Council recruits and maintains an active, cross-disability, consumer-controlled membership.</b>			
<b>OBJECTIVES</b>	<b>RESPONSIBLE</b>	<b>DUE</b>	<b>STATUS</b>
A. The Governance Committee has strategies to fill positions with active members with diverse backgrounds on a quarterly basis.			
1. The Governance Committee will communicate with the Governor’s Office regarding membership as needed.	<b>Governance Committee</b>	As needed, at least twice a year	
2. The Governance Committee will recruit members	<b>Governance Committee</b>	Ongoing	
B. The SILC members are made knowledgeable about the roles and responsibilities of the SILC and its committees, IL philosophy, IL services and IL standards and indicators during their first term on the council.			

1. The Governance Committee trains new members on the roles and responsibilities of the SILC and its committees, IL philosophy, IL services and IL standards and indicators and assigns a mentor to new SILC members.	<b>Governance Committees</b>	As new members are appointed	
2. Each new member will tour a CIL and meet with staff and consumers within the first year of their term.	<b>CIL Directors Governance Committee</b>	Each Meeting	
3. The Governance Committee will recommend a slate of officers every 2 years.	<b>Governance Committee</b>	Spring of 2017	
4. Committee members and chairs are appointed by the SILC President.	<b>SILC President</b>	As new members join the SILC	
5. The Internal Affairs Committee will monitor the implementation of the SPIL goals and objectives.	<b>Internal Affairs Committee</b>	Quarterly	
6. Each committee develops an annual work plan that is reviewed by the Council.	<b>All Committees</b>	Every Summer	
7. The SILC members will complete a training needs assessment to determine the training provided at quarterly meetings by the Governance Committee.	<b>Governance Committee</b>	Annually in Fall	
8. The SILC members will complete a survey to determine their level of involvement on the Council and any changes they would like to see made.	<b>Governance Committee</b>	Annually in Fall	

C. The SILC will identify and recommend changes be made to the state legislative and administrative rules to comply with the language in the Workforce Innovation and Opportunity Act.	<b>External Affairs</b>	Spring of 2017	
D. The SILC will be in compliance with federal standards and indicators.	<b>Executive Committee, Internal Affairs</b>	Ongoing	

<b>GOAL II</b>			
<b>The needs of individuals with disabilities are identified and met by current IL agencies.</b>			
<b>OBJECTIVES</b>	<b>RESPONSIBLE</b>	<b>DUE</b>	<b>STATUS</b>
A. SILC members and CILS obtain knowledge of the consumer needs regarding IL services in North Dakota on an ongoing basis.			
1. The CILS and SILC will conduct continuing consumer needs assessments regarding Independent Living Services in North Dakota.	<b>Internal Affairs Committee</b>	Triennial	
2. The SILC, CILs, VR, and State Rehabilitation Council (SRC) will hold forums to obtain consumer and interagency planning input at least every three years.	<b>Internal Affairs Committee</b>	Spring of 2019	
3. The CILs will identify the needs of unserved and underserved populations on an ongoing basis.	<b>CILs, Internal Affairs Committee</b>	Ongoing	
4. The CILs will expand services to unserved and underserved counties with additional funding.	<b>CILS</b>	Spring of 2019	

5. The SILC will invite and actively encourage members of each of the Indian Reservations and other minority populations in North Dakota to attend SILC meetings and provide information.	<b>External Affairs Committee</b>	Summer of 2019	
6. The CILs demographic data will be evaluated annually and compared with other data maintained on people with disabilities throughout the state to determine unserved and underserved populations	<b>CILs, Internal Affairs Committee</b>	Annually	
7. The SILC and DSE will review the results of CILs consumer satisfaction surveys annually.	<b>Internal Affairs Committee</b>	Annually in Winter	
B. The CILs, in collaboration with other disability related agencies, identify services and distribute information to benefit consumers.			
1. A SILC Member, CIL Director or designee will attend transportation, accessible housing and employment meetings, as identified in the needs assessment, to advocate for the needs of the disability community. A report will be provided to the SILC.	<b>CILs, External Affairs Committee</b>	Ongoing	
2. The SILC & CILs will work in partnership with the work to promote more accessible transportation options in North Dakota.	<b>External Affairs</b>	Summer of 2019	
3. The SILC and CILs will maintain open communication with disability related service providers and disability advocacy groups to identify services and disseminate information to benefit people with disabilities.	<b>CIL Directors, External Affairs, Governance</b>	Ongoing	

4. The SILC will support the Network of CIL's as being the preferred provider of independent living core services in the state of North Dakota.	<b>External Affairs</b>	Ongoing	
---	-------------------------	---------	--

<b>GOAL III</b> <b>North Dakota citizens are aware of the Independent Living philosophy and services available through IL agencies.</b>			
<b>OBJECTIVES</b>	<b>RESPONSIBLE</b>	<b>DUE</b>	<b>STATUS</b>
A. The SILC, DSE, and CILs collaborate to increase public awareness regarding independent living on an ongoing basis.			
1. The public will be provided with education materials to promote independent living philosophy and the services of independent living.	<b>CILs, External Affairs Committee</b>	Ongoing	
2. The SILC, in collaboration with the DSE, will design a webpage and actively manage and update the information and links to other disability agencies.	<b>External Affairs Committee, DSE</b>	Summer of 2017	
3. CILs and SILC members will participate in public radio & television broadcasts and publish newspaper articles to provide IL awareness.	<b>External Affairs Committee, CILs</b>	Ongoing	
4. The CILs and SILC will submit to the DSE any press releases that will be published in local and statewide newspapers informing the public of SILC members' appointments to the Council and IL achievements and information.	<b>External Affairs Committee</b>	Ongoing	

**GOAL IV**  
**The SILC, DSE and CILs will collaborate with other disability organizations**

<b>OBJECTIVES</b>	<b>RESPONSIBLE</b>	<b>DUE</b>	<b>STATUS</b>
A. The SILC, State Rehabilitation Council (SRC), Centers for Independent Living, the DSE, and other disability-related organizations maintain open communication on an ongoing basis.			
1. The SRC and SILC will share information.	<b>Internal Affairs Committee</b>	Quarterly Meetings	
a. The SILC will recommend a representative to serve on the SRC.	<b>Internal Affairs Committee</b>	Spring of 2017	
2. CILs and Regional VR Offices will be made aware of the services provided by each entity on an annual basis.	<b>CILS</b>	Ongoing	
a. CILs and VR staff will maintain communication and collaboration.	<b>CILS, DVR</b>	Ongoing	
3. SILC will invite disability related organizations to SILC meetings.	<b>Governance Committee, External Affairs Committee</b>	Ongoing	
B. The SILC/CIL members are available to provide information to elected officials and policy makers concerning IL issues and philosophy.			
1. The External Affairs Committee, CILs and the DSE will track bills that are pertinent to IL and provide a report to the council during legislative sessions. This information will be used to inform consumers on statewide IL issues	<b>External Affairs Committee</b>	Legislative session years	
C. The SILC will create opportunities for people with disabilities from around the state to provide input on their needs and the barriers they face to live independently.	<b>External Affairs Committee</b>	Ongoing	

