

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

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

## **PART B - INDEPENDENT LIVING SERVICES**

Part C - Centers for Independent Living

State: South Dakota

FISCAL YEARS: FY 2021 - 2023  
**Effective Date: October 1, 2020**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number (OMB 0985-0044). Public reporting burden for this collection of information is estimated to average 240 hours per response, including time for gathering and maintaining the data needed and completing and reviewing the collection of information. The obligation to respond to this collection is required to receive financial assistance (Title VII of the Rehabilitation Act of 1973, as amended).

## Executive Summary

The South Dakota (SD) Statewide Independent Living Council (SILC) and the Centers for Independent Living (CILs) have the responsibility of developing the three year State Plan for Independent Living (SPIL). The SPIL outlines what the SD Independent Living Network (IL Network) will do to strengthen and expand the network of CILs and it promotes services and resources in communities across the state so that people with disabilities can live independently in the community of their choice. The SPIL also reflects the state's commitment to comply with all applicable statutory and regulatory requirements throughout the three-year plan.

South Dakota's IL Network is comprised of the SD Statewide Independent Living Council (SILC), four CILs: Independent Living Choices (North, South, and Native American) and Western Resources for Independent Living, and the SD Division of Rehabilitation Services. The IL Network upholds the SILC's mission to advocate for and help create local/state support systems, enabling persons with disabilities to determine, achieve and maintain independence, productivity and integration into community life. South Dakota is comprised of 66 counties, all of which are covered by an independent living center, including nine Tribal Nation lands.

The IL Network hosted different platforms to obtain public input into the SPIL from individuals with disabilities and interested groups/organizations statewide. The SILC formed a workgroup early in the fall of 2019 to review the SPIL instrument and instructions and to begin work on the SPIL. It included the SILC Chairperson, SILC members, including the DSE representative, and CIL directors. SILC staff provided support to the workgroup's efforts.

A public input survey was developed and disseminated. Survey responses addressed the need for systemic change to promote and support independence and choice. In response to the question of obstacles that stop you or people with disabilities from being more independent, in order of highest to lowest rating, the responses were transportation (58.33%), awareness of available resources (55.56%), followed by employment, housing and community inclusion.

The SILC updated the consumer satisfaction survey the fall of 2018. The survey was disseminated to all participants at the time of closure by each CIL. Survey results were shared with the SILC at the quarterly meetings. Results obtained reflected majority of participants happy with services, staff, and explanation of services. Narrative comments noted that it was hard to find the help they needed and lack of knowledge of agencies that could help. This information validates the goals and objectives to increase awareness and access to IL services.

A public forum was held to provide an opportunity to gather comments on the contents of the SPIL. Written comments were also accepted. Through this process, the SILC learned of new resources being developed by Disability Rights SD (protection and advocacy agency). These resources will highlight transition services, alternatives to guardianship and voting rights, and they will be made available to the SILC, CILs and DSE to share. Comments affirmed the need to look at transportation and housing as systemic issues impacting people with disabilities living independently in communities of their choice. Questions were asked about the SILC and its workgroups. Subsequently, the SILC received a nomination form for SILC membership, which will be submitted to the Governor for review and consideration at the appropriate time. Questions were asked of the CILs about the provision of services in the midst of the COVID 19 pandemic. Positive feedback was received about the work carried out by the CILs and the use of alternative work environments to continue service delivery. Public comment received supported the drafted goals and objectives with no specific changes made to the SPIL.

The SILC utilized time during quarterly meetings to obtain public input, increase cooperation and coordination between entities and to support members in developing a better understanding of the need for IL services, and increasing their knowledge of available services and support. Each quarterly meeting included reports from CILs, DSE, separate blind agency, and SILC staff. The SILC also collaborated with the DSE, separate blind agency, Native American Tribal VR, CILs and other disability related organizations e.g., Council on Developmental Disabilities, Protection and Advocacy Agency, Parent Training and Information Center to host public meetings and forums.

SILC membership composition, as well as the linkages that individual SILC members bring with them, provided additional avenues for cooperation and coordination between the SILC, CILs, DSE, and other public and private entities. SILC membership includes representatives from the separate Blind Agency, SD Housing Development Authority, the two State Rehabilitation Councils, SD Council on Developmental Disabilities, SD Assistive Technology Project, SD Association of the Blind, SD Association of the Deaf, and SD Coalition of Citizens with Disabilities. The SILC receives quarterly updates and reports from each CIL which outlines their work in communities across the state with local entities i.e., school districts, Mayor's Committees, housing authorities, and transportation committees.

The SILC has established policies outlining procedures for conducting public meetings in accordance with state and federal guidelines. The policies outline processes for appropriate and sufficient notice; accessibility of notice and location(s); alternative formats of all materials provided at public forum/meetings; and reasonable accommodations to individuals who rely on alternative modes of communication including sign language interpreters or other auxiliary aids and services. These policies were adhered to throughout the SPIL process.

The workgroup drafted SPIL goals and objectives based upon the input/feedback obtained through the various means. Each of the SPIL goals addressed the IL Network's commitment to continue working to support and improve the provision of IL services in South Dakota, as well as help to further develop and support the statewide network of centers for independent living. The goals address the need to increase awareness of independent living services; ensure people with disabilities residing in South Dakota have access to IL services, and address systemic issues impacting independence and choice for South Dakotans with disabilities seeking to live independently in the communities of their choice.

The final draft of the SPIL was shared with the full SILC for their review. The SILC met in June and action was taken to approve the document and submit it to the Administration of Community Living. The SPIL document and signature pages were routed for necessary signatures. The SPIL has been signed by the SILC Chairperson (acting on behalf of and at the direction of the full SILC) and the CIL directors.

## Section 1: Goals, Objectives and Activities

### 1.1 Mission:

Mission of the Independent Living Network and the SPIL.

The South Dakota Statewide Independent Living Council (SILC) mission is to advocate for and help to create local and state support systems which permit persons with disabilities to determine, achieve and maintain independence, productivity and integration into community life.

### 1.2 Goals:

Goals of the IL Network for the three-year period of the plan.

1. Increase awareness of independent living services in South Dakota.
2. Ensure people with disabilities residing in South Dakota have access to IL services.
3. The SILC and CILs will identify systemic issues with housing and transportation.

### 1.3 Objectives

Objectives for the three-year period of the plan – including geographic scope, desired outcomes, target dates, and indicators. Including compatibility with the purpose of Title VII, Chapter 1.

- 1.1 Increase the number of people in SD who receive IL services by 10% over 3 years.

Indicator: Track the number of new applicants served by each CIL to include total new applicants; and number of applicants who are under the age of 25; information to be collected through the CIL quarterly reports and reported at SILC quarterly meetings.

Target Date: Information collected on a quarterly basis through time period of 10/01/2020 – 09/30/23

Geographic Scope: Statewide

- 1.2 IL partners (DSE, SILC, CILs) will attend local vendor markets, health fairs and other community events to talk about services and provide resources.

Indicator: Track the number of events attended by IL partners on a quarterly basis; information to be collected through the CIL quarterly report and reported at SILC quarterly meetings; IL partners provide updates and report at SILC quarterly meetings.

Target Date: Attend 15 events annually; FY 2021-2023; information will be collected quarterly from CILs and other IL partners.

Geographic Scope: Statewide

- 1.3 The SILC will conduct a series of advertisement campaigns or ads; using different platforms i.e., social media, internet, print, radio, television.

Indicator: Develop and circulate two ads using variety of platforms.

Target Date: advertisement campaign or ads completed and circulated by September 2023.

Geographic Scope: Conduct two advertisement campaigns/ads to reach areas served by two CILs (East River and West River territories of South Dakota).

- 1.4 CILs will collect data on how participants learned of IL services.

Indicator: Track how participants learned of IL services at time of application for IL services on a quarterly basis; information to be collected through the CIL quarterly report and reported at the SILC quarterly meetings;

Target Date: Information collected on a quarterly basis through time period of 10/01/2020 –

09/30/23

Geographic Scope: Statewide

2.1 Identify underserved populations and locations.

Indicator: Track input from public comment/received communication; or attendance of a IL Network partner at other public meeting (to include information obtained through either CIL or DSE quarterly reports) about needs of underserved populations or locations.

Target Date: Information collected/reported on a quarterly basis at SILC quarterly meetings through time period of 10/01/2020 – 09/30/23.

Geographic Scope: Statewide

Indicator: Invite at least one group/organization to SILC meetings on an annual basis to host dialogue.

