

State: WEST VIRGINIA

**\*\*DRAFT\*\***

**7-7-08**

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

## **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 2008 - 2010**

Effective Date: 10-1-08

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## PART I: Assurances

State of: West Virginia

### 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 West Virginia Division of Rehabilitation Services (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 NA (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 West Virginia Statewide Independent Living Council, Inc. (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 plan are consistent with State law. *34 CFR 76.104(a)(4) and (8)*
- 1.7 The representative(s) of the DSU and, if applicable, of the separate State agency authorized to provide VR services to individuals who are blind, who has/have 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/are: Deborah Lovely (Name of DSU director) and NA (Name of separate State agency director). *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:

- (A) The provision of State independent living services;
- (B) The development and support of a statewide network of centers for independent living; and
- (C) 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 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:

- i. 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);
- ii. 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
- iii. 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 SPIL 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:
  - (a) The availability of the CAP authorized by section 112 of the Act;
  - (b) The purposes of the services provided under the CAP; and
  - (c) 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:
  - (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 who apply for or receive IL services under title VII of the Act 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. *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:

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

7.2 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 with respect to the records that are required by *34 CFR 364.35* and *.36*

7.3 All recipients of financial assistance under parts B and C of chapter 1 and chapter 2 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 assurance in sections 1 – 8 of this SPIL, the undersigned hereby affirm that the State of West Virginia is in compliance and will remain in compliance with the aforementioned assurances during the three-year period of this SPIL, which are fiscal years 2008-2010.

The effective date of this SPIL is: October 1, 2007

\_\_\_\_\_  
 SIGNATURE OF SILC CHAIRPERSON September 3, 2008  
DATE

Cindy Spinks  
 NAME OF SILC CHAIRPERSON

\_\_\_\_\_  
 SIGNATURE OF DSU DIRECTOR September 3, 2008  
DATE

Deborah Lovely, Director  
 NAME AND TITLE OF DSU DIRECTOR

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

N/A  
 NAME AND TITLE OF THE DIRECTOR OF THE SEPARATE STATE AGENCY FOR INDIVIDUALS WHO ARE BLIND

## Part II: Narrative

### Section 1: Goals, Objectives and Activities

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

1.1A 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.

The WVSILC, WVDRS, and the WVCILs function in partnership working toward the goal of: To ensure the existence of appropriate planning, financial support and coordination in order to address, on a statewide basis, the independent living needs of individuals with disabilities in West Virginia.

In addition to this joint goal, each partner has a distinct mission:

#### **WVSILC Mission**

*"To ensure persons who have disabilities have access to community-based resources that promote personal choice and facilitate the achievement of their independent living goals."*

#### **WVDRS Mission**

*"To enable and empower individuals with disabilities to work and to live independently."*

#### **WVCIL's Mission**

*"To promote the interdependence, productivity and quality of life of individuals with disabilities through empowerment, integration and inclusion."*

#### **WVCIL's Vision**

*"A world that respects all people, values diversity and guarantees choice, freedom, personal power, equal access and justice for all."*

#### 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.

### **Goal 1: Improve independent living services in West Virginia.**

#### Objectives:

- 1.a. Coordinate and collaborate with all potential partners to maximize resources available to provide independent living services. **(on-going)**
- 1.b. Conduct an annual satisfaction survey of all consumers receiving

independent living services funded under the SPIL. **(on-going)**

- 1.c. Explore potential partners that could house and provide administrative support to SPIL funded staff to increase the availability of independent living services statewide. **(10-1-09 through 9-30-10)**

## **Goal 2: Improve transportation for people with disabilities.**

### Objectives:

- 2.a. WVCIL will advocate for the reinstatement of the TRIP program to provide supplements to people with disabilities or low incomes to use public transportation. **(on-going)**
- 2.b. DSU and WVCIL will advocate for the expansion and increased availability of accessible transportation.
  - Advocate for the state to access available federal funding to expand and increase accessible transportation. **(on-going)**
- 2.c. DSU and WVCIL will advocate for the coordination of existing transportation to increase availability and accessibility. **(on-going)**

## **Goal 3: Improve the employment rate for people with disabilities.**

### Objectives:

- 3.a. DSU and WVCIL conduct joint advocacy with employers about the value of employees with disabilities. **(on-going)**
- 3.b. Provide information on the Virtual Web-based CIL about tax credits and other incentives for employing people with disabilities. **(by 10-1-09)**
- 3.c. Provide information and referral to individuals with disabilities seeking assistance with employment. **(on-going)**
- 3.d. DSU will promote and participate in Disability Mentoring Day. **(on-going)**
- 3.e. WVCIL will support the DSU in its efforts to ensure all one-stops are accessible for all people with disabilities. **(on-going)**
- 3.f. DSU and WVCIL will advocate for minimum wage to be the prevailing wage for all employees in all Community Rehabilitation Programs. **(on-going)**

## **Goal 4: Improve health care services for people with disabilities.**

### Objectives:

- 4.a. WVCIL will advocate for improvement and expansion of health care

programs for people with disabilities including:

- Medicaid Waiver programs through:
    - Rebalancing and money follows the person
    - Compliance with the Olmstead Decision
  - Increased consumer representation on councils advising the State on Medicaid, long term care, and health care services  
**(on-going)**
- 4.b. DSU and WVCIL will monitor legislative activity regarding health care and/or support services for people with disabilities. **(on-going)**
- 4.c. WVCIL will provide information on the Virtual Web-based CIL regarding health care assistance programs such as Health Rite, Medicaid Buy-In, prescription medication assistance programs, etc. **(by 10-1-10)**

#### **Goal 5: Improve personal assistance services for people with disabilities.**

##### Objectives:

- 5.a. DSU and WVCIL will advocate for increased funding for existing programs. **(on-going)**
- 5.b. WVCIL will advocate for background checks and credentialing for personal assistants and other direct care workers. **(on-going)**
- 5.c. WVCIL will advocate for better pay rates, benefits, and training for personal assistants and other direct care workers. **(on-going)**
- 5.d. WVCIL will advocate for the State to monitor providers and issue consequences when quality care is not provided. **(on-going)**
- 5.e. WVCIL will explore adding a Personal Assistance Services Management module on the Virtual Web-based CIL if funding becomes available. **(10-1-10)**
- 5.f. WVCIL will explore adding a module on how to be a good personal assistant on the Virtual Web-based CIL if funding becomes available. **(10-1-10)**
- 5.g. WVDRS will administer and monitor the West Virginia legislated Ron Yost Personal Assistance Program (RYPAS), either directly or through a contract approved by the RYPAS Board, to ensure people with disabilities without any other means of assistance can receive necessary personal assistance services. **(10-1-08 through 9-30-10 pending allocation of funding)**

## **Goal 6: Conduct and participate in advocacy activities.**

### Objectives:

- 6.a. Coordinate with other councils and agencies to ensure persons who have disabilities have access to community-based resources that promote personal choice and facilitate the achievement of their independent living goals. **(on-going)**
- 6.b. Participate in and support the activities of the West Virginia ADA Coalition. **(on-going)**
- 6.c. The Executive Director of the WVSILC will serve as an active member of the West Virginia Olmstead Advisory Council. **(on-going)**
- 6.d. Promote Equal Access to community-based resources. **(on-going)**
- 6.e. The WVSILC will be an active member of the Fair Shake Network. **(on-going)**

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.

West Virginia has a very small minority population with 3% Black or African American, 0.2% Native Americans, 0.5% Asian, 0.2% some other race, only 1% of residents being foreign born, and less than 3% speak a language other than English at home (according to the US Census Bureau 2000 census fact sheet for West Virginia).

Statistics reported by the WVCILs indicate that individuals served in FY 2006 included individuals from minority groups ranging from 2.8% to 8% from CIL to CIL which is consistent and with the demographics of our state. The CILs' work plans outreach efforts include: presentations; agency contacts; Web site; public service announcements; exhibits/displays; and other outreach opportunities as they arise. One CIL reports outreach priorities including: individuals in long term care facilities regarding transition services and community-based supports; community-based programs regarding assistive technology; and increased awareness of Olmstead compliance activities and barriers to community inclusion.

Since FY 2007 was the first year WVCIL expanded their Part B Community Living Services Program to be statewide, during the next state plan cycle, the WVCIL members will be focusing their outreach efforts in those un-served areas of WV. This will include all the counties that had not been previously served by any independent living program through WVCIL. The minority populations within this service area should continue to be proportional to the total minority population of the State. The chart below reflects the geographic areas to be targeted by outreach efforts:

<b>Counties Unserved</b>			
<b>County</b>	<b>Center</b>	<b>Disability Population</b>	<b>Total Population</b>
Brooke	Mountain State CIL	4,915	24,515
Fayette	Mountain State CIL	12,445	46,823
Grant	Northern WV CIL	2,022	11,673
Greenbrier	Appalachian CIL	7,897	35,027
Hancock	Mountain State CIL	6,170	31,350
Hardy	Northern WV CIL	2,864	13,287
Lincoln	Mountain State CIL	7,168	22,374
Logan	Mountain State CIL	10,952	36,237
Marshall	Mountain State CIL	7,053	34,337
Mason	Mountain State CIL	6,004	25,761
McDowell	Mountain State CIL	10,180	24,273
Mercer	Mountain State CIL	16,795	61,589
Mineral	Northern WV CIL	5,361	27,028
Mingo	Mountain State CIL	8,971	27,210
Monroe	Mountain State CIL	2,994	13,507
Nicholas	Appalachian CIL	7,103	26,464
Ohio	Mountain State CIL	8,737	45,112
Pendleton	Northern WV CIL	1,789	7,376
Pleasants	Appalachian CIL	1,298	7,514
Pocahontas	Northern WV CIL	2,277	8,851
Ritchie	Appalachian CIL	2,437	10,540
Summers	Mountain State CIL	3,966	13,740
Tyler	Mountain State CIL	2,136	9,340
Webster	Appalachian CIL	3,121	9,804
Wetzel	Mountain State CIL	4,096	17,117
Wirt	Appalachian CIL	1,253	5,986
Wood	Appalachian CIL	17,262	87,047
Wyoming	Mountain State CIL	7,912	24,479
<b>Totals</b>		<b>175,178</b>	<b>708,361</b>

The DSU has included in its goals and objectives for FY 2008 the following outreach strategies:

- Goal 6. Develop strategies for outreach efforts to minority populations.
  - Objective 1. Identify target populations within West Virginia.