**GOAL V**

**The SILC, DSE and CILs will assist with the transition of people with disabilities from nursing facilities and other institutions to home and community based living; provides assistance to those at risk of entering an institution; and facilitates the transition of youth with disabilities into higher education, the workforce and the community.**

<b>OBJECTIVES</b>	<b>RESPONSIBLE</b>	<b>DUE</b>	<b>STATUS</b>
A. The SILC, DSE, and CILs collaborate to increase public awareness regarding transition issue on ongoing basis.			
1. The SILC will provide the opportunity for people with disabilities who have benefited from services to come to a SILC meeting and share their stories.	<b>CIL Directors, External Affairs Committee</b>	Ongoing	
2. The SILC will invite legislators to come to the SILC meetings to hear testimony provided by people with disabilities.	<b>CIL Directors, External Affairs Committee</b>	Ongoing	
3. The SILC will provide input to the state Medicaid plan to encourage home and community based services	<b>CIL Directors, External Affairs</b>	Ongoing	
4. The SILC will hold discussions to identify and address the needs of youth with disabilities after leaving a school setting.	<b>External Affairs, DSE</b>	Ongoing	
5. DSE and CIL's will partner for pre-employment transition services.	<b>CIL Directors, DSE</b>	Ongoing	
6. The Network of CIL's and the SILC will develop a standard and accepted definition of prevention and transitions outcome.	<b>CIL Directors</b>	Spring of 2017	

1.2B Describe the steps planned regarding outreach to populations in the State that are unserved or underserved by programs under title VII, including minority groups and urban and rural populations. This section of the SPIL must:

- Identify the populations to be designated for targeted outreach efforts;
- Identify the geographic areas (i.e., communities) in which the targeted populations reside;  
and
- Describe how the needs of individuals with significant disabilities from minority group backgrounds will be addressed.

Keeping in line with the new core service, youth with disabilities who are transitioning from secondary to post-secondary education or into the workforce will be targeted to receive the IL services necessary to make that transition a success. We will also seek to target people who are living in institutions or at risk of institutional placement in order to

provide services to increase independence and autonomy.

Each Center for Independent Living has also identified individual and localized target outreach plans to better serve minority populations such as New Americans, Native Americans, people in extreme rural areas, and people who need mental health services. We will also work to find ways to better serve North Dakota's large Veterans population.

In evaluating various needs assessments, the SILC has determined a need for additional outreach to all populations of people with disabilities who need assistance with obtaining housing, employment, and education. We also will provide outreach and education to increase the recreational opportunities available to North Dakotan's with Disabilities.

All counties statewide will be targeted for outreach efforts as funding allows.

1.3 Financial Plan – 34 CFR 364.42(a)(2) and (3); 34 CFR 364.29

Describe in sections 1.3A and 1.3B, below, the financial plan for the use of Federal and non-Federal funds to meet the SPIL objectives.

1.3A Financial Plan Tables

Complete the financial plan tables covering years 1, 2 and 3 of this SPIL. For each funding source, provide estimated dollar amounts anticipated for the applicable uses. The financial plan table should include only those funding sources and amounts that are intended to support one or more of the objectives identified in section 1.2 of the SPIL. To the extent possible, the tables and narratives must reflect the applicable financial information from centers for independent living. Refer to the SPIL Instructions for additional information about completing the financial tables and narratives.

– Insert additional rows for the specific funding sources and amounts expected within the categories of Other Federal Funds and Non-Federal Funds.

**Year 1 - Approximate Funding Amounts and Uses**

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Title VII Funds - Chapter 1, Part B	11,932		305,350	
Title VII Funds - Chapter 1, Part C			839,761	

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Title VII Funds - Chapter 2, OIB (only those provided by the OIB grantee to further a SPIL objective)				
Other Federal Funds - Sec. 101(a)(18) of the Act (Innovation and Expansion)				
Other Federal Funds - Other	16,310			
Non-Federal Funds -State Funds			879,503	
Non-Federal Funds - Other				

**Year 2 - Approximate Funding Amounts and Uses**

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Title VII Funds - Chapter 1, Part B	11,932		305,350	
Title VII Funds - Chapter 1, Part C			839,761	
Title VII Funds - Chapter 2, OIB (only those provided by the OIB grantee to further a SPIL objective)				
Other Federal Funds - Sec. 101(a)(18) of the Act (Innovation and Expansion)				

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Other Federal Funds - Other	16,310			
Non-Federal Funds -State Funds			879, 503	
Non-Federal Funds - Other				

**Year 3 - Approximate Funding Amounts and Uses**

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Title VII Funds - Chapter 1, Part B	11,932		305,350	
Title VII Funds - Chapter 1, Part C			839,761	
Title VII Funds - Chapter 2, OIB (only those provided by the OIB grantee to further a SPIL objective)				
Other Federal Funds - Sec. 101(a)(18) of the Act (Innovation and Expansion)				
Other Federal Funds - Other	16,310			
Non-Federal Funds -State Funds			879, 503	
Non-Federal Funds - Other				

**1.3B Financial Plan Narratives**

1.3B(1) Specify how the part B, part C and chapter 2 (Older Blind) funds, if applicable, will further the SPIL objectives.

All Federal and State funds are distributed to Center for Independent Living services to fulfill Center for Independent Living services and SPIL objectives.

1.3B(2) Describe efforts to coordinate Federal and State funding for centers and IL services, including the amounts, sources and purposes of the funding to be coordinated.

As noted on the table above, all Part B funds are utilized for the provision of Center for Independent Living services. All Part C and state funds are utilized to fund the general operations of the CILs.

The Designated State Entity the Division of Vocational Rehabilitation will make available \$16,310 of 110 Basic Support funds received from the Rehabilitation Service Administration each year of the SPIL to support the Resource Plan for the State Independent Living Council activities.

1.3B(3) Describe any in-kind resources including plant, equipment or services to be provided in support of the SILC resource plan, IL services, general CIL operations and/or other SPIL objectives.

In addition to the Independent Living Program Administrator/SILC Liaison who works with the SILC and the CILs, the DSE continues to provide support to the President of the SILC and committee chairs as requested. This service allows the President and SILC committees to conduct business with minimal problems.