Target Date: Annually, invite at least one group to host dialogue at SILC meeting; through time period of 10/01/2020 -09/30/23.

Geographic Scope: Statewide

2.2 CILs will work within the MOU to determine provider and coverage.

Indicator: Track the number of individuals who choose a provider outside of CIL coverage area; information to be obtained through the CIL quarterly reports provided at each SILC quarterly meeting.

Target Date: Information collected on a quarterly basis through time period of 10/01/2020 – 09/30/23

Geographic Scope: Statewide

2.3 CILS will work with local school districts to disseminate IL information to students.

Indicator: Track the number of school events that CIL staff have attended/participated in; and identify the number of items/pieces of information handed out (i.e., brochures).

Target Date: Information collected on a quarterly basis through the time period of 10/01/2020 – 09/30/23.

Geographic Scope: Statewide

2.4 The SILC will work with the Transition Services Liaison Project to disseminate IL information to schools/students.

Indicator: SILC will work/consult with Transition Services Liaison Services Project (TSLP) Coordinator to ensure they have up to date IL related information for dissemination purposes; as well as consult with CIL directors to obtain needed IL information; or ascertain involvement of IL partners in TSLP events.

Target Date: On a quarterly basis, collect information throughout reporting period of 10/01/2020 – 09/30/2023.

Geographic Scope: Statewide

2.5 CILs will educate Long Term Care Facility administration staff about IL services.

Indicator: Track the number of contacts with Long Term Facility by CIL staff; conducting at least 20 contacts annually; information to be collected through the CIL quarterly reports and reported at SILC quarterly meetings.

Target Date: Information collected on a quarterly basis through time period of 10/01/2020 – 09/30/23

Geographic Scope: Statewide

3.1 SILC members/staff and CIL staff will make efforts to participate in community events where housing or transportation needs for people with disabilities are likely to be discussed.

Indicator: Track the number(s) and type of meeting(s) attended by SILC and CIL staff in their area; report at SILC quarterly meetings any issue raised or addressed to given meeting:

Target Date: Annually, SILC or CIL staff will attend at least six meetings; throughout reporting period of 10/01/2020 -09/30/2023.

Geographic Scope: Statewide

3.2 The SILC will arrange for speakers with expertise in housing or transportation to present at SILC and/or CIL meetings.

Indicator: Track number of presentations conducted by housing or transportation speakers at either SILC quarterly meetings or meetings hosted by the CILs; track the number of attendees at these meetings, and report this information at SILC quarterly meetings.

Target Date: Host at least two presentations annually throughout reporting period of 10/01/2020 – 09/30/2023.

Geographic Scope: Statewide

3.3 The SILC will identify and review existing housing and transportation resources.

Indicator: Identify and track the number, type and accessibility of available resources; share with IL Network; track and report communication with state/organization responsible for resource(s) about need for updates/changes, information will be reported out at SILC's quarterly meetings.

Target Date: Ongoing throughout the reporting period of 10/01/2020 – 09/30/2023.

Geographic Scope: Statewide

3.4 IL partners will determine if a statewide housing resource is necessary, and if so, begin developing such resource.

Indicator: Review and identify information that currently exists, or identify resource or information that is lacking (made known through SILC quarterly meetings or public input) and communicate need to state/organization responsible and encourage need for update/changes; or create needed resource by September 2023.

Target Date: Review of information will be ongoing; if resource or information is identified as needed; SILC will create needed resource by September 2023.

Geographic Scope: Statewide

#### 1.4 Evaluation

Methods and processes the SILC will use to evaluate the effectiveness of the SPIL including timelines and evaluation of satisfaction of individuals with disabilities.

Monitoring the effectiveness of the State Plan's goals and objectives and achieving the desired outcomes will be the responsibility of the South Dakota IL Network partners: SILC, CILs and DSE. To facilitate the SILC's duty to monitor, review and evaluate the implementation of the State Plan, the IL Network agrees to:

- Monitor progress being made on SPIL related goals, objectives and activities on a quarterly basis utilizing a SPIL planning tool.

- Annually review and revise its SPIL monitoring tool(s) and process to ensure its continued effectiveness.
- Revise the CIL directors report format to reflect current SPIL goals and objectives.
- Annually design and administer an evaluation instrument that measures consumer satisfaction with services they have received.
- Analyze results and report findings and trends for planning and administrative purposes at quarterly meetings.
- Meet with disability organizations, service providers, local/state entities on an ongoing basis to increase knowledge and understanding of each other's role, improve relationships, and promote dialogue in order to identify unique needs and best practices, identify barriers and potential opportunities to better fulfill unmet needs of South Dakotans with disabilities.

A workgroup was formed to write the SPIL. This workgroup consists of SILC members, SILC Chairperson and DSE SILC representative and CIL directors. This workgroup will be responsible for monitoring the effectiveness of the plan in meeting the objectives and work towards achieving the desired outcomes. The workgroup will meet at least quarterly, (more often if necessary) and will provide an update at each SILC quarterly meeting. The SILC meeting agenda will include a standing agenda item for the State Plan and evaluation plan. SILC staff will be responsible for keeping information current in the SPIL Logic model and/or SPIL planning table tools. These tools will be utilized to track progress made on the objectives and activities towards accomplishing the SPIL goals.

The SILC has also developed a consumer satisfaction survey outlining rating questions as well as narrative questions for the CILs to ask each participant at the time of closure. The most recent data collected helped identify needs of participants. The survey instrument will be updated and utilized to measure consumer satisfaction and to assist with identifying unmet needs. Information will be collected and reported at SILC quarterly meetings for dialogue and any needed action.

The DSE will also continue to complete annual IL participant record and CIL program reviews as outlined in the FY 2019 Program Performance Report. These reviews have been conducted typically on-site at each CIL. (The onsite reviews conducted in 2020 were done remotely due to the COVID-19 pandemic.) The reviews included examining appropriateness of eligibility decisions, presence of independent living plans (ILP) or waivers of the ILP, service timeliness, and participant outcomes. Upon completion of the review, a report was shared with the CILs, DSE and SILC. The results were discussed with staff members of the CILs and any identified issues were addressed. This process will continue throughout this SPIL reporting period which will ensure appropriateness of services provided to eligible participants, timeliness as well as ensuring participants are working towards their goal(s) of living as independently as possible.

The SILC will provide time during quarterly meetings to obtain public input from individuals, family members, interested groups, organizations and other stakeholders. Each quarterly meeting agenda will include reports from the CILs, DSE, separate Blind agency and SILC staff, as a means of staying informed of each other's activities. The SILC will also collaborate annually with the DSE, separate Blind agency, Native American Tribal Vocational Rehabilitation, CILs and other disability related organizations i.e., Council on Developmental Disabilities, Protection and Advocacy Agency, Parent Training and Information Center to host public meetings and forums. The SILC will also host at least one group annually in or near an underserved area of the state in order to gather input from people with disabilities as to what services and resources are needed in their communities.

The SILC has limited funds available to assist organizations in promoting independent living (IL) for persons with all types of disabilities and of all ages. Funds can be utilized for different purposes e.g., demonstrate ways to expand/improve IL services; support activities to increase capacities of organizations or other entities to develop comprehensive approaches or systems for providing IL services; provide outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations. Funds have been utilized in the past to support events e.g., autism conference, youth leadership conference, ADA anniversary celebrations. The SILC also makes funding opportunities available to individuals with disabilities who may be seeking financial assistance to participate in a training event that promotes the IL philosophy and key elements of that philosophy – consumer control, consumer choice, self and systems advocacy and peer support. The SILC will continue to support these types of efforts annually throughout the reporting period through the use of its financial application and review process.

The IL Network will annually solicit nominations from individuals from minority and underserved groups to be considered for appointment to the SILC. The IL Network will identify representatives of agencies/organizations to serve on the SILC workgroups to increase knowledge and develop a better understanding of needs of people with disabilities and explore how the SILC can better meet identified needs. The CILS will actively work with local entities i.e., school districts, Mayor’s Committees, housing authorities, transportation committees to promote independent living options for persons with disabilities and to promote equal access to community life and provide quarterly updates to the SILC.

The table below reflects the information to be gathered on each goal. The corresponding objectives includes data to be collected, data collection method and the organization(s) assigned as primarily responsible for data collection.

