

DRAFT

SILC Policy on A Process to Verify Centers for Independent Living are Eligible to Sign the State Plan in Compliance with 45 CFR 1329.17(d)(2)(iii)*

The South Dakota SILC will verify centers for independent living in South Dakota eligible to sign the SPIL meet all applicable requirements to participate in SPIL development and sign the SPIL (e.g., the agency has been awarded a Part C grant – are receiving Part C funds).

Centers for Independent Living eligible to sign the State Plan for Independent Living shall meet the definition of a “*Center for Independent Living*” as defined in the Rehabilitation Act, Section 796a. Definitions (2) Center for Independent Living.

§796a. Definitions

2) *Center for independent living*

The term "center for independent living" means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency for individuals with significant disabilities (regardless of age or income) that—

(A) is designed and operated within a local community by individuals with disabilities; and

(B) provides an array of independent living services, including, at a minimum, independent living core services as defined in section 705(17) of this title.

The SILC will utilize a copy of the CIL’s annual Notice of Award (NOA) for Part C funds from the U.S. Administration for Community Living (ACL) to verify eligibility. Each CIL will submit a copy of the NOA to the SILC annually.

*(iii) Not less than 51 percent of the directors of the CILs in the State. For the purposes of this provision, if a legal entity that constitutes the “CIL” has multiple Part C grants considered as separate Centers for all other purposes, for SPIL purposes, it is only considered as one Center. CILs with service areas in more than one State that meet the other applicable requirements are eligible to participate in SPIL development and sign the SPIL in each of the relevant States.”