Additional administrative support services include:

- Coordinates arrangements for SILC and committee meeting sites
- Notifies members of dates and time of meetings
- Processes all travel and honorarium reimbursement requests
- Records, transcribes, and distributes meeting minutes
- Provides clerical support to SILC committees as requested
- Assists in the preparation of the 704 report and the Title VII State Plan
- Orders supplies for the SILC, when needed

1.3B(4) Provide any additional information about the financial plan, as appropriate.

N/A

1.4 Compatibility with Chapter 1 of Title VII and the CIL Work Plans – 34 CFR 364.42(c) and (e)

1.4A Describe how the SPIL objectives are consistent with and further the purpose of chapter 1 of title VII of the Act as stated in section 701 of the Act and 34 CFR 364.2.

The SPIL goals and objectives were developed to further the purpose of Chapter 1 Title VII of the Act, while at the same time, meeting the needs in North Dakota. As

demonstrated in Section 1.2 of this SPIL, the goals and objectives reflect Section 701 of the Act in that they:

Promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-determination, equal access, and individual, self-help, self-determination, equal leadership, empowerment, independence, and productivity of individuals with significant disabilities, and the integration and full inclusion of such individuals into the mainstream of American society.

Provide financial assistance for providing, expanding, or improving the provision of IL services.

Provide assistance to develop and support a statewide network of Centers for Independent Living (CILs) operated by consumer-controlled, community-based cross-disability, non-residential private non-private agencies that are operated within local communities by individuals with disabilities and that provide an array of IL services. Provide strategies to improve working relationships among the various entities affecting the lives of people with significant disabilities.

1.4B Describe how, in developing the SPIL objectives, the DSU and the SILC considered and incorporated, where appropriate, the priorities and objectives established by centers for independent living under section 725(c)(4) of the Act.

The SILC and the CILs have jointly developed the SPIL. The DSE was invited by the SILC to be an active participant in the development of the goals and objectives of the SPIL. The SILC established a SPIL committee to complete a trend analysis of using needs assessment data collected by the SILC and CILS to determine the goals and objectives of the SPIL. Input was gained from key stakeholders on the goals and objectives of the SPIL that included the Director of the Client Assistance Program. We developed a process by conducting and reviewing the SILC statewide needs assessment and reviewing and analyzing data from the CIL needs assessments and consumer satisfaction surveys. Consumers of each CIL were invited to provide input on SPIL goals and objectives.

Because the CILs receive the majority of the funds distributed through this SPIL, the SILC and DSE rely on the CILs to carry out many of the SPIL objectives. Consequently, the SILC and the DSE make every effort to ensure that the SPIL objectives are consistent with and support the CILs individual objectives. The SPIL Planning committee reviewed the work plans of every CIL in order to ensure SPIL consistency.

The CILs are actively involved throughout the year in all aspects of the SILC meetings and activities. North Dakota Century Code also requires 2 CIL directors be SILC members, which goes beyond the federal statute which requires one CIL director. In addition, all 4 Directors, or their representatives, attend the quarterly SILC meetings. Center for Independent Living staff and Directors who are not members of the SILC are also active on various committees of the SILC.

Both the SILC and DSE have actively supported the CILs for several years, and have

agreed that all Title VII Part B funds, and additional state funds not needed for the operation of the SILC, be distributed to the CILs.

1.5 Cooperation, Coordination, and Working Relationships Among Various Entities – 34 CFR 364.26

Describe the steps that will be taken to maximize the cooperation, coordination and working relationships among the SILS program, the SILC, and centers; the DSU, other State agencies represented on the SILC and other councils that address the needs of specific disability populations and issues; and other public and private entities determined to be appropriate by the SILC.

- The description must identify the entities with which the DSU and the SILC will cooperate and coordinate.

The SILC, CILs and the DSE have developed several objectives in this SPIL that foster cooperation, coordination and working relationships among many entities including the CILs, the DSE, the SRC and others.

Accomplishment of the objectives and corresponding action steps will be assigned to SILC committees or the CILs, where appropriate, with reports on progress provided by committee chairs at the SILC meetings. Examples of cooperation and collaboration include continuing to hold a joint meeting with the State Rehabilitation Council at least once every two years to provide training to the members which benefits both councils. We also extend invitations to various disability-related agencies to attend the SILC meetings.

The SILC, DSE and CILs will work to create a stronger working relationship between disability related organizations. Primary entities with whom the SILC, DSE and CILs will cooperate and coordinate include, but are not limited to, the following:

*North Dakota Center for Persons with Disabilities  
North Dakota Department of Human Services – Aging Programs  
Medical Services/Money Follows the Person Grant  
State Rehabilitation Council (SRC)  
Veterans Organizations  
Protection and Advocacy  
Vocational Rehabilitation  
Mental Health Association  
Client Assistance Program  
American Indian Groups*

1.6 Coordination of Services – 34 CFR 364.27

Describe how IL services funded under chapter 1 of title VII of the Act will be coordinated with and complement other services to avoid unnecessary duplication with other Federal, State, and

local programs, including the OIB program authorized by chapter 2 of title VII of the Act, that provide IL- or VR-related services.

All Chapter 1, Title VII, Part B funds are used for contracts with the four Centers for Independent Living operating in North Dakota. These four CILs are also the exclusive recipients of Title VII, Part C funds in the state.

Both the SILC and the CILs remain committed to coordination, collaboration and avoidance of all unnecessary duplication of services. All recognize that resources are too scarce to do otherwise. In addition, many of the objectives in section 1.2 of this SPIL are designed to foster communication and collaboration with each of the following: special education, vocational education, developmental disabilities services, public health, mental health, housing, transportation, veterans' services, and programs under XVIII – XX of the Social Security Act. The SILC is made up of various ex officio members who also are employees of various State Departments within North Dakota. Additionally, CIL Staff are members of various State and local task forces, committees, governing boards and consortiums that are a benefit to people with disabilities within the State.

1.7 Independent Living Services for Individuals who are Older Blind – 34 CFR 364.28

Describe how the DSU seeks to incorporate into, and describe in, the State plan any new methods or approaches for the provision of IL services to older individuals who are blind that are developed under the Older Individuals who are Blind program and that the DSU determines to be effective.

Per federal policy direction this is no longer required in the Plan.

**Section 2: Scope, Extent, and Arrangements of Services**

2.1 Scope and Extent – 34 CFR 364.42(b)(2)(3); 34 CFR 364.43(b); 34 CFR 364.59(b)

2.1A Check the appropriate boxes in the SPIL Instrument table indicating the types of IL services to be provided to meet the objectives identified in section 1.2 of this SPIL, and whether the services will be provided by the CILs or by the DSU (directly and/or through contract or grant).