<b>Timeline</b>	<b>Goals (copy from section 1.2 above)</b>	<b>Objectives (copy from section 1.3 above)</b>	<b>Data to be collected</b>	<b>Data collection method</b>	<b>Organizatio n primarily responsible for data collection (please check as many as apply)</b>
Throughout 3-year period	Increase awareness of independent living services in South Dakota	Increase the number of people in SD who receive IL services by 10% over 3 years.	Number of individuals served by CILs	704 PPR data; Information obtained thru CILs Quarterly Reports; updates provided at SILC quarterly meetings	<ul style="list-style-type: none"> <li>○ CILs</li> <li>○ DSE</li> <li>○ SILC</li> </ul>
Throughout 3-year period	Same as above	IL partners (DSE, SILC, CILs) will attend local vendor markets, health fairs and other	Number of identified events attended; resources provided (i.e., CIL brochure, core services	Information obtained thru CIL quarterly reports; updates provided at SILC meetings by IL Partners.	<ul style="list-style-type: none"> <li>○ CIL</li> <li>○ DSE</li> <li>○ SILC</li> </ul>



		community events to talk about services and provide resources.	listing, referrals gained. Attend at least 15 events annually.		
Throughout 3-year period	Same as above	The SILC will conduct series of advertisement campaigns or ads; using different platforms i.e., social media, internet, print, radio, television.	Number of ads developed and circulated. Two ads developed and circulated by September 2023.	Information or updates provided at SILC quarterly meetings.	○ SILC
Throughout 3-year period	Same as above	CILs will collect data on how participants learned of IL services.	CIL staff will gather at time of application throughout reporting period.	Information obtained thru CIL quarterly reports; updates provided at SILC quarterly meetings.	○ CIL ○ DSE ○ SILC
Throughout 3-year period	Ensure people with disabilities residing in South Dakota have access to IL services.	Identify underserved populations and locations.	Input from public forums; review of CIL and DSE quarterly reports; invite at least one group/organization to SILC meeting annually to host dialogue i.e., Tribal VR, disability organizations	Community dialogue; review of administrative data; updates provided at SILC quarterly meetings.	○ CIL ○ DSE ○ SILC
Throughout 3-year period	Same as above	CILs will work within the MOU to determine provider and coverage.	# of individuals who choose a provider outside of CIL coverage area; information to be reported at each SILC meeting.	Information obtained thru CIL Quarterly Reports; updates provided at SILC quarterly meetings.	○ CIL ○ DSE ○ SILC
Throughout 3-year period	Same as above	CILs will work with local school districts to disseminate	Number of school events attended/ # of pieces of information	Information obtained through quarterly reports; updates provided at	○ CIL ○ DSE ○ SILC

		IL information to students.	handed out/ CILs staff. Attend at least 20 school events annually.	SILC quarterly meetings.	
Throughout 3-year period	Same as above	The SILC will work with the Transition Services Liaison Project to disseminate IL information to schools/students .	Consult with TSLP staff to ensure IL information is included in project sponsored events on quarterly basis.	Dialogue outcome; updates provided at SILC quarterly meetings.	○ SILC
Throughout 3-year period	Same as above	CILs will educate Long Term Care Facility administration staff about IL services.	# of contacts with Long Term Care Facility reported by CIL staff. Conduct at least 20 contacts annually.	CILs Quarterly reports	○ CIL ○ DSE
Throughout 3-year period	The SILC and CILs will identify systemic issues with housing and transportation .	SILC members/staff and CIL staff will make efforts to participate in community events where housing or transportation needs for people with disabilities are likely to be discussed.	# and type of meeting(s) attended by SILC members/staff and CIL staff in their area; issue(s) raised or addressed at given meeting. Attend at least 6 events annually.	Information obtained through reports or updates provided at SILC quarterly meetings.	○ SILC ○ CILs
Throughout 3-year period	Same as above	The SILC and CILs will arrange for speakers with expertise in housing or transportation to present at SILC and/or CIL meetings.	# of presentations; # of attendees; # of groups presented to; host speakers at various meetings at least twice annually.	Information obtained/reported at SILC quarterly meetings.	○ SILC ○ CILs

Throughout 3-year period	Same as above	The SILC will identify and review existing housing and transportation resources.	Number, type and accessibility of available resources; communicate informational needs to state/organization responsible and encourage need for updates/changes throughout reporting period.	Obtain information/resources from state agency staff/ SILC members who work with DOT, SDHDA, etc; compare with information identified as needed by persons with disabilities.	<ul style="list-style-type: none"> <li>○ SILC</li> </ul>
Throughout 3-year period	Same as above	IL partners will determine if a statewide housing resource is necessary, and if so, begin developing such resource.	Identify information that is currently not included in existing resources, communicate informational needs to state/organization responsible and encourage need for updates/changes; or create needed resource by September 2023.	Review of existing resources and compare with information identified as needed by persons with disabilities.	<ul style="list-style-type: none"> <li>○ SILC</li> <li>○ DSE</li> <li>○ CILs</li> </ul>

1.5 Financial Plan

Sources, uses of, and efforts to coordinate funding to be used to accomplish the Goals and Objectives. Process for grants/contracts, selection of grantees, and distribution of funds to facilitate effective operations and provision of services.

<b>Fiscal Year(s):</b>					
<b>Sources</b>	<b>Projected Funding Amounts and Uses</b>				
	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities	Retained by DSE for Administrative costs (applies only to Part B funding)
<b>Title VII Funds</b>					

Chapter 1, Part B	\$34,248	\$304,469	\$0	\$0	\$0
Chapter 1, Part C	\$0	\$973,814	\$0	\$0	
<b>Other Federal Funds</b>					
Sec. 101(a)(18) of the Act (Innovation and Expansion)	\$55,581	\$0	\$0	\$0	
Social Security Reimbursement	\$0	\$305,000	\$0	\$0	
Other CARES ACT Funding	\$0	\$941,295	\$0	\$0	
<b>Non-Federal Funds</b>					
State Funds	\$3,387	\$160,905	\$0	\$0	
Other	\$0	\$0	\$0	\$0	

Description of financial plan narrative.

The DSE must comply with State of South Dakota’s fiscal requirements when distributing funds through contractual relationships: Request(s) for Proposal Process for professional services required by SDCL 5-18D-17 to 5-18D-22; SB162 State Board of Internal Control; and 2 CFR Section 200.330 Federal Pass-Through Funds. These types of contracts over \$50,000 need to go through the Request for Proposal Process as laid out in SD 5-18D-17 to 5-18D-22.

The Statewide Independent Living Council (SILC) receives approximately \$93,216.00 annually in grant funding to support SILC related activities. Chapter 1, Part B and VR funds are used to support the SILC resource plan. The total \$93,216 breaks down to \$34,248.00 in Chapter 1, Part B funds, \$55,581 in VR Sec. 101 (Innovation and Expansion) funds and \$3,387 in other state funds which are utilized to provide staff support (staff salaries and benefits) for both the SILC and the State Rehabilitation Council through a contractual agreement between the DSE and an outside entity. Funds also provide educational and professional growth opportunities for SILC members and CIL staff. This includes funding to support SILC member travel to meetings or trainings, CIL staff member attendance to trainings, costs associated with SILC meetings, and Strategic Planning. SILC Strategic Planning funds also support mini grants to support various organizations to provide activities or programs that promote IL philosophy and to individuals with disabilities to support their participation in IL related training opportunities.

All Part B funds not utilized in the SILC resource plan are used to support the provision of IL services. The DSE does not retain any Part B funds for administrative costs. The DSE enters into agreements with the CILs to provide IL services that support the SPIL goals and objectives. CILs and the DSE partner to develop and promote service options to ensure that IL services are provided statewide to individuals of all ages experiencing disabilities. Remaining Part B funds utilized in State contracts with CILs will supplement Part C funds and not duplicate the funding of services supported by Part C funds. Again, all Part B funds not utilized in the SILC resource plan are used to support the provision of IL services. The primary focus of these activities is the provision of the five core services.

The table also reflects a total of \$973,814 in Chapter 1, Part C funds utilized to support the CILs in South Dakota in operating expenses and serving participants. Independent Living Choices (ILC) receives a total of \$719,490 (IL South/\$530,122; IL North/\$40,161 and IL Native American/\$149,207) and Western Resources for Independent Living (WRIL) receives a total of \$254,324.00. The amounts for the Chapter 1, Part C funds were obtained from the Department of Health and Human Services, Administration for Community Living, Independent Living Program, Centers for Independent Living Grants, CILs Notice of Awards for FY2020. In accordance with Title I and Title VII of the Rehabilitation Act of 1973, as amended, these funds will be utilized to provide the five core services and goals, objectives and activities identified in the SPIL.