- Objective 2. Identify and participate in multi-cultural events throughout West Virginia.
- Objective 3. Portray diversity in WVDRS website and public information materials.
- Objective 4. Establish relationships with multi-cultural programs within each West Virginia higher education institution.

### 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. The first column in each of the tables lists the potential SPIL funding sources. The four other columns represent the potential uses of funds. For each funding source, provide estimated dollar amounts anticipated for the applicable uses. 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.

Pursuant to Section 705 (c)(d)(e) of the Act and 34 CFR 364.21(g)(h)(i) and (j); the WVSILC does not engage in activities beyond statutory duties and responsibilities. The amount of funding used by the WVSILC in no way hampers the operation of the WVSRC, as it remains one of the highest funded SRC's in the country.

**Year 1**

<b>Sources</b>	<b>Approximate Funding Amounts and Uses</b>			
	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
<b>Title VII Funds</b>				
Chapter 1, Part B	\$16,749 or 5%	\$318,226 or 95%		
Chapter 1, Part C			\$940,979*	
Chapter 2, Individuals Who are Older Blind				
<b>Other Federal Funds</b>				
Sec. 101(a)(18) of the Act (Innovation and Expansion)	\$145,364			
Other				
<b>Non-Federal Funds</b>				
State Funds	\$1,200 or 5%	\$22,800 or 95%		\$340,000
Other – Program Income	\$37,122			\$34,829

**\* Pending Federal budget appropriation.**

**Year 2**

<b>Sources</b>	<b>Approximate Funding Amounts and Uses</b>			
	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
<b>Title VII Funds</b>				
Chapter 1, Part B		\$324,124*		
Chapter 1, Part C			\$940,979*	
Chapter 2, Individuals Who are Older Blind				
<b>Other Federal Funds</b>				
Sec. 101(a)(18) of the Act (Innovation and Expansion)	\$210,000			
Other				
<b>Non-Federal Funds</b>				
State Funds		\$475,000 or 95%**		\$400,000**
Other – Program Income				

\* Pending Federal budget appropriation.

\*\* Pending State budget appropriation.

**Year 3**

<b>Sources</b>	<b>Approximate Funding Amounts and Uses</b>			
	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
<b>Title VII Funds</b>				
Chapter 1, Part B		\$324,124*		
Chapter 1, Part C			\$940,979*	
Chapter 2, Individuals Who are Older Blind				
<b>Other Federal Funds</b>				
Sec. 101(a)(18) of the Act (Innovation and Expansion)	\$210,000 (amount to be evaluated)			
Other				
<b>Non-Federal Funds</b>				
State Funds		\$475,000 or 95%**		\$400,000**
Other – Program Income				

**\* Pending Federal budget appropriation.**

**\*\* Pending State budget appropriation.**

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.

Part B Funding will be used to provide independent living services to people with significant disabilities.

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.

The DSU and the WVSILC have struggled for years to coordinate the small amount of resources received to meet the needs of the over 410,000 West Virginians with disabilities (23.5% of the general population). The WVCILs serve 20 counties with their Part C grants and an additional 7 counties with Part B expansion grants. There are 35 counties that do not have full access to a CIL.

The unmet need far exceeds the available resources. West Virginia currently receives \$296,212 in Title VII, Part B funding plus the 10% state match. This funding will be granted to the WVCILs by the DSU for the provision of independent living services to people with significant disabilities, with \$5,000 held by the DSU as an administrative fee. The state budget includes a line item for independent living services currently funded at \$500,000. This funding will be granted to the WVCILs by the DSU to operate the statewide Community Living Services Program, with 5% held by the DSU as an administrative fee. The WVCILs maximize the available funding by coordinating resources for consumers from every conceivable source in an effort to meet their needs. It is not possible to meet all the needs with such limited resources.

The WVSILC has been coordinating a resource development initiative for the last 5 years to develop private funding for independent living through an annual fund and grant writing but with very little success. This initiative will cease with current guidance from RSA that resource development is beyond SILC statutory duties and responsibilities.

Currently, West Virginia Centers for Independent Living (WVCIL) consists of 3 corporations and 4 branches. All are direct funded from RSA with Federal funds (Part C) only for the general operation of the centers. While the Part C funds are individually awarded, WVCIL works together to coordinate services where feasible, coordinate referrals, sharing case management procedures, data collection, and coordinate efforts for legislative and advocacy activities.