Table 2.1A: Independent living services

Table 2.1A: Independent living services	Provided by the DSU (directly)	Provided by the DSU (through contract and/or grant)	Provided by the CILs (Not through DSU contracts/grants)

Table 2.1A: Independent living services	Provided by the DSU (directly)	Provided by the DSU (through contract and/or grant)	Provided by the CILs (Not through DSU contracts/grants)
Core IL Services - Information and referral			X
Core IL Services - IL skills training			X
Core IL Services - Peer counseling			X
Core IL Services - Individual and systems advocacy			X
Counseling services, including psychological, psychotherapeutic, and related services			
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)			X
Rehabilitation technology			
Mobility training			
Services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services			X
Personal assistance services, including attendant care and the training of personnel providing such services			
Surveys, directories and other activities to identify appropriate housing, recreation, accessible transportation and other support services			X
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			X
Education and training necessary for living in the community and participating in community activities			X
Supported living			
Transportation, including referral and assistance for such transportation			
Physical rehabilitation			
Therapeutic treatment			
Provision of needed prostheses and other appliances and devices			

Table 2.1A: Independent living services	Provided by the DSU (directly)	Provided by the DSU (through contract and/or grant)	Provided by the CILs (Not through DSU contracts/grants)
Individual and group social and recreational services			X
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			X
Services for children with significant disabilities			
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			X
Appropriate preventive services to decrease the need of individuals with significant disabilities for similar services in the future			X
Community awareness programs to enhance the understanding and integration into society of individuals with disabilities			X
Other necessary services not inconsistent with the Act			

2.1B Describe any service provision priorities, including types of services or populations, established for meeting the SPIL objectives identified in section 1.2.

CILs service provision priorities incorporate the goals and objectives of SPIL with the delivery of Advocacy, Peer Mentoring, IL Skills training, Information and Referral and Transition service.

The SPIL's 5 goals represent the overall priorities of maintaining an active, cross-disability, consumer-controlled SILC to accomplish SPIL objectives; identifying people with disabilities who are unserved or underserved so as to provide to them the independent living services that they need; increase public awareness and understanding of IL philosophy and services; and work collaboratively with other disability related organizations.

CILs received the results of the SILC's statewide needs assessment that identified ongoing needs related to funding, accessible transportation, affordable/accessible housing, health services, obtaining employment, opportunities for recreation and enhanced service to individuals living in rural communities.

Centers are required to annually review the SPIL to coordinate their efforts by including priorities with their Annual Work Plans. The CILs Annual Work Plans are reviewed on an annual basis by the SILC to insure they are consistent and that adequate progress is being made related to these statewide efforts.

2.1C If the State allows service providers to charge consumers for the cost of services or to consider the ability of individual consumers to pay for the cost of IL services, specify the types of IL services for which costs may be charged and for which a financial need test may be applied, and describe how the State will ensure that:

- Any consideration of financial need is applied uniformly so that all individuals who are eligible for IL services are treated equally; and
- Written policies and consumer documentation required by 34 CFR 364.59(d) will be kept by the service provider.

Indicate N/A if not applicable.

N/A

## 2.2 Arrangements for State-Provided Services – 34 CFR 364.43(d) and (e)

2.2A If the DSU will provide any of the IL services identified in section 2.1A through grants or contractual arrangements with third parties, describe such arrangements.

All Chapter 1, Title VII, Part B funds are used exclusively for contracts with the four Centers for Independent Living operating in North Dakota. These four CILs are also the exclusive recipients of Title VII, Part C funds in the state.

The DSU contracts/grant agreements with the CILs include references to meeting the requirements of 34 CFR 364 & 366, which include staffing described in 4.1A.

2.2B If the State contracts with or awards a grant to a center for the general operation of the center, describe how the State will ensure that the determination of an individual's eligibility for services from that center shall be delegated to the center.

In line with North Dakota's design for the Network of Centers, only the four recognized Centers for Independent Living receiving Title VII, Part C awards are eligible recipients of Part B funds. As such, they must meet federal standards and assurances for CILS and are responsible for all aspects of IL services including determining eligibility. Additionally, each Centers 704 Report is reviewed to further insure compliance with the Standards and Assurances.

## **Section 3: Design for the Statewide Network of Centers**

### 3.1 Existing Network – 34 CFR 364.25

Provide an overview of the existing network of centers, including non-Part C-funded

centers that comply with the standards and assurances in section 725 (b) and (c) of the Act, and the geographic areas and populations currently served by the centers.

Provide an overview of the existing network of centers, including non-Part C-funded centers that comply with the standards and assurances in section 725 (b) and (c) of the Act, and the geographic areas and populations currently served by the centers.

During the early years of the State Independent Living Council, the SILC and the DSE chose to divide the State into four quadrants. This was determined most advantageous based on the location of the four major cities within the State, those being Bismarck, Fargo, Minot and Grand Forks. From that time, each of the four major population hubs were seen as an anchor for each center's operations with expansion plans developed for serving the rest of the individual quadrants developed from each center's base.

Each of the four quadrants is served through various funding mechanisms, including Federal Part C, Federal Part B and State appropriations. Dakota, Freedom and Independence are able to serve their entire service area with any of the aforementioned funding streams while Options serves eight of its federally recognized Part C counties through any combination of these funds and the remaining six with only Part B and State funds.

Dakota Center for Independent Living: Population 146,968, Golden Valley, Billings, Dunn, Mercer, Mclean, Sheridan, Oliver, Burleigh, Kidder, Slope, Stark, Morton, Emmons, Sioux, Grant, Adams, Hettinger, Bowman.

Freedom Resource Center for Independent Living: Population 181,540, Stutsman, Barnes, Cass, Logan, Lamoure, Ransom, Richland, Sargent, Dickey, McIntosh.

Independence Resource Center for Independent Living: Population 107,507, Divide, Burke, Renville, Bottineau, Rolette, Pierce, Mchenry, Ward, Mountrail, Williams, Mckenzie.

Options Interstate Resource Center for Independent Living: Population 108,354, Cavalier, Pembina, Walsh, Nelson, Grand Forks, Griggs, Steele, Traill with the following designated counties added Towner, Ramsey, Benson, Eddy, Foster, Wells.

The county's population figures were quoted from the North Dakota State Funding Formula for Centers for Independent Living Regions: Adapted from Indiana's Funding Allocation Model Formula, (C. J. McKinney and Patricia Yeager, 2015) used as guidance.

### 3.2 Expansion of Network – 34 CFR 364.25

Describe the design for the further expansion of the network, including identification of the unserved and underserved areas in the State and the order of priority for serving these areas as additional funding becomes available (beyond the required cost-of-living increase).

It is the SILC's intent to interpret the territories of Part C centers to include six counties to Options IRCIL service area instead of planning for an additional Part C Center to serve these six counties. Options IRCIL will serve the six counties through travel to the counties to deliver service or placement of a satellite office to serve this six county area.