The State contracts with the CILs also contain \$305,000 in Social Security Reimbursement funds and \$160,905 in other state funds to support the provision of IL services statewide. Social Security Reimbursement funds from the VR program can be used for IL services the same as Part B funds. The distribution of Part B, SSA reimbursement and State funds is subject to performance by each CIL. The State contract will make monthly payments above the required units of services that are funded by Part C funds. The Statewide Independent Living Council approved the use of up to 15% of combined Part C and state funds to be set aside from the Part C budget to provide home modifications and assistive devices (HMAD) to independent living clients. If this amount is not spent on allowable HMAD expenses, the unpaid amount will need to be refunded to the State or applied to any additional units of services the CIL has provided over the contract amount.

The CILs also received one-time Cares Act funding in the amount of \$941,295.00. Independent Living Choices received a total of \$695,464 (ILC South/\$512,419; ILC North/\$38,821 and ILC Native American/\$144,224) and Western Resources for Independent Living received a total of \$245,831.

The Administration of Community Living CL applied the same formula that is used to determine annual CIL funding to determine the amount of Cares Act Funding each would receive. This formula includes the following factors: (1) Total Population from latest Census; (2) 1992's Distribution; (3) State/Territory minimums; (4) State's (Prior Year's amount + CPI adjustment).

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

### **2.1 Services**

Services to be provided to persons with disabilities that promote full access to community life including geographic scope, determination of eligibility and statewideness.

<b>Table 2.1A: Independent living services</b>	<b>Provided using Part B</b> (check to indicate yes)	<b>Provided using other funds</b> (check to indicate yes; do not list the other funds)	<b>Entity that provides</b> (specify CIL, DSE, or the other entity)
Core Independent Living Services, as follows:	No	Yes	Yes/CIL
- Information and referral	No	Yes	Yes/CIL
- IL skills training	No	Yes	Yes/CIL
- Peer counseling	No	Yes	Yes/CIL
- Individual and systems advocacy	No	Yes	Yes/CIL
- Transition services including: <ul style="list-style-type: none"> <li>▪ Transition from nursing homes &amp; other institutions</li> <li>▪ Diversion from institutions</li> <li>▪ Transition of youth (who were eligible for an IEP) to post-secondary life</li> </ul>	No	Yes	Yes/CIL
Counseling services, including psychological, psychotherapeutic, and related services	No	No	No
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 disabilities) Note: CILs are not allowed to own or operate housing.	No	Yes	Yes/CIL
Rehabilitation technology	No	Yes	Yes/CIL
Mobility training	No	No	No
Services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services	No	No	No
Personal assistance services, including attendant care and the training of personnel providing such services	No	No	No
Surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services	No	Yes	Yes/CIL
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	No	Yes	Yes/CIL
Education and training necessary for living in the community and participating in community activities	No	Yes	Yes/CIL

<b>Table 2.1A: Independent living services</b>	<b>Provided using Part B</b> (check to indicate yes)	<b>Provided using other funds</b> (check to indicate yes; do not list the other funds)	<b>Entity that provides</b> (specify CIL, DSE, or the other entity)
Supported living	No	No	No
Transportation, including referral and assistance for such transportation	No	Yes	Yes/CIL
Physical rehabilitation	No	No	No
Therapeutic treatment	No	No	No
Provision of needed prostheses and other appliances and devices	No	No	No
Individual and group social and recreational services	No	Yes	Yes/CIL
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	No	Yes	Yes/CIL
Services for children	No	No	No
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 disabilities	No	No	No
Appropriate preventive services to decrease the need of individuals with significant disabilities for similar services in the future	No	Yes	Yes/CIL
Community awareness programs to enhance the understanding and integration into society of individuals with disabilities	No	Yes	Yes/CIL
Such other services as may be necessary and not inconsistent with the Act	No	Yes	Yes/CIL

## 2.2 Outreach

Identify steps to be taken regarding statewide outreach to populations that are unserved or underserved by programs that are funded under Title VII, including minority groups and urban and rural populations.

For purposes of this plan, the SILC considered ‘unserved’ counties as those that are not included in CIL territories. All counties in South Dakota are covered as a CIL territory. ‘Underserved’ counties are those where the number of people served is less than ½ of the percentage of the total population that is currently being served; .33% of the total South Dakota population received independent living services in 2019; ½ of that is .165%. An analysis of current population by county and Program Performance Report data collected from CILs for 2019 shows that 14 counties fall under the .165% threshold: counties include Custer, Edmunds, Fall River, Faulk, Haakon, Hyde, Jones, Lincoln, Lyman, Meade, Mellette, Stanley, Sully, and Union.

It is recognized that a variety of factors can contribute to a county's number of people served, and therefore can play a role in the county's status as underserved. For this reason, the comparison of population to people served in a county is an indicator of the need for more outreach and other targeted efforts in that county, but it is not the sole measure of the impact of outreach in that county or the CIL's performance in that county. Nevertheless, these counties will be targeted by the corresponding CILs to increase outreach efforts and people served in those counties.

The primary source of outreach to the public is through the CILs. Statewide outreach accomplished by the provision of information on the DSE's website and the outreach efforts of SILC members, SILC staff, and DSE staff in communicating the availability of IL services whenever possible.

### 2.3 Coordination

Plans for coordination of services and cooperation among programs and organizations that support community life for persons with disabilities.

Maximizing cooperation and coordination among the SILC, CILs, and the DSE is critical to meeting the greatest amount of need for IL services with available resources. Each quarterly meeting agenda includes reports from the CILs, the DSE, blind agency staff, and SILC staff in order to stay informed of each other's activities. Annually, the SILC collaborates with the DSE, separate Blind Agency, Native American Tribal VR, CILs and other disability related organizations i.e., Council on Developmental Disabilities, Protection and Advocacy Agency, Parent Training and Technical Assistance Center to host public meetings and forums. CILs work with local entities to promote independent living options for persons with disabilities and to promote equal access to community life.

SILC membership composition provides additional avenues for cooperation and coordination between the SILC, CILs, DSE, separate Blind Agency, and other public and private entities. Current SILC members bring linkages to groups such as the South Dakota Housing Development Authority, the two State Rehabilitation Councils, and the South Dakota Association of the Deaf. It is critical that all are fully aware of services available through other Federal, State and local programs, which have the potential to meet some of the IL and VR needs of those served. A commitment is made to keeping the SILC, CILs, DSE and separate Blind Agency members up-to-date on available resources i.e., assistive daily living services, medical assistance for workers with disabilities, and benefits specialist services.

## **Section 3: Network of Centers**

### 3.1 Existing Centers

Current Centers for Independent Living including: legal name; geographic area and counties served; and source(s) of funding. Oversight process, by source of funds (e.g., Part B, Part C, state funds, etc.) and oversight entity.

South Dakota is comprised of 66 counties, all of which are covered by an independent living center. The CILs are: Independent Living Choices (ILC) - South, ILC - North, Native American ILC, and Western Resources for Independent Living (WRIL).

The State's network is complete in terms of 34 CFR 364.25 in that services are available in all 66 counties, including all Tribal Nation lands. In consultation with tribal elders, the SILC, DSE and CILs have learned that the language they find most respectful when speaking of the nine tribal



reservations is “Tribal Nations” and when referencing “Tribal Nation land” the Tribal Nations do not recognize counties.

Independent Living Choices (North, South and Native American) and Western Resources for Independent Living center directors are both SPIL Signatories.

Through the provision of Part B and Part C funds to the CILs, essentially all services are available. The core services create the foundation of all IL services in South Dakota. It is recognized that each CIL augments the five core services with other services most needed in their geographic area. It is expected that although services vary from one center to another, core services remain as the most frequently provided service across the state.

The CILs received a one-time appropriation from Congress, the COVID 19 Aid, Relief, and Economic Security Act (CARES Act) supplemental federal funds. South Dakota received a total of \$941,295 in CARES Act funds, of which Independent Living Choices received a total of \$695,464 (ILC South/\$512,419; ILC North/\$38,821 and ILC Native American/\$144,224) and Western Resources for Independent Living received a total of \$245,831. The CILs will utilize these funds to respond to the COVID-19 pandemic and the surge of needs of eligible individuals to access or reconnect with the services and supports they need to remain safely in their communities. The CILs understand that these funds need to be obligated by September 30, 2021.

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

IL services provided by the CILs are provided free of charge to eligible individuals. Occasionally, a CIL may provide a time limited training program e.g., youth summer institute, and they may choose to charge a registration fee to help cover related costs e.g., speaker and materials. The SILC is provided a copy of the registration information with the registration fee.