The Community Living Services Program (CLSP) is coordinated among all WVCIL members, they developed joint procedures, discuss difficult cases, and move funds between CILs as necessity dictates.

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.

The DSU provides office space, telephone lines, utilities, copying, postage, and surplus furniture for the WVSILC. DSU staff provide technical assistance with information technology, communications, and other areas and issues as needed. The DSU liaison to the WVSILC and staff traditionally responsible for IL issues meet monthly with the WVSILC executive director to ensure good communications and to provide technical assistance as needed.

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

Pursuant to Section 705 (c)(d)(e) of the Act and 34 CFR 364.21(g)(h)(i) and (j); the WVSILC does not engage in activities beyond statutory duties and responsibilities.

#### 1.4 Compatibility with 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 State Plan for Independent Living reflects the beliefs of the WVSILC, the WVCIL and the WVDRS in promoting a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with significant disabilities, and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society.

The WVSILC and WVDRS must consider WVCIL work plans, developed by the individual centers in compliance with section 725(c) (4) of the Act, when developing or revising the SPIL.

The SPIL encourages coordination, cooperation, and communication between the WVSILC, WVDRS and WVCIL. This provides an opportunity to help ensure that all stakeholders are advised of, sensitive to, and responsive to the needs of individuals with significant disabilities identified by the centers in their service areas; the plans of the centers to address those needs; and that the WVCIL operate in a manner consistent with the SPIL. (34 CFR 364.42(c))

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.

WVCIL, the WVSILC, and the DSU are all part of the SPIL planning committee. Every effort is made to ensure that all stakeholders have ample opportunities to provide input into the development of the objectives for the SPIL, as well as the other elements of the State Plan. The SPIL goals and objectives reflect not only DSU, SILC, and CIL work plans but also include planned cooperative objectives of two or more of the partners. At the same time, as each center develops its work plan for each 704 Report, they include in their work plan the objectives outlined in the current SPIL for which they have responsibility.

#### 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:

- a) The SILS program, the SILC, and centers; and

- b) The DSU, other State agencies represented on the SILC, 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 WVSILC, WVDRS, WVCIL, and WVSRC have a strong partnership that includes cooperative strategizing, planning, communication, and coordinated efforts. The WVSILC and WVSRC are included in WVDRS strategic planning and goal development. WVSILC and WVSRC executive directors attend WVDRS executive management meetings once a month to ensure on-going communication and a forum to strategize and discuss problems.

The director of WVDRS provides a report at each WVSILC meeting to share an update on the agency and to provide a forum for questions, expression of concerns, and sharing of information.

The WVSILC executive director has monthly meetings with the designated DSU WVSILC member and DSU staff with independent living responsibility to maintain good communication and share pertinent information on a regular basis.

In addition to the required seat the WVSILC holds on the WVSRC, the WVSILC has, in its bylaws, provided a voting seat for the WVSRC chairperson, which provides great opportunities for communication and collaboration. Additionally, the WVSILC and WVSRC hold at least one joint meeting annually.

The WVSILC, WVCIL, and WVDRS will cooperate and coordinate with any agency, council, or public or private entity when such a relationship is consistent with the SPIL and the Act.

Currently, in addition to the partnerships with WVDRS, WVCIL, and the WVSRC, the WVSILC has a strong working relationship with the following:

- WV Developmental Disabilities Council
- Fair Shake Network – a statewide, cross-disability, grassroots advocacy organization
- WV Olmstead Advisory Council
- West Virginia Advocates – the state protection and advocacy project
- WV Transportation Alliance
- Governor’s Cabinet on Children and Families
- AARP West Virginia
- WV ADA Coalition
- WV Mental Health Consumers Association
- WV Mental Health Planning Council
- WV University Center for Excellence in Disabilities

The WVSILC will begin and/or continue to cooperate and coordinate with state agencies including but not limited to:

- Bureau of Senior Services
- Department of Health and Human Resources
- Housing Development Fund
- Department of Education
- Americans with Disabilities Act Office
- Behavioral Health Long Term Care Ombudsman's Office
- Olmstead Coordinator's Office
- Office of the Attorney General
- Secretary of State's Office
- Bureau of Behavioral Health and Health Facilities
- Commission for the Deaf and Hard of Hearing
- Human Rights Commission
- Division of Public Transit
- Bureau for Medical Services
- Pharmaceutical Cost Management Council
- Workforce Investment Council
- Office of Behavioral Health Services and the Developmental Disabilities Division
- Governor's Transportation Coordinating Council
- And the Governor's Office

The WVSILC, WVCIL, and WVDRS will cooperate and coordinate with the Legislature and Congress by providing information and technical assistance upon request from legislators and/or legislative staff.