Currently all counties within the State are underserved except for Towner, Ramsey, Benson, Eddy, Foster, and Wells which by prior federal interpretation would be considered unserved because they are not part of Options IRCIL's Grant of Origination. Increases in funding for Independent Living services in ND will be distributed utilizing the following methodologies. COLAs will be distributed based on Regulatory Mandates. Additional increases above COLA but below the level required to establish a new CIL should be distributed based on the following considerations:

1. If the CILs experience a decrease in funding due to reductions in the state's allocation of Part C funds during prior year(s), the first priority is to use additional Part C funds to bring the CILs as close as possible to their funding levels prior to the reduction, by distributing additional above COLA Part C funds proportionally based on each CIL's percentage share of its reduction until the CILs reach their pre-reduction levels and/or until the increase in funding above COLA has been distributed in totality. For example, due to the sequestration in 2013, the CILs experienced an aggregate reduction of \$44,849 in Part C funds for October 1, 2013 - September 30, 2014. The CILs' shares of this reduction were as follows: Dakota-48%; Freedom-22%; Independence-15% and Options 15%. Accordingly, Part C funding for October 1, 2014 - September 30, 2015 would be distributed to the CILs in the same percentages (Dakota-48%; Freedom-22%; Independence-15% and Options 15%).
2. When all the CILs reach their Part C funding levels prior to the reduction, additional Part C funding above COLA will be distributed proportionally in such a manner that all CILs will receive distributions of funds with the end goal being that all Centers within the State will have the same, or as close to the same, funding level as possible. For example: This priority would bring all four CIL's currently serving the State up to a base level of \$650,000, considering a combination of State IL, Federal Part B, and Title VII Part C dollars. In order to accomplish this goal, a portion of any new IL funding sufficient to bring the lowest funded Center (Independence) up to the level of the next highest funded Center (Options) shall be distributed first. Once Independence is funded at an equal level to Options, a portion of any new IL funding sufficient to bringing Independence and Options up to the funding level equal to Freedom will be distributed next. Once Independence and Options are funded at equal levels to Freedom, a portion of any new IL funding sufficient to bringing Independence, Options and Freedom up to the funding level equal to Dakota shall be distributed next. Should any additional new funding remain, it shall be divided equally among the four Centers until all Centers reach \$650,000.
3. When all CIL's reach the minimum base funding level of \$650,000, from any combination of State IL, Federal Part B, and Title VII Part C dollars all further allocations will be distributed equally up to the recommended funding levels of the Formula Funding Report or if the ALC determines that a new Center must be started then the minimum

annual funding level for establishing a new center in an area not currently served by an existing Part C center would be \$350,000. Should additional Part C funding become available beyond the required cost-of-living increase, but less than \$350,000, it would be distributed to the current Part C CILs in ND following the aforementioned constructs and then in equal amounts until each Center has reached its maximum funding level as defined within the North Dakota's Funding Formula Report which will be used as guidance and uses a combination of factors including geography, population of people with disabilities and economic conditions as relative factors.

North Dakota State Funding Formula for Centers for Independent Living Regions:  
Adapted from Indiana's Funding Allocation Model Formula, (C. J. McKinney and Patricia Yeager, 2015)

In North Dakota, should a Center for Independent Living close, it is the utmost priority to maintain services to the people residing within the designated territory of the Center no longer providing services. In the event of a Center's insolvency, noncompliance to the Standards and Assurances, a Board of Directors changing the mission of a center to such a degree that it no longer falls within the parameters of the Regulations defining Title VII, or any other reason resulting in a Center not providing independent living services, the following procedures to maintain statewide coverage will be implemented.

Health and Human Services will be informed of the Center's circumstances affecting the change of eligibility for further funding and the State Plan for Independent Living's proposal to implement a Continuance of Coverage Plan. The first priority would be to establish a new Center with existing fund sources. Discussions would need to be held to determine what regulations are applicable to the remaining Part C funds and the future Part C funds that would be allocated to serve the designated territory served by the Center in question. A sub-committee made up of representatives of the DSE, SILC and at least one Center Director would be set up to identify the reason for the loss of a Center, whether mismanagement, loss of stable funding, change of mission, or other circumstance that may have a bearing on whether the Center can go through re-organization or a new center has to be started. This would be accomplished through face to face meetings with any remaining board members or staff. Equipment and supplies lists would be itemized to compare to inventory lists, purchase orders and possible liens against the Center. Articles purchased with Federal and/or State funds would be delineated in order to insure their availability for the future Center. A timeline and plan would be developed to insure that the quadrant in question would maintain service coverage utilizing State, Part B and/or Part C funds. A mechanism would be developed whereby the closest existing Center would provide services, utilizing the remaining Part B and State funds until a new Center is able to deliver services. If no Center is able to assist with service provision, the availability of Part B funds would be advertised for the delivery of CILs services to the area in question.

### 3.3 Section 723 States Only – 34 CFR 364.39

3.3A If the State follows an order of priorities for allocating funds among centers within a State that is different from what is outlined in 34 CFR 366.22, describe the alternate order of priority

that the DSU director and the SILC chair have agreed upon. Indicate N/A if not applicable.

N/A

3.3B Describe how the State policies, practices and procedures governing the awarding of grants to centers and the oversight of these centers are consistent with 34 CFR 366.37 and 366.38.

N/A

#### **Section 4: Designated State Unit (DSU)**

##### **4.1 Administrative Support Services – 34 CFR 364.4; 34 CFR 364.22(b)**

4.1A Describe the administrative support services to be provided by the DSU for the SILS (Part B) program and, if the State is a Section 723 State, for the CIL (Part C) program.

– Refer to the SPIL Instructions for additional information about administrative support services.

The directors of the Centers in North Dakota met on 2/4/16 in Grand Forks in order to discuss options of a DSE. At that time, it was unanimously decided to choose North Dakota Vocational Rehabilitation as our DSE for the 2016-2019 SPIL time period. A letter was drafted and signed by each CIL Director in the state and forwarded to Maggie Anderson Executive Director of North Dakota's Department of Human Services and to Russell Cusack, the Department of Human Services Vocational Rehabilitation Director. All Part B funds and the corresponding state match are used for contracts with the four Part C CILs providing services in the state.

In addition to the Independent Living Program Administrator/SILC liaison, who works with the SILC and the CILs, the DSE continues to provide administrative support to the SILC. This person works directly with the President of the SILC and committee chairs as requested. This service allows the President and SILC committees to conduct business with minimal problems.

Additional administrative support services include:

- Coordinates arrangements for SILC and committee meeting sites
- Notifies members of dates and times of meetings
- Processes all travel and honorarium reimbursement requests
- Records, transcribes, and distributes meeting minutes
- Provides clerical support to SILC committees as requested
- Assists in the preparation of the 704 report and the Title VII State Plan
- Orders supplies for the SILC as needed
- Assistance from the fiscal liaison in planning the SILC and SPIL budgets
- Provides quarterly fiscal updates on spending activity for the past quarter

4.1B Describe other DSU arrangements for the administration of the IL program, if any.