Centers for Independent Living can assist with assistive technology equipment/programs such as the Telecommunications Adaptive Devices (TAD) Program and the Home Modification/Assistive Devices (HMAD) Program. The provision of assistive technology equipment from these programs is dependent on the availability of funds and the individual meeting the financial need requirements.

Funds for the HMAD Program can purchase equipment or Home Modifications for an individual being served by the Independent Living Program. This program requires a financial need test and establishes a maximum financial assistance amount of \$10,000 for the client’s lifetime. The financial needs test takes into account the individual’s income and resources, and it is applied uniformly to all individuals who need this service. Situations may occur where there are unique and unusual circumstances regarding family size, income, and extenuating circumstances that warrant special consideration. Properly documented justifications of these cases can be approved by the Division of Rehabilitation Services Independent Living Program Specialist.

For services provided directly by the CILs, each entity maintains consumer service records documenting eligibility based on existing medical records or self-reported information from the consumer. They also maintain information and referral data so that consumers can be referred to other appropriate services and agencies. The CILs provide independent living services to any individual present in the state, who meets eligibility requirements, without regard to age, color, creed, gender, national origin, race, religion, or type

of disability and in accordance with 34 CFR 364.4(b).

Information and referral for IL services is provided to all interested individuals. There is no eligibility requirement to attain the service, and an individual is not required to open a case service record for only information and referral. These services are provided without regard to age, color, creed, gender, national origin, race, religion, or type of disability.

Each of the CILs in South Dakota will assure that individuals with significant disabilities within its designated service area that are otherwise eligible for services; are identified in its consumer eligibility process and determined eligible for and provided with IL services. There are no specific residency requirements for the provision of IL services. Although the state recognizes that the limited funds available need to be reserved for SD residents first. Generally, referrals from individuals living in a bordering state are referred to a CIL in their local area.

CILs will be responsible for following its established consumer eligibility determination process to assure that eligible consumers have access to their services. All potential consumers are prescreened for eligibility of IL services in a manner that meets the requirements of 34 CFR 364.51 prior to the provision of services.

CILs maintain a consumer service record that includes either a written IL plan, mutually agreed upon by the consumer and IL staff, or a signed waiver stating that an IL plan is unnecessary. Each entity is responsible for following its identified method of assuring that, consumers are provided the opportunity to develop or waive an Independent Living Plan (ILP) and that their decision is indicated via signature. Furthermore, individuals choosing to develop an ILP will be assisted by their corresponding CIL staff in doing so.

The CILs provide information to every consumer in written and other accessible formats, about the purpose and availability of the Client Assistance Program (CAP), including ways by which to contact the CAP program. Each CIL is responsible for following its policies of assuring that consumers are notified of the availability of the CAP program in South Dakota and related contact information in formats that are accessible to the individual being served.

CILs have written policies that assure the confidentiality of all personal information. They also will have written policies concerning release of information forms, which will comply with 34 CFR 364.56 (a) and HIPAA. Each CIL will have the responsibility for following its policies, which assure consumer information is kept confidential, as well as policies guiding the use of signed releases of information prior to sharing consumer information with other service providers or entities.

### **South Dakota Network of Centers for Independent Living**

<b>Legal name</b>	<b>Counties served</b>	<b>Oversight process</b>	<b>Oversight entity</b>	<b>SPIL Signatory</b>	<b>Sources of Funding</b>
ILC South	Aurora, Bon Homme, Brookings, Brule, Buffalo, Charles Mix, Clark, Clay, Davison,	DSE signs contracts with each CIL; DSE and CIL work with Department of Human Services Office of	DSE for Part B and State Funding	Yes	Part B Part C State Funds

	Douglas, Gregory, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton counties.	Budget and Finance to assure claims are paid accurately and on time and meet EDGAR requirements;  CIL submits CIL PPR to ACL/OILP	and ACL for Part C Funding		Other Federal Funds
ILC North	Brown, Beadle, Campbell, Clark, Codington, Day, Deuel, Edmunds, Faulk, Grant, Hand, Hamlin, Hyde, Marshall, McPherson, Potter, Roberts, Spink and Walworth counties.	DSE signs contracts with each CIL; DSE and CIL work with Department of Human Services Office of Budget and Finance to assure claims are paid accurately and on time and meet EDGAR requirements;  CIL submits CIL PPR to ACL/OILP	DSE for Part B and State Funding and ACL for Part C Funding	Yes	Part B Part C State Funds Other Federal Funds
Native American ILC	Serves nine Tribal Nations in South Dakota: Cheyenne River, Crow Creek, Flandreau, Lake Traverse, Lower Brule, Pine Ridge, Rosebud, Yankton, and the South Dakota portion of Standing Rock. Native American ILC additionally serves persons with significant disabilities in Bennett County.	DSE signs contracts with each CIL; DSE and CIL work with Department of Human Services Office of Budget and Finance to assure claims are paid accurately and on time and meet EDGAR requirements;  CIL submits CIL PPR to ACL/OILP	DSE for Part B and State Funding and ACL for Part C Funding	Yes	Part B Part C State Funds Other Federal Funds
WRIL	Serves persons with significant disabilities in all or part of Butte, Custer, Fall River, Harding, Haakon, Hughes, Jackson, Jones, Lawrence, Lyman, Meade, Mellette, Pennington,	DSE signs contracts with each CIL; DSE and CIL work with Department of Human Services Office of Budget and Finance to assure claims are paid accurately and on time and meet EDGAR requirements;	DSE for Part B and State Funding and ACL for Part C Funding	Yes	Part B Part C State Funds Other Federal Funds

	Perkins, Stanley, Sully and Tripp counties	CIL submits CIL PPR to ACL/OILP			
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### 3.2 Expansion and Adjustment of Network

Plan and priorities for use of funds, by funding source, including Part B funds, Part C funds, State funds, and other funds, whether current, increased, or one-time funding and methodology for distribution of funds. Use of funds to build capacity of existing Centers, establish new Centers, and/or increase statewideness of Network.

Minimum funding level for a Center and formula/plan for distribution of funds to bring each Center to the minimum. Exceptions must be explained with sufficient detail.

Action/process for distribution of funds relinquished or removed from a Center and/or if a Center closes.

Plan/formula for adjusting distribution of funds when cut/reduced.

Plan for changes to Center service areas and/or funding levels to accommodate expansion and/or adjustment of the Network.

Plan for one-time funding and/or temporary changes to Center service areas and/or funding levels.

South Dakota's SILC, DSE and CILs (IL Network) have not identified a need to develop a plan for expanding the existing network of CILs. It has identified the reality that even though the entire population has access to some level of independent living services, the same scope of services may not be available to persons in all portions of the state. Thus, their attention has been focused on how to increase the level of services available to all South Dakotans with significant disabilities needing and requesting IL services.

The SPIL signatories have set the following priorities for the use of Part C funds awarded to South Dakota in the future:

The South Dakota IL Network agrees that the minimum funding level established for a CIL is the amount of Part C funds awarded by the Department of Health and Human Services, Administration for Community Living, Independent Living Program to each CIL. The first priority is to use available funds to support existing Part C CILs; ILC South, ILC North, Native American ILC, and WRIL at the level of funding of the previous year.

The second priority is to use available Part C funds to provide a cost-of-living increase to all existing Part C CILs, ILC South, ILC North, Native American ILC, and WRIL.

If all areas of the state are designated as being served with Part C funds by a CIL, the next priority is that additional Part C funds will be distributed to existing Part C centers proportionate to their current Part C funding in order to maintain or increase the level of services in their respective service areas.

In the event that a Part C grant to a Center for Independent Living is relinquished or terminated, the unused funding will be subject to the competitive discretionary grant process conducted by ACL made available to existing and prospective new Centers for Independent Living. This grant process would re-

establish a new center in the vacated area. If there are no fundable applicants, then the funds would be distributed to the other CILs proportionate to their current Part C award to serve their current service areas. The vacated area would remain unserved by Part C funds and the Designated State Unit could reallocate the Part B funds and other funds to cover this unserved area to the existing CILs to cover the unserved area.

Due to startup costs that would be necessary with forming a new CIL, it is determined that a minimum of \$150,000 of federal funding would be needed to establish another CIL to serve the unserved area. If the unserved area includes Tribal Nations in South Dakota, Native American non-profit organizations would be encouraged to apply to operate a CIL in that area.