The WVSILC strives and will continue to strive to ensure representation from state agencies and entities necessary to develop, foster, and maximize working relationships that will benefit efforts to achieve our mission and goals. Current WVSILC membership includes:

- DSU ex-officio, non-voting member
- CIL director chosen by the CIL directors in WV
- SRC voting member
- WV Department of Education, Office of Special Education – ex-officio, non-voting member
- WV Housing Development Fund – ex-officio, non-voting member
- WV Department of Health and Human Resources, Office of Behavioral Health Services – ex-officio, non-voting member
- WV Bureau of Senior Services – ex-officio, non-voting member
- WV Association of Rehabilitation Facilities – ex-officio, non-voting member
- Two employees of a center for independent living
- Three board members of centers for independent living
- One CIL consumer advisory committee chairperson

- An employee of the WV Mental Health Consumers Association and current president of the WV Mental Health Planning Council
- A volunteer and former state president of AARP West Virginia
- An employee of the WV University Center for Excellence in Disabilities

WVSILC members are also actively involved in numerous organizations and committees; while not official representatives of the WVSILC, they do add their voice regarding disability issues to these other entities. Some of these committees include:

- AD Waiver Quality Management Council
- Cabell Wayne Association of the Blind
- American Cancer Society
- WV Inclusion Campaign
- Hartley-Medley Advisory Committee
- Teubert Interagency Council
- Governor's Citizen Advisory Council
- Mountain State Parents CAN
- Hospice
- Habitat for Humanity
- Consumer Advisory and Advocacy Committee for People with Disabilities
- WV Assistive Technology (WVATS)
- Family Resource Networks
- Tobacco Prevention Coalition
- Family Leadership First
- Sharing and Caring
- Family Links
- NAMI
- Tri-State Literacy Council Board
- Women's Aid in Crisis
- Robert Wood Johnson Transition Fund Oversight Council
- WV Immunization Network Council
- Governor's Transportation Coordination Council

#### 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.

The DSU, WVCILs and WVSILC make concerted efforts to use existing programs to gain maximum benefit of Chapter I, Title VII funds. Through consumer and professional liaison interactions with state and local entities (Bureau of Senior Services, Department of Health and Human Resources, Department of Education, Developmental Disabilities Council, Department of

Transportation, Veterans Administration, and others), information regarding program application and eligibility, scope of services, and policy modifications is shared with the disability community on a regular basis.

The composition of the WVSILC assures a broad cross representation of these entities, as well as the opportunity to disseminate information/updates as applicable, to the membership.

The DSU is charged with referring interested individuals to appropriate resources that would enhance their independent living capacity, while addressing vocational rehabilitation issues.

The DSU and the WVSILC have worked more closely with the staff supervising the Chapter 2 OIB program in the development of this SPIL than ever before. This improved communication will be carried over into the coordination of services as well.

The Chapter 2 OIB program providers have received training on the specific services available from CILs and frequently refer consumers for such services not routinely provided by the OIB program. Additionally, CIL staff have been trained on the specific services provided by the OIB program and often refer individuals who need distinct vision-related services. This cross-referral ensures that West Virginia's older individuals who are blind receive the specific services they need to maintain their independence as well as eliminating the duplication of services and that limited resources are maximized by both programs.

#### 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.

The DSU is not satisfied with the existing Chapter 2 Older Individuals who are Blind (OIB) program and is taking steps to improve the program during the first year of this SPIL. After a year of improvement activities, the DSU will re-evaluate the program and determine its future direction.

The DSU is committed to ensuring the OIB program operates a consumer-driven and consumer-friendly program. Consumers now receive services based on self-reported limitations and are no longer denied services based on established degrees of visual acuity or field loss.

More emphasis is being placed on the provision of compensatory skills training and the provision of training materials the consumer can refer back to once

services have been completed. This will facilitate ongoing independence.

WVDRS hopes to partner with the National Federation of the Blind, as well as the National Federation of the Blind of West Virginia, to implement a senior fair specifically designed to meet the needs of seniors with significant vision loss. This fair brings together exhibits, product and skills demonstrations, community nonprofit and governmental organizations to provide resource and service information to blind and vision impaired seniors.

The OIB program will be making a more concerted effort to use a frequently untapped resource; the knowledge and skills of West Virginians with vision loss who have received OIB services; belong to consumer-based organizations such as NFB and ACB: or who are otherwise known to possess skills which can be shared with others. Linkage avenues will include person-to-person consumer connections; NFB-Link and more.