N/A

## **Section 5: Statewide Independent Living Council (SILC)**

### **5.1 Resource plan – 34 CFR 364.21(i)**

5.1A Describe the resource plan prepared by the SILC in conjunction with the DSU for the provision of resources, including staff and personnel, made available under parts B and C of chapter 1 of title VII, section 101(a)(18) of the Act, and from other public and private sources that may be necessary to carry out the functions of the SILC identified in section 705(c). The description must address the three years of this SPIL.

– Refer to the SPIL Instructions for more information about completing this section.

North Dakota receives Title VII, Part B and state general funds for Center for Independent Living services. The state's general funds are in excess of what is required for the state match.

The Statewide Independent Living Council (SILC), in coordination with the DSE, determines how funds for independent living (IL) are used, in accord with the goals and objectives of the State Plan for Independent Living (SPIL). Resource Plan categories include the following:

#### **1. *Council Operations***

- Honorariums for members who are employed and must forfeit wages in order to attend meetings or otherwise perform Council duties.
- Per Diem reimbursement at current state rate for lodging and travel while performing Council duties.
- Expenses for disability related accommodations for Council members while attending to Council duties.
- Meeting room rental and other costs associated with holding meetings.
- Alternative formats.

#### **2. *State Plan for Independent Living Development***

- Forums to obtain input for SPIL.
- Development of the State Plan for Independent Living.

#### **3. *Funding***

- Related expenses for budget priority meetings with the designated state unit and related government entities.

The projected Resource Plan is below. Adjustments may be made by the Council as necessary during the three years this State Plan is in effect based on estimated revenue pending legislative action.

## RESOURCE PLAN

	FFY 2017	FFY 2018	FFY 2019
<b>COUNCIL OPERATIONS</b>	\$27,742	\$27,742	\$27,242
<b>SPIL DEVELOPMENT</b>	-	-	\$500
<b>DUES</b>	\$500	\$500	\$500
<b>TOTAL</b>	<b>\$28,242</b>	<b>\$28,242</b>	<b>\$28,242</b>

5.1B Describe how the following SILC resource plan requirements will be addressed:

The SILC's responsibility for the proper expenditure of funds and use of resources that it receives under the resource plan.

- Non-inclusion of conditions or requirements in the SILC resource plan that may compromise the independence of the SILC.
- Reliance, to the maximum extent possible, on the use of resources in existence during the period of implementation of the State plan.

All expenditures related to council operations and SPIL developments are sent through the DSE for payment. Expenditures relating to dues and Independent Living education and training are voted on by SILC. The Internal Affairs Committee also provides an expense report at each Statewide Independent Living Council meeting.

Other than review by the DSE to ensure federal fiscal requirements and other regulatory requirements are met; there are no conditions or requirements placed on SILC's expenditure of funds.

The SILC monitors the budget on a regular basis and the Internal Affairs Committee provides an expense report at the quarterly meetings. The SILC approves all

expenditures and uses these funds during the timeframe of the SPIL.

#### 5.2 Establishment and Placement – 34 CFR 364.21(a)

Describe how the establishment and placement of the SILC ensures its independence with respect to the DSU and all other State agencies.

– Refer to the SPIL Instructions for more information about completing this section.

The SILC was established through Public Law 102-569 Title VII and North Dakota Century Code (NDCC) 50-06.5 and is part of the State government structure as one of the Boards and Commissions appointed by the Governor. Therefore, the SILC is placed within the State's organizational structure in the Governor's Office.

#### 5.3 Appointment and Composition – 34 CFR 364.21(b) – (f)

Describe the process used by the State to appoint members to the SILC who meet the composition requirements in section 705(b).

– Refer to the SPIL Instructions for more information about completing this section.

The Governor makes all appointments to the SILC.

The Governor's Office relies on the SILC's Governance Committee to give them the composition and qualification requirements for each potential candidate for membership that is submitted at that time. The Council also provides to the Governor's Office a list of qualified candidates for each position. The Governor can then select from that list or select a qualified candidate of his choosing that is not on the list that is provided by the SILC.

Term limits are maintained and updated as needed by the DSE and Governance Committee. Statewide Independent Living Council vacancies are filled through contacts given by SILC members, CIL directors, VR Directors/counselors statewide, and the Governor's Office.

The officers, including the Chair, are selected by submitting a list of interested members and then voted on by SILC.

#### 5.4 Staffing – 34 CFR 364.21(j)

Describe how the following SILC staffing requirements will be met:

- SILC supervision and evaluation, consistent with State law, of its staff and other personnel as may be necessary to carry out its functions.
- Non-assignment of duties to SILC staff and other personnel made available by the DSU, or

any other State agency or office, that would create a conflict of interest while assisting the SILC in carrying out its duties.

The SILC has no paid staff. All work relating to the council is done by council members, CILs, and the DSE. To address conflict of interest issues, *SILC Operational Guidelines* state the following: "Council members with any potential or actual conflict of interest must abstain from voting and participating in other processes that relate to the funding issues in question. Such notice shall be recorded in the minutes of the meeting. In cases of question, the member, the committee chairperson, or the Council Chairperson shall request that the Council make the determination as to whether or not the member is in conflict of interest. Until a determination is made, the member must act as if the conflict of interest exists."

The DSE IL Program Administrator/SILC Liaison provides technical assistance and administrative support as requested by the SILC and as necessary to comply with Title VII, Chapter 1, Part B requirements. When carrying out those duties, no other duties are assigned that would create a conflict of interest.

#### **Section 6: Service Provider Requirements**

Describe how the following service provider requirements will be met:

##### **6.1 Staffing – 34 CFR 364.23; 34 CFR 364.24; 34 CFR 364.31**

- Inclusion of personnel who are specialists in the development and provision of IL services and in the development and support of centers.
- Availability, to the maximum extent feasible, of 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 tapes 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 title VII of the Act.
- Establishment and maintenance of a program of staff development for all classes of positions involved in providing IL services and, where appropriate, in administering the CIL program, improving the skills of staff directly responsible for the provision of IL services, including knowledge of and practice in the IL philosophy.
- Affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act.

The DSU contracts/grant agreements with the CILs include references to meeting the requirements of 34 CFR 364 & 366, which includes staffing described above.

All Centers in North Dakota employ staff who are specialists in providing IL services, and who are able to communicate with a wide variety of individuals including those who may rely on alternative modes of communication.

All of North Dakota's Centers have staff development plans in place, which offer a wide variety of classes, trainings and continuing education opportunities for both Board and Staff development.