South Dakota IL Network partners consider \$150,000 in federal funds to be a base level of funding for a new center. The CILs in South Dakota receive Part C funds through formulas established by ACL. Again, the minimum funding level for an established center would be the awarded amount as determined by ACL/ILP. Establishing a new CIL in South Dakota is not a priority for the SILC. All counties in South Dakota are covered as a CIL territory, which includes the 66 counties and all Tribal nations. The CILs maintain offices in major population centers across the state and have additional staff designated to serve outlying counties. Should increases to funding be designated for the establishment of a new CIL, a significant portion of that funding would be directed to overhead and infrastructure costs. Potential increases in funding to the existing CILs would directly contribute to increased staffing and consumer services.

Challenges in operating a CIL in South Dakota includes overcoming the distances between communities, reaching consumers in underserved areas, as well as seasonal elements i.e., winter and flooding. Currently, the CILs have staff offices located in population centers in their respective service areas and satellite offices. If sufficient additional funding were to become available, the most productive use of those funds to expand the CIL network would be to add additional staff and/or satellite offices, depending upon the strategic plans of each CIL.

Distribution of state and other funds to the CILs will be determined by the following:

- Each center has a target number of units that is based on the total funds received divided by a service unit rate. If the center has shown an inability to meet or exceed their target units without acceptable justification, this can impact future increases to funding.
- The DSE is responsible for accounting for services. If program evaluations are sub-standard, this can impact future funding.
- If the center is providing services to an acceptable degree, the funding is at least equal to the previous year's part B funds for that center. If inflationary increases are approved, those are distributed by a similar ratio.
- Centers that meet or exceed service unit targets and are in good standing as centers obtain additional funding if it is available.
- If a center consistently fails to effectively provide IL services as evidenced by poor evaluations, the inability to reach service targets, failed attempts at corrective action, and unwillingness to accept technical assistance, the Part C funding is the minimum funding level.

In the event that plan/formula for adjusting distribution of funds are cut/reduced. If Part B, other federal, or non-federal funds are reduced, reductions would be proportionate to the prior totals.

Again, South Dakota CILs received COVID 19 Aid, Relief, and Economic Security Act (CARES Act) supplemental federal funds. The CILs will utilize these one-time funds to respond to the COVID-19 pandemic and the surge of needs of eligible individuals to access or reconnect with the services and supports they need to remain safely in their communities.

#### **Section 4: Designated State Entity**

The Division of Rehabilitation Services will serve as the entity in South Dakota 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. (*Sec. 704(c)*)

##### 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).

##### 4.2 Grant Process & Distribution of Funds

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

The DSE enters into agreements with the CILs to provide IL services that support the SPIL goals.

Part B funds utilized in State contracts with CILs will supplement Part C funds and not duplicate the funding of services supported by Part C funds.

All Part B funds not utilized in the SILC resource plan are used to support the provision of IL services. The primary focus of these activities is the provision of the five core services. These funds are also used to support the administrative costs of the HMAD program.

Part B and VR funds are also used to support the SILC resource plan. Part B funds utilized in this way provide educational and professional growth opportunities for SILC members, SILC staff, and CIL staff. These funds are also used to provide staff support to the SILC. SILC staff support is accomplished through a contract relationship. SILC resource funds are also utilized to support mini-grants to various organizations in support of activities and programs that promote the IL philosophy and to individuals to support their participation in IL related training opportunities.

These types of contracts over \$50,000 need to go through a Request for Proposal Process as laid out in SDCL 5-18D-17 to 5-18D-22.

The DSE must comply with the following State fiscal requirements when distributing funds through contractual relationships:

Request for Proposal Process for professional services required by SDCL 5-18D-17 to 5-18D-22

SB162 – State Board of Internal Control  
2 CFR Section 200.330 – Federal Pass-Through Funds

#### 4.3 Oversight Process for Part B Funds

The oversight process to be followed by the DSE.

DRS reimburses CIL's based on a unit of service cost. DRS works closely with the Department of Human Services' Office of Budget and Finance to assure that claims are paid accurately and on time, and that these fiscal transactions meet EDGAR requirements.

DRS uses a modified accrual basis of accounting consistent with most other agencies of the State of South Dakota. Modified accrual accounting is used to show the flow of financial assets to the funds and balances available for spending at year end. Each of South Dakota's four CILs will follow its established fiscal policies and cost allocation plan, and they will be responsible for monitoring and maintaining records of their expenditures to assure compliance with EDGAR fiscal and accounting requirements.

DRS maintains supporting documentation of accounting transactions on-site for the current and prior fiscal years. The State of South Dakota's Records Center 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.

DRS completes and submits all required annual performance and financial reports, as well as any others, which the Secretary determines to be appropriate. In addition, DRS provides access to the Commissioner and Comptroller General, or their representatives, when requested, for the purpose of conducting audits, examinations and compliance reviews. IL Network members also routinely consult with representatives of the Commissioner, seeking needed technical assistance relating to the delivery of IL services.

#### 4.4 Administration and Staffing

Administrative and staffing support provided by the DSE.

South Dakota's Division of Rehabilitation Services awards Part B funds directly to the CILs for the provision of IL services. Part B funds are also used to fund the SILC resource plan. The DSE staff monitors the agreements with the CILs annually, and ongoing as needed.

The Division of Rehabilitation Services, in its role as the DSE provides fiscal oversight for the Part B funds awarded to the four CILs in South Dakota. DSE staff provides direct oversight of these funded activities and technical assistance to the CILs as requested.

No DSE employees will serve as staff to the Statewide Independent Living Council. The DSE will act only as a fiscal agent and in doing so will not result in any conflict of interest with the SILC.

#### 4.5 State Imposed Requirements

State-imposed requirements contained in the provisions of this SPIL including: (45 CFR 1329.17(g))

- State law, regulation, rule, or policy relating to the DSE's administration or operation of IL programs
- 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

The HMAD program requires a financial needs test, which takes into account the individual's income and resources, and it is applied uniformly to all individuals who are in the program. The DSE must comply with the following State fiscal requirements when distributing funds through contractual relationships:

- Request for Proposal Process for professional services required by SDCL 5-18D-17 to 5-18D-22
- SB162 – State Board of Internal Control
- 2 CFR Section 200.330 – Federal Pass-Through Funds

#### 4.6 722 vs. 723 State

Check one:

- X   722 (if checked, will move to Section 5)  
       723 (if checked, will move to Section 4.7)

#### 4.7 723 States

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.

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

#### 5.1 Establishment of SILC

How the SILC is established and SILC autonomy is assured.

The South Dakota SILC is established under the State of South Dakota, Office of the Governor, Executive Order 93-6. Executive Order 93 – addresses the role of the SILC, its composition, appointing authority and the SILC duties. Governor Walter D. Miller signed this Executive Order June 9, 1993. The autonomy and independence of the SILC, with respect to the DSE and all other State agencies, is ensured by the DSE only acting as a fiscal agent. SILC support is provided through a contract relationship with an outside agency through a Request for Proposal Process laid out in SDCL 5-18D-17 to 5-18D22. (These types of contracts over \$50,000 need to go through a Request for Proposal Process as laid out in SDCL 5 – 18D-17 to 5-18D-22.)

The DSE has an agreement in place with Black Hills Special Services Cooperative for consultant services. The consultant is an independent contractor and not an officer, agent or employee of the State of South Dakota. This agreement outlines support services to the Board of Vocational Rehabilitation (South Dakota's Rehabilitation Council) and the Statewide Independent Living Council. SILC staff is supervised and evaluated by the SILC leadership or the SILC as a whole.

#### 5.2 SILC Resource plan

Resources (including necessary and sufficient funding, staff/administrative support, and in-kind), by funding source and amount, for SILC to fulfill all duties and authorities.



Process used to develop the Resource Plan.

Process for disbursement of funds to facilitate effective operations of SILC.

Justification if more than 30% of the Part B appropriation is to be used for the SILC Resource Plan.

The SILC Resource Plan allocates federal funding from Title I Innovation and Expansion funds for the operation of the SILC. The major areas funded are Council staff salaries and benefits, SILC staff travel, staff training, and office expenses i.e., supplies, equipment, telephone, rent, copier usage, advertising, insurances. Part B funds in the SILC Resource Plan support SILC member travel, CIL staff training, SILC meeting expenses and SILC strategic planning activities.