**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).

<b>Table 2.1A(1): Independent living services</b>	<b>Provided by the DSU (directly)</b>	<b>Provided by the DSU (through contract and/or grant)</b>	<b>Provided by the CILs (Not through DSU contracts/ grants)</b>
Core Independent Living Services, as follows:			
- Information and referral		X	X
- IL skills training		X	X
- Peer counseling		X	X
- Individual and systems advocacy		X	X
Counseling services, including psychological, psychotherapeutic, and related services		X	X
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	X
Rehabilitation technology	X*	X	X

<b>Table 2.1A(1): Independent living services</b>	<b>Provided by the DSU (directly)</b>	<b>Provided by the DSU (through contract and/or grant)</b>	<b>Provided by the CILs (Not through DSU contracts/ grants)</b>
Mobility training	X*	X	
Services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services	X*	X	X
Personal assistance services, including attendant care and the training of personnel providing such services		X	X
Surveys, directories and other activities to identify appropriate housing, recreation, accessible transportation and other support services		X	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	X
Education and training necessary for living in the community and participating in community activities		X	X
Supported living			
Transportation, including referral and assistance for such transportation	X Referral	X	X
Physical rehabilitation			X**
Therapeutic treatment			X**
Provision of needed prostheses and other appliances and devices		X	X**
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	X
Services for children with significant disabilities		X	X
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	X

<b>Table 2.1A(1): Independent living services</b>	<b>Provided by the DSU (directly)</b>	<b>Provided by the DSU (through contract and/or grant)</b>	<b>Provided by the CILs (Not through DSU contracts/ grants)</b>
Appropriate preventive services to decrease the need of individuals with significant disabilities for similar services in the future		X	X
Community awareness programs to enhance the understanding and integration into society of individuals with disabilities	X	X	X
Other necessary services not inconsistent with the Act		X	X

\* Fee for Service

\*\* One CIL only

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

Service priorities include:

- An Advocacy priority for IL services to people with significant disabilities.
- For the Community Living Services Program, the priority is for services that help an individual remain in their own home such as home modifications, rehabilitation technology, durable medical equipment, adaptive equipment, assistive technology, etc. Services will be on a first come first served basis within the availability of financial resources.

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:

- (i) Any consideration of financial need is applied uniformly so that all individuals who are eligible for IL services are treated equally; and
- (ii) 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.

The CILs are authorized to charge for services offered by the Community Living Services Program based on economic need. The policies for establishing economic need are as follows:

**Economic Need.** The WVCIL will complete an economic need form to determine the extent that a consumer can contribute to their independent living program.

The WVCIL will implement economic policies uniformly and objectively to ensure that the level of any financial participation required of an individual is equitable and reasonably consistent with that required of other individuals whose available economic resources or other pertinent circumstances are similar.

Consumer's economic need will be reviewed annually to assure that the individual is treated equitably and to document changes in economic resources.

*Administrative Adjustment:* In exceptional circumstances, the CIL Director may approve administrative adjustments from the WVCIL's usual policies

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

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

All IL services under Title VII, Part B are provided through grants to the Part C funded centers for independent living to provide IL services to people with significant disabilities. State IL funds are provided through grants to Part C funded CILs to provide IL services through the Community Living Services Program (CLSP).

Determination of eligibility for all IL services lies with the CIL providing services to the individual. All projects provide program and financial reports to the DSU as well as making a presentation at a WVSILC meeting at least annually.

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.

The State does not award any funds to a center for their general operation, so this section is N/A.

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

### 3.1 Existing Network – 34 CFR 364.25

There are currently four federally funded centers for independent living (CILs) providing services to 20 counties in West Virginia.

- Appalachian CIL – Charleston, WV
- Mountain State CIL – Beckley, WV
- Mountain State CIL – Huntington, WV

- Northern West Virginia CIL – Morgantown, WV  
The remaining 35 counties do not have access to full CIL services.

Additional CIL services are provided in four counties in the eastern panhandle and three central counties through satellites of existing CILs. A web-based, virtual center for independent living has been developed with availability statewide.

WVCIL divided up the unserved counties between the four centers to provide the statewide CLSP and with some modifications will use this division of counties for the expansion of other independent living programs.

<b>PART C – Four Core Services Counties</b>			
<b>County</b>	<b>Center</b>	<b>Disability Population</b>	<b>Total Population</b>
Barbour	Northern WV CIL	3,542	15,689
Boone	Appalachian CIL	7,404	25,703
Braxton	Appalachian CIL	3,938	14,851
Cabell	Mountain State CIL	21,957	94,031
Clay	Appalachian CIL	2,958	10,356
Doddridge	Appalachian CIL	1,725	7,476
Gilmer	Northern WV CIL	1,518	6,950
Harrison	Northern WV CIL	14,707	68,369
Kanawha	Appalachian CIL	44,009	193,559
Lewis	Northern WV CIL	4,310	17,199
Marion	Northern WV CIL	12,059	56,509
Monongalia	Northern WV CIL	12,550	84,386
Preston	Northern WV CIL	6,390	30,115
Putnam	Appalachian CIL	8,685	54,443
Randolph	Northern WV CIL	6,292	28,571
Raleigh	Mountain State CIL	19,035	79,167
Taylor	Northern WV CIL	3,703	16,291
Tucker	Northern WV CIL	1,728	6,943
Upshur	Northern WV CIL	5,232	23,712
Wayne	Mountain State CIL	12,356	42,091
<b>Totals</b>		<b>194,098</b>	<b>876,411</b>

<b>PART B – Expansion Four Core Services Counties</b>			
<b>County</b>	<b>Center</b>	<b>Disability Population</b>	<b>Total Population</b>
Berkeley	Northern WV CIL	15,114	93,394
Calhoun	Appalachian CIL	2,147	7,387
Hampshire	Northern WV CIL	4,656	22,025

Jackson	Appalachian CIL	5,568	28,403
Jefferson	Northern WV CIL	6,857	49,206
Morgan	Northern WV CIL	3,214	16,022
Roane	Appalachian CIL	3,849	15,407
<b>Totals</b>		<b>41,405</b>	<b>231,844</b>
<b>Total Populations in Served Counties</b>		<b>235,503</b>	<b>1,108,255</b>

<b>Remaining Counties Unserved with exception of CLSP</b>			
<b>County</b>	<b>Center</b>	<b>Disability Population</b>	<b>Total Population</b>
Brooke	Mountain State CIL	4,915	24,515
Fayette	Mountain State CIL	12,445	46,823
Grant	Northern WV CIL	2,022	11,673
Greenbrier	Appalachian CIL	7,897	35,027
Hancock	Mountain State CIL	6,170	31,350
Hardy	Northern WV CIL	2,864	13,287
Lincoln	Mountain State CIL	7,168	22,374
Logan	Mountain State CIL	10,952	36,237
Marshall	Mountain State CIL	7,053	34,337
Mason	Mountain State CIL	6,004	25,761
McDowell	Mountain State CIL	10,180	24,273
Mercer	Mountain State CIL	16,795	61,589
Mineral	Northern WV CIL	5,361	27,028
Mingo	Mountain State CIL	8,971	27,210
Monroe	Mountain State CIL	2,994	13,507
Nicholas	Appalachian CIL	7,103	26,464
Ohio	Mountain State CIL	8,737	45,112
Pendleton	Northern WV CIL	1,789	7,376
Pleasants	Appalachian CIL	1,298	7,514
Pocahontas	Northern WV CIL	2,277	8,851
Ritchie	Appalachian CIL	2,437	10,540
Summers	Mountain State CIL	3,966	13,740
Tyler	Mountain State CIL	2,136	9,340
Webster	Appalachian CIL	3,121	9,804
Wetzel	Mountain State CIL	4,096	17,117
Wirt	Appalachian CIL	1,253	5,986
Wood	Appalachian CIL	17,262	87,047
Wyoming	Mountain State CIL	7,912	24,479
<b>Totals</b>		<b>175,178</b>	<b>708,361</b>
<b>Grand Total and Figures:</b>		<b>410,681</b>	<b>1,816,616</b>

### 3.2 Expansion of Network – 34 CFR 364.25

The establishment of a network of CILs is a priority of WVSILC, WVCIL, WVDRS, and the disability community to ensure the availability of CIL services to all West Virginians with disabilities.

Three funding sources currently support the provision of independent living services in the State: Title VII, Part C; Title VII, Part B; and state independent living funds. The following design for a statewide network of CILs is addressed by funding source and flexibility is planned as changes/increases in these funding sources occur.

#### Title VII, Part C:

Three Part C grants provide funding to four West Virginia's centers for independent living (WVCIL):

- Appalachian CIL
- Mountain State CIL's (2 centers)
- Northern West Virginia CIL

WVCIL have reviewed their current service areas and reached an agreement on how to realign them so all 55 counties of the state will have CIL services as additional Title VII, Part C funding becomes available.

Priorities for the utilization of additional Title VII, Part C funding are:

1. Bring each of the current four centers for independent living meeting RSA's standards and indicators for CILs, up to a minimum base funding level of \$300,000 in Title VII, Part C funds. This will require \$295,000.00 additional funds.
2. Hire an additional staff person for NWVCIL to staff their under-served areas. This will require an additional \$100,000.00.
3. Hire 7 additional staff to serve approximately 4 counties each of the 28 unserved counties. This will require an additional \$700,000.

Area 1: Wood, Wirt, Ritchie, Pleasants counties

Area 2: Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler counties

Area 3: Mineral, Grant, Hardy, Pendleton, Pocahontas counties

Area 4: Webster, Nicholas, Greenbrier counties

Area 5: Mason, Lincoln, Mingo, Logan counties

Area 6: Fayette, Summers, Monroe counties

Area 7: Wyoming, McDowell, Mercer counties

Total additional Title VII, Part C funding needed = \$1,095,000

Title VII, Part B:

Priorities for the utilization of Title VII, Part B funds are:

1. Provide independent living services to people with significant disabilities using Part B funds.
2. Provide seed money to develop a new CIL in the Northern Panhandle if a surplus of Part B funding should exist. Estimated seed money required – not to exceed \$40,000 over two years from either source of funds.

State IL Funds:

Priorities for utilization of State independent living funds:

1. Continue to fund the Community Living Services Program operated by the centers for independent living (CILs).
2. Provide seed money to develop a new CIL in the Northern Panhandle or another unserved area of West Virginia if a surplus of State IL funding should exist. Estimated seed money required – not to exceed \$40,000 over two years from either source of funds.

3.3 Section 723 States Only – 34 CFR 364.39 **N/A**

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: 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 DSU will monitor the performance of the SILS through quarterly financial reports.

The DSU will monitor the CLSP through quarterly financial reports, quarterly program reports, and yearly site visits.

Monitoring will be conducted to ensure service provision is conducted in compliance with agreed upon guidelines. Purchasing and procurement through the SILS and CLSP will be conducted with the same policies and procedures used for CIL operations.

The DSU will share information regarding the SILS and CLSP with the WVSILC and the WV Legislature.

Technical assistance will be provided by the DSU for the SILS and CLSP only upon request from the CIL. The DSU will establish guidelines for monitoring that do not involve micro-managing the services and/or monitoring the general operations of the CILs.

Liaison responsibilities will be maintained by DSU staff who work in cooperation with the CILs and the WVSILC during the implementation of the SPIL and other related activities.

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

NA

## **Section 5: 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.

The WVSILC resource plan, beginning with Year 3 (October 1, 2008), includes:

- \$210,000 Title I, I&E funds, minimum – the WVSILC and the DSU have agreed to this increase over the FY 2008 amount to replace the Part B and State IL funds previously received by the WVSILC to administer those programs as well as the program income that current RSA guidance

indicates the WVSILC is no longer permitted to receive. The WVSILC resource plan will be re-evaluated at the end of FY 2009 to ensure this new amount is adequate and appropriate.

- Interest earned on the above funding to be budgeted and spent by the WVSILC

Pursuant to Section 705 (c)(d)(e) of the Act and 34 CFR 364.21(g)(h)(i) and (j); the WVSILC does not engage in activities beyond statutory duties and responsibilities. The amount of funding used by the WVSILC in no way hampers the operation of the WVSRC, as it remains one of the highest funded SRC's in the country.

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.

As grantee, WVSILC agrees as follows to be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided hereunder which will be in the form pursuant to generally accepted accounting procedures.

In addition, the WVSILC has in place fiscal policies and procedures which address internal controls, safe-guarding assets, expenditures, inventory, cash receipts, cash disbursements, bank statement reconciliation, management information systems, inter-fund borrowing, non-expendable property, compliance with all federal and state laws and regulations, and the annual budget process.

In the annual budget process, the WVSILC develops a budget, to the maximum extent possible, based on existing net assets and anticipated assets under current agreements. Budget revisions are made, as needed, when new funding is received during the fiscal year.

There are no conditions or requirements that are imposed by the DSU or any other entity that may compromise the independence of the WVSILC, and the WVSILC relies to the maximum extent possible on the resources in existence during the period of the implementation of the SPIL.

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

5.2A Describe how the establishment and placement of the SILC ensures its independence with respect to the DSU and all other State agencies.

The West Virginia SILC is incorporated as a non-profit (1996), has received 501 (c)(3) status from the Internal Revenue Service (1997), and is independent of all state agencies, including the DSU. The WVSILC was established in State Code in 2001, designating the SILC in West Virginia “as it has heretofore existed under the federal rehabilitation act, as a not-for-profit corporation” and organized to meet the requirements of the federal act.

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

5.3A Describe the process used by the State to appoint members to the SILC who meet the composition requirements in section 705(b).

Members of the WVSILC are appointed by the Governor of the state of West Virginia. An application process is in place to ensure the SILC composition and qualification requirements are met. The chairperson is elected, from among the voting members of the SILC, by the voting members of the SILC. Term limits are maintained through record-keeping and by filling vacancies for full terms or partial terms, as applicable. Vacancies are filled in the following manner. The appointed members of the WVSILC conduct an annual solicitation of applications for SILC membership statewide. Applications include demographics, background information, experience, and other information necessary to ensure compliance with the composition requirements. Applications received are reviewed by a committee of the SILC considering all federal requirements, current make-up of the WVSILC, and upcoming vacancies. The committee develops recommendations for appointment and presents them to the full WVSILC for consideration. Final recommendations are approved by the WVSILC and are submitted to the Governor as nominations for appointment. Information presented to the Governor includes the demographic mix of the SILC and how each nomination fits in any resume’s provided by applicants, justification for the appointment of each nominee, and the recommended appointment term for each nominee. The WVSILC executive director works with the Governor’s staff to answer questions, provide information, and to facilitate the appointment process.

### 5.4 Staffing – 34 CFR 364.21(j)

5.4A 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.

WVSILC staff members are employees of the non-profit corporation. The executive director is hired and supervised by the WVSILC executive committee. All other staff are hired and supervised by the executive director. The WVSILC is in compliance

with all state and federal employment laws and completes all necessary reporting and documentation. The WVSILC currently has 2.3 FTEs: an executive director (90%), an administrative assistant (90%), and a program assistant (50%). Staffing is maintained using WVSILC operating funds and contracts. There are no staff made available to the SILC by the DSU or any other entity that would create a conflict of interest.

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

Describe how the following service provider requirements will be met:

All providers of IL services in West Virginia