All of North Dakota's Centers take affirmative action to employ, and advance in employment, qualified individuals with significant disabilities. Over fifty percent of the Center's staff and board are people with various types of disabilities.

The DSU and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitations Services Administration during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned. During interim periods each CIL and the SILC's 704 reports will be evaluated to insure compliance.

#### 6.2 Fiscal Control and Fund Accounting – 34 CFR 364.34

- Adoption of those fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds made available through parts B and C of chapter 1 of title VII of the Act, in addition to complying with applicable EDGAR fiscal and accounting requirements.

The DSE contract with the CILs contains the requirement to comply with all applicable fiscal requirements including 2 CFR § 200.

#### **Fiscal Control:**

North Dakota Vocational Rehabilitation uses an accounting system maintained by the Department of Human Services.

#### **Fund Accounting:**

North Dakota Vocational Rehabilitation uses a modified accrual basis of accounting, consistent with other agencies of the state of North Dakota. Modified accrual accounting is used to show the flow of financial assets of the funds and balances available for spending at year-end.

Each of North Dakota CILs follow its established fiscal policies and allocation plan as approved by the Department of Education and will be responsible for monitoring and maintaining records of their expenditures to assure compliance with 2 CFR § 200 and accounting requirements.

#### 6.3 Recordkeeping, Access and Reporting – 34 CFR 364.35; 34 CFR 364.36; 34 CFR 364.37

- Maintenance of records that fully disclose and document the information listed in 34 CFR 364.35.
- Submission of annual performance and financial reports, and any other reports that the Secretary determines to be appropriate
- Access to the Commissioner and the Comptroller General, or any of their duly authorized representatives, for the purpose of conducting audits, examinations, and compliance

reviews, to the information listed in 34 CFR 364.37.

### **Record-Keeping:**

NDVR maintains supporting documentation of accounting transactions on-site for the current and one prior fiscal year. North Dakota Vocational Rehabilitation maintains supporting documentation, as required by state and federal regulation, for at least three (3) years after the final financial status report is filed for each fiscal year.

### **Access:**

North Dakota Vocational Rehabilitation accounting records are available for review, either at the North Dakota Vocational Rehabilitation Central Office in Bismarck or the Department of Human Services Fiscal Office at the State Capitol.

### **Reporting:**

The DSE is included in the State Auditors annual audit of the North Dakota Department of Human Services.

Each grant agreement includes the duties individual contractors (CILs) must fulfill as it relates to financial and programmatic records, including retention of records, access to records, and types. On a periodic basis the Department of Human Services randomly audits records of a specific time period to insure that generally accepted accounting principles are practiced and that the requests for reimbursements properly reflect the business transactions of the organization. The DSE and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitation Services Administration during each of the reviews of the four CILs located within the State and ensure that appropriate policies and procedures are fulfilled to ensure compliance with the aforementioned.

The North Dakota SILC, if funds are available, will provide technical assistance to centers upon request.

### **6.4 Eligibility – 34 CFR 364.40; 34 CFR 364.41**

- Eligibility of any individual with a significant disability, as defined in 34 CFR 364.4(b), for IL services under the SILS and CIL programs.
- Ability of any individual to seek information about IL services under these programs and to request referral to other services and programs for individuals with significant disabilities.
- Determination of an individual's eligibility for IL services under the SILS and CIL programs in a manner that meets the requirements of 34 CFR 364.51.
- Application of eligibility requirements without regard to age, color, creed, gender, national origin, race, religion, or type of significant disability of the individual applying for IL services.
- Non-exclusion from receiving IL services of any individual who is present in the State and

who is otherwise eligible for IL services, based on the imposition of any State or local residence requirement.

The DSE contracts/grant agreements include references to meeting the requirements of 34 CFR 364 & 366, which includes eligibility.

Any person with a significant disability is eligible for consideration for Independent Living Services. The determination must be made without regard to age, color, creed, gender, national origin, race, religion, or type of significant disability of the individual applying for direct services. No State or local residence requirements may be imposed that would exclude any individual who is present in the State and who is otherwise eligible for direct services from receiving IL services.

Before an applicant for independent living services may begin receiving direct services, IL staff must determine the applicant's eligibility. IL staff must maintain documentation that the applicant has met the basic requirements in the consumer service record (CSR) by using the "Service Record Form" or, for those persons not meeting eligibility, follow the procedures set forth under Ineligibility.

Determining eligibility is a three step process which culminates when IL staff circles whether the individual is "accepted" or "not accepted" and has signed and dated the appropriate section located on the Consumer Service Record.

Step one involves the process of determining whether the individual seeking services has a significant disability, documenting the type of disability, reporting whether the disability is self-reported or observed. Significant disability means a severe physical, mental, cognitive, or sensory impairment that substantially limits an individual's ability to function independently in the family or community or to obtain, maintain, or advance in employment.

Step two reports the impact the disability has on the individual's ability to function independently in the family or community, or whose ability to obtain, maintain, or advance in employment is substantially limited. IL staff report impact by circling the other disability-related services the person is receiving at the time of eligibility determination. It can be assumed that the agent/s of the organization that granted the disability related service fulfilled their duties in determining eligibility. If the individual is receiving any of the following services, it is determined that the individual has been impacted in one of the following ways: vocationally, educationally, and/or in their ability to support themselves. If IL staff is unable to identify a disability-related service where impact can be justified by reason of receiving the service, staff is to then write out the impact the disability has on the individual's ability to live independently.

Step three of the process is to report the likelihood that the services will improve the person's ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment. IL staff accomplishes this by comparing the disability and its impact with the goal requested.

Staff is to insure that the goal is within the scope of services that can be offered by the Center. A simple method of documenting likelihood is by writing that the person has a strong likelihood by reason that they sought out the Center's services to achieve their goal/s. This shows motivation and willingness to achieve the defined goal.

Should it become evident during the eligibility process that a consumer would benefit from other services, the consumer is made aware of other services in the community that they could benefit from and the referral to those agencies are made. In addition, should the consumer request a referral to another agency for services, assistance is provided by IL staff in this referral process.

Ineligibility results when an applicant does not meet the criteria as defined within the section under eligibility, is an active drug user, or is an alcoholic and actively using. For determination of ineligibility due to not fulfilling the eligibility requirements, the person would not have a significant disability, would have no impact by the disability, would not have a likelihood of benefiting from the services and/or that the goal/s were not within the scope of services that can be offered by the Center.

If a finding of ineligibility is made, IL staff shall provide documentation of ineligibility in the Consumer Service Record. This determination is to be conducted only after full consultation with the applicant and, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, or after providing a clear opportunity for this consultation. IL staff notifies the applicant and the applicant's designee in writing of the action taken and their rights of appeal through the Client Assistance Program (CAP). In the year following the date of ineligibility, if IL staff determines that the applicant's status has materially changed, the decision shall be reviewed unless the applicant refuses the review, is no longer in the State, or can't be located. All ineligibilities shall be kept in a file marked "ineligibilities."