A total of \$33,098.71 of Part B funds and \$3,677.64 of State funds support SILC travel, CIL staff training, SILC meeting expenses and SILC Strategic Planning line items in the budget. Title I Innovation and Expansion funds provide for the remaining budget items: Council staff salary/benefits, staff travel, supplies and office operations. Budget figures are determined on historical costs as a consultant agreement or similar contractual agreement has been utilized to provide Council staff and support services since 1994. The Consultant Agreement identifies that the Black Hills Special Services Cooperative submits a bill for service to the DSE within 30 days following the end of each month in which services are provided. This ensures timeliness and efficiency and prevents undue hardship of the SILC and also ensures continual, uninterrupted operations and effectiveness of the SILC. The current allocation plan funds SILC activities, which must be completed to meet the goals and objectives of this SPIL.

There is an excellent system in place for checks and balances to ensure the fiscal accountability of the SILC. SILC staff assists the SILC in developing an annual budget and monitors its current year expenditures, and any modifications during the year are approved by the entire SILC. The agency providing staff support has an accounting division, which completes required accounting functions. At each of the quarterly SILC meetings, staff presents a financial report on expenditures to date and remaining balances. The contracting agency submits requests for reimbursement of expenses to the DSE, Division of Rehabilitation Services, on a monthly basis.

There are no conditions or requirements in the SILC Resource Plan that would compromise the independence of the SILC. The contract to purchase staff support services for the SILC is administered by the DSE. The SILC executive committee reviews and approves the statement of work prior to the contract bid letting. The DSE consults with the SILC Chairperson prior to approving the contract. Any contract or budget amendments affecting the Council are reviewed and approved by the Council executive committee and reported to the full Council.

As noted under Section 5.1 a consultant agreement is in place to provide the necessary administrative and support services needed by the SILC to carry out its every day duties and responsibilities. SILC staff is supervised and evaluated by the SILC leadership or the SILC as a whole. In addition, assignments made to SILC staff are made by the SILC Chairperson or their representative, thus there are no conflict of interests arising due to assignments coming from others. The consultant agreement to purchase support services is a multi-year contract and is evaluated annually. The DSE seeks feedback from the chairpersons of the involved parties on the quality of services being provided, the adequacy of the level of staff support being provided, and their interest in continuing this arrangement. Some examples of activities carried out by staff include:

Complete all logistical arrangements for regular and special meetings of the SILC.

Handle correspondence, including minutes, public notices, letters, press releases and reports.

Provide support to committees, including scheduling, facility arrangements and material preparations.

Schedule, promote and conduct community forums to obtain public comment for the State Plan for Independent Living services.

Conduct research, gathers information and meets with collaborating organizations to assist the Council to accomplish its goals and objectives, as directed by the SILC.

Assist in preparing and submitting the annual Section 704 report and the State Plan for Independent Living.

Complete travel arrangements for SILC members and make reimbursement payments for allowable expenses.

Make arrangements and process payment for allowable costs for CIL staff training activities supported by the SILC, per their direction.

Provide other administrative duties as directed by the SILC Chairperson and the SILC Executive Committee to carry out SILC activities between meetings.

### 5.3 Maintenance of SILC

How State will maintain SILC over the course of the SPIL.

South Dakota's Governor completes all appointments to the SILC, including ex-officio appointees representing various agencies of State government. The SILC is presently comprised of a total of 16 members. Nine of these members are persons with disabilities, and they are not employed by a state agency or a CIL. Staff of the Divisions of Rehabilitation Services (DSE) and Service to the Blind and Visually Impaired (the separate agency serving individuals who are blind or visually impaired) are both ex-officio members of the SILC. The total number of voting members is 13, and one of the voting members is a CIL director chosen by the CIL directors within the state. One member is a representative of the Native American Tribal VR in South Dakota. The types of disability groups represented by current SILC members are physical, mental, cognitive, sensory and multiple. The South Dakota SILC also includes a representative from the SD Housing Developmental Authority. Current membership also provides for statewide representation.

The SILC Chairperson, Vice Chairperson and two Members-At-Large are all elected from and by the voting members. No member of the SILC may serve more than two consecutive three-year terms. When vacancies occur, the replacements are appointed by the Governor, either at the time annually when new appointments are made or during the interim, depending on the desire of the Governor.

The DSE has an agreement in place on behalf of the SILC with Black Hills Special Services Cooperative (BHSSC) for consultant services. This agreement provides the SILC with administrative staff support through a contractual relationship; this agreement is a multi-year contract and it is evaluated annually. BHSSC is identified as the independent contractor/consultant and is not an officer, agent or employee of the State of South Dakota. This agreement outlines consultant services for the Board of Vocational

Rehabilitation (South Dakota’s Rehabilitation Council) and the Statewide Independent Living Council. The autonomy and independence of the SILC is ensured by the DSE acting only as a fiscal agent. SILC staff is supervised and evaluated by the SILC leadership or the SILC as a whole. The SILC Chairperson gives primary direction to staff. Assignments made to SILC staff are made by the SILC chairperson or their representative. Thus, no conflict of interest arises due to assignments coming from others. SILC staff and the SILC Executive Committee have regular contact, including teleconference calls, to conduct SILC business. There are no staff assignments made that would create a conflict of interest.

The SILC follows procedures as outlined in their “SILC Policy on A Method for Recruiting Members and Regularly Providing Recommendations for Eligible Appointments to the Appointing Authority” to solicit nominations. In addition, the SILC’s bylaws speak to the establishment, authorities, composition and appointment, and terms of appointment for the SILC. The bylaws also contain a section for officers and elections which outlines selection, terms of office, and definitions for Chair, Vice Chair and Member(s)-At-Large.

## **Section 6: Legal Basis and Certifications**

### **6.1 Designated State Entity (DSE)**

The state entity/agency designated to receive and distribute funding, as directed by the SPIL, under Title VII, Part B of the Act is Division of Rehabilitation Services.  
Authorized representative of the DSE Eric Weiss Title Director \_\_\_\_\_.

### **6.2 Statewide Independent Living Council (SILC)**

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 South Dakota Statewide Independent Living Council.

### **6.3 Centers for Independent Living (CILs)**

The Centers for Independent Living (CILs) eligible to sign the SPIL, a minimum of 51% whom must sign prior to submission, are:

Independent Living Choices (ILC South, ILC North, Native American ILC)

Western Resources for Independent Living

### **6.4 Authorizations**

6.4.a. The SILC is authorized to submit the SPIL to the Independent Living Administration, Administration for Community Living. Yes (Yes/No)

6.4.b. The SILC and CILs may legally carryout each provision of the SPIL. Yes (Yes/No)

6.4.c. State/DSE operation and administration of the program is authorized by the SPIL.  
Yes (Yes/No)

## Section 7: DSE Assurances

Eric Weiss, Director acting on behalf of the DSE Division of Rehabilitation Services  
located at 3800 E Hwy 34, c/o 500 E Capitol Avenue, Pierre, SD 57501 605-773-3195;

[Eric.Weiss@state.sd.us](mailto:Eric.Weiss@state.sd.us)

*45 CFR 1329.11* assures that:

- 7.1. The DSE acknowledges its role on behalf of the State, as the fiscal intermediary to receive, account for, and disburse funds received by the State to support Independent Living Services in the State based on the plan;
- 7.2. The DSE will assure that the agency keeps appropriate records, in accordance with federal and state law, and provides access to records by the federal funding agency upon request;
- 7.3. The DSE will not retain more than 5 percent of the funds received by the State for any fiscal year under Part B for administrative expenses;
- 7.4. The DSE assures that the SILC is established as an autonomous entity within the State as required in *45 CFR 1329.14*;
- 7.5. The DSE will not interfere with the business or operations of the SILC that include but are not limited to:
  1. Expenditure of federal funds
  2. Meeting schedules and agendas
  3. SILC board business
  4. Voting actions of the SILC board
  5. Personnel actions
  6. Allowable travel
  7. Trainings
- 7.6. The DSE will abide by SILC determination of whether the SILC wants to utilize DSE staff:
  1. If the SILC informs the DSE that the SILC wants to utilize DSE staff, the DSE assures that management of such staff with regard to activities and functions performed for the SILC is the sole responsibility of the SILC in accordance with Sec. 705(e)(3) of the Act (Sec. 705(e)(3), 29 U.S.C.796d(e)(3)).
- 7.7. The DSE will fully cooperate with the SILC in the nomination and appointment process for the SILC in the State;
- 7.8. The DSE shall make timely and prompt payments to Part B funded SILCs and CILs:
  1. When the reimbursement method is used, the DSE must make a payment within 30 calendar days after receipt of the billing, unless the agency or pass-through entity reasonably believes the request to be improper;
  2. When necessary, the DSE will advance payments to Part B funded SILCs and CILs to cover its estimated disbursement needs for an initial period generally geared to the mutually agreed upon disbursing cycle; and
  3. The DSE will accept requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as necessary when electronic fund transfers

are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

The signature below indicates this entity/agency's agreement to: serve as the DSE and fulfill all the responsibilities in Sec. 704(c) of the Act; affirm the State will comply with the aforementioned assurances during the three-year period of this SPIL; and develop, with the SILC, and ensure that the SILC resource plan is necessary and sufficient (in compliance with section 8, indicator (6) below) for the SILC to fulfill its statutory duties and authorities under Sec. 705(c) of the Act, consistent with the approved SPIL.

Eric Weiss, Director, Division of Rehabilitation Services

Eric Weiss, Director, Division of Rehabilitation Services

Name and Title of DSE director/authorized representative

*Eric Weiss, Division Director*

October 27, 2020

Signature

Date

Electronic signature may be used for the purposes of submission, but hard copy of signature must be kept on file by the SILC.

## **Section 8: Statewide Independent Living Council (SILC) Assurances and Indicators of Minimum Compliance**

### 8.1 Assurances

Alan Adel (name of SILC chairperson) acting on behalf of the SILC South Dakota Statewide Independent Living Council located at 221 South Central Avenue, Ste 33, Pierre, SD 57501 605-494-3613; Alan Adel alan@wril.org

45 CFR 1329.14 assures that:

- (1) The SILC regularly (not less than annually) provides the appointing authority recommendations for eligible appointments;
- (2) The SILC is composed of the requisite members set forth in the Act;
- (3) The SILC terms of appointment adhere to the Act;
- (4) The SILC is not established as an entity within a State agency in accordance with 45 CFR Sec. 1329.14(b);
- (5) The SILC will make the determination of whether it wants to utilize DSE staff to carry out the functions of the SILC;
  - a. The SILC must inform the DSE if it chooses to utilize DSE staff;
  - b. The SILC assumes management and responsibility of such staff with regard to activities and functions performed for the SILC in accordance with the Act.
- (6) The SILC shall ensure all program activities are accessible to people with disabilities;
- (7) The State Plan shall provide assurances that the designated State entity, any other agency, office, or entity of the State will not interfere with operations of the SILC, except as provided by law and regulation and;

- (8) The SILC actively consults with unserved and underserved populations in urban and rural areas that include, indigenous populations as appropriate for State Plan development as described in Sec. 713(b)(7) the Act regarding Authorized Uses of Funds.

## Section 8.2 Indicators of Minimum Compliance

Indicators of minimum compliance for Statewide Independent Living Councils (SILC) as required by the Rehabilitation Act (Section 706(b), 29 U.S.C. Sec 796d-1(b)), as amended and supported by 45 CFR 1329.14-1329.16; and Assurances for Designated State Entities (DSE) as permitted by Section 704(c)(4) of the Rehabilitation Act (29 U.S.C. Sec. 796c(c)(4)), as amended.

### (a) STATEWIDE INDEPENDENT LIVING COUNCIL INDICATORS. –

- (1) SILC written policies and procedures must include:
  - a. A method for recruiting members, reviewing applications, and regularly providing recommendations for eligible appointments to the appointing authority;
  - b. A method for identifying and resolving actual or potential disputes and conflicts of interest that are in compliance with State and federal law;
  - c. A process to hold public meetings and meet regularly as prescribed in 45 CFR 1329.15(a)(3);
  - d. A process and timelines for advance notice to the public of SILC meetings in compliance with State and federal law and 45 CFR 1329.15(a)(3);
  - e. A process and timeline for advance notice to the public for SILC “Executive Session” meetings, that are closed to the public, that follow applicable federal and State laws;
    - i. “Executive Session” meetings should be rare and only take place to discuss confidential SILC issues such as but not limited to staffing.
    - ii. Agendas for “Executive Session” meetings must be made available to the public, although personal identifiable information regarding SILC staff shall not be included;
  - f. A process and timelines for the public to request reasonable accommodations to participate during a public Council meeting;
  - g. A method for developing, seeking and incorporating public input into, monitoring, reviewing and evaluating implementation of the State Plan as required in 45 CFR 1329.17; and
  - h. 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).
- (2) The SILC maintains regular communication with the appointing authority to ensure efficiency and timeliness of the appointment process.
- (3) The SILC maintains individual training plans for members that adhere to the SILC Training and Technical Assistance Center’s SILC training curriculum.
- (4) The SILC receives public input into the development of the State Plan for Independent Living in accordance with 45 CFR 1329.17(f) ensuring:
  - a. Adequate documentation of the State Plan development process, including but not limited to, a written process setting forth how input will be gathered from the state’s centers for

independent living and individuals with disabilities throughout the state, and the process for how the information collected is considered.

- b. All meetings regarding State Plan development and review are open to the public and provides advance notice of such meetings in accordance with existing State and federal laws and 45 CFR 1329.17(f)(2)(i)-(ii);
  - c. Meetings seeking public input regarding the State Plan provides advance notice of such meetings in accordance with existing State and federal laws, and 45 CFR 1329.17(f)(2)(i);
  - d. Public meeting locations, where public input is being taken, are accessible to all people with disabilities, including, but not limited to:
    - i. proximity to public transportation,
    - ii. physical accessibility, and
    - iii. effective communication and accommodations that include auxiliary aids and services, necessary to make the meeting accessible to all people with disabilities.
  - e. Materials available electronically must be 508 compliant and, upon request, available in alternative and accessible format including other commonly spoken languages.
- (5) The SILC monitors, reviews and evaluates the State Plan in accordance with 45 CFR 1329.15(a)(2) ensuring:
- a. Timely identification of revisions needed due to any material change in State law, state organization, policy or agency operations that affect the administration of the State Plan approved by the Administration for Community Living.
- (6) The SILC State Plan resource plan includes:
- a. Sufficient funds received from:
    - i. Title VII, Part B funds;
      - 1. If the resource plan includes Title VII, Part B funds, the State Plan provides justification of the percentage of Part B funds to be used if the percentage exceeds 30 percent of Title VII, Part B funds received by the State;
    - ii. Funds for innovation and expansion activities under Sec. 101(a)(18) of the Act, 29 U.S.C. Sec. 721(a)(18), as applicable;
    - iii. Other public and private sources.
  - b. The funds needed to support:
    - i. Staff/personnel;
    - ii. Operating expenses;
    - iii. Council compensation and expenses;
    - iv. Meeting expenses including meeting space, alternate formats, interpreters, and other accommodations;
    - v. Resources to attend and/or secure training and conferences for staff and council members and;
    - vi. Other costs as appropriate.

The signature below indicates the SILC's agreement to comply with the aforementioned assurances and indicators:

Alan Adel, SILC Chairperson October 27, 2020  
Alan Adel, Name of SILC chairperson

*Alan Adel, SILC Chairperson* October 27, 2020  
Signature Date

Electronic signature may be used for the purposes of submission, but hard copy of signature must be kept on file by the SILC.

**Section 9: Signatures**

The signatures below are of the SILC chairperson and at least 51 percent of the directors of the centers for independent living listed in section 6.3. These signatures indicate that the South Dakota Statewide Independent Living Council and the centers for independent living in the state agree with and intend to fully implement this SPIL's content. These signatures also indicate that this SPIL is complete and ready for submission to the Independent Living Administration, Administration for Community Living, U.S. Department of Health and Human Services.

The effective date of this SPIL is October 1, 2020

*Alan Adel, SILC Chairperson* October 27, 2020  
ALAN ADEL, SIGNATURE OF SILC CHAIRPERSON DATE

Alan Adel, SILC Chairperson  
ALAN ADEL, NAME OF SILC CHAIRPERSON

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INDEPENDENT LIVING CHOICES  
NAME OF CENTER FOR INDEPENDENT LIVING (CIL)

*Matt Cain, ILC Director* October 27, 2020  
MATT CAIN, SIGNATURE OF CIL DIRECTOR DATE

Matt Cain, ILC Director  
MATT CAIN, NAME OF CIL DIRECTOR

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WESTERN RESOURCES FOR INDEPENDENT LIVING  
NAME OF CENTER FOR INDEPENDENT LIVING (CIL)

*Jen Red Bear, WRIL Director* October 27, 2020  
JEN RED BEAR, SIGNATURE OF CIL DIRECTOR DATE

Jen Red Bear, WRIL Director  
JEN RED BEAR, NAME OF CIL DIRECTOR

Electronic signatures may be used for the purposes of submission, but hard copy of signature must be kept on file by the SILC.