To ensure compliance with the applicable regulations, eligibility requirements are reviewed collaboratively during Federal onsite compliance reviews with all service providers who receive financial assistance under Part B of Title VII of the Act and no funds are only awarded to Part C Federally awarded Centers, per State Law and in line with current and past SPILs.

The DSE and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitation Services Administration (RSA) during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned. During interim periods each CIL and the SILC's 704 reports will be evaluated to insure compliance.

#### 6.5 Independent Living Plans – 34 CFR 364.43(c)

- Provision of IL services in accordance with an IL plan complying with Sec. 364.52 and mutually agreed upon by the individuals with significant disabilities and the appropriate service provider staff unless the individual signs a waiver stating that an IL plan is

unnecessary.

The DSE contracts/grant agreements include references to meeting the requirements of 34 CFR 364 & 366, which includes IL plans.

All CIL's are required to notify all consumers of their right to develop or waive the development of an ILP.

The policies and procedures followed by the CILS to ensure the ILP is developed and the goals are completed begins when a person requests IL services. Initially, IL staff will meet with the consumer for the purpose of establishing a working relationship with him/her, assisting the consumer in determining their independent living goals, what options are available to assist them in reaching these goals, and what barriers may exist. After eligibility is determined, the consumer is informed of their right to develop an ILP or to waive the plan if they so choose. An ILP is developed with the consumer, outlining the desired goals, steps to achieve those goals, responsibilities of the consumer and IL staff in carrying out the plan, and expected outcome including timeframe. The ILP is signed by both the consumer and IL staff. The consumer's right to waive the development of an ILP is explained, and signed documentation of all waiver requests are contained in the consumer's file. Although the ILP is waived, IL staff is still required to record the goals, services and dates for the duration of services. Consumers are given a copy of their plan/waiver. Staff record the progress made towards the completion of each goal in the consumer service record. Although the development of an ILP may be waived by the consumer, the desired goals and guidelines for the support needed to achieve those goals, as determined by each consumer, are documented in the paper and electronic file by the Consumer's Independent Living Advocate (a plan is developed, whether formally or informally as a result of a waiver). At any point after the plan is developed or waived the goal can be reported by the consumer as achieved or dropped.

The DSE and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitation Services Administration (RSA) during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned. During interim periods each CIL and the SILC's 704 reports will be evaluated to insure compliance.

#### 6.6 Client Assistance Program (CAP) Information – 34 CFR 364.30

- Use of accessible formats to notify individuals seeking or receiving IL services under chapter I of title VII about the availability of the CAP program, the purposes of the services provided under the CAP, and how to contact the CAP.

In North Dakota, the CAP provides each CIL with written information regarding its services and contact information. The information is available in large print and braille and is made available in other formats upon request. The information is provided at

intake to each consumer. In addition, every CIL consumer is told about the availability, purpose and services of the CAP and how to contact this program. A copy of the grievance procedure is given to the Consumer at that time. Both the explanation and receipt of CAP and grievance procedure are initialed and signed off on by the Consumer. A copy of the "Signature Affirmation" form is filed in the Consumer file.

#### 6.7 Protection, Use and Release of Personal Information – 34 CFR 364.56(a)

- Adoption and implementation of policies and procedures meeting the requirements of 34 CFR 364.56(a), to safeguard the confidentiality of all personal information, including photographs and lists of names.

Each of North Dakota's CILs is responsible for the following method of assuring that consumer information is kept confidential and that acquiring signed releases of information prior to sharing information about individual consumers with other services providers or entities is strictly adhered to:

IL staff will maintain the dignity and respect of each individual consumer served by maintaining standards of confidentiality. This includes the protection of all personal information, including photographs, personal characteristics, and lists of names. Therefore, IL staff will not disclose any information or confidences to anyone, except, where mandated by law, to prevent a clear and immediate danger to the person or to persons, where compelled to do so by a court or pursuant to the rules of the Court. IL staff will insure that all records are stored or disposed of in a manner that maintains confidentiality and that any information received while working with an individual remains in confidence no matter if IL staff is currently employed or no longer employed by the Center.

The CSR of each consumer served within a three year period will remain in the geographical confines of the designated CIL office. A CSR may be checked out by IL staff in order to deliver services. Whenever personal information is needed or exchanged from or with another service provider a Release of Information Form is to be completed. The Release of Information Form is to be filled out completely with the consumer signature and date of signature on the appropriate lines. The consumer signature represents approval by the consumer for the Release with the staff signature representing that it was witnessed. IL staff is to also insure that the length for the release is written on the form and will not exceed 6 months from the point at which it was developed.

As part of the process, the following points need to be addressed with each person asked to provide a release, regardless of whether the release is being used for the CIL to obtain information or to give information.

As part of this process, IL staff is to identify

- the authority from which information can be released,
- the principal service/reason why the information is needed to be released,

- whether the release is mandatory or voluntary and the effects to the individual of not providing the release,
- identification of those situations in which the service provider requires or does not require informed written consent of the individual or his or her legally authorized representative before information can be released, and
- identification of those agencies to which information is routinely released.

All releases should have corresponding charting within the Consumer Service Record

The DSU and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitations Services Administration (RSA) during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned

### **Section 7: Evaluation**

Describe the method that will be used to periodically evaluate the effectiveness of the plan in meeting the objectives established in Section 1. The description must include the State's evaluation of satisfaction by individuals with significant disabilities who have participated in the program. 34 CFR 364.38

Evaluation is recognized as a significant step in determining the effectiveness of the independent living services delivery system. The following process is used by the Statewide Independent Living Council to regularly review its objectives and timeframes. A matrix of yearly activities has been developed so that the Council's quarterly meetings reflect these objectives and timeframes.

1. The Council will review progress towards meeting the objectives of the State Plan four times a year.
2. The Council will require Independent Living Centers to use a uniform format for reporting their quarterly activities. These reports, at a minimum, should include the number of consumers served, and services provided. Information about outreach and community education and development activities will be included in these quarterly reports. These reports are to be produced in a timely and consistent manner.
3. Each center for independent living will conduct a consumer satisfaction survey at least annually. The results of these surveys will be reported to the Council.
4. Each consumer will be advised of the existence of the Client Assistance Program and the process they may follow if they have a complaint against a center for independent living. The Council will request a report from the Client Assistance Program at the end of the fiscal year regarding Client Assistance activities initiated by Independent Living consumers.

### **Section 8: State-Imposed Requirements**

Identify any State-imposed requirements contained in the provisions of this SPIL. Indicate N/A if not applicable. 34 CFR 364.20(h)

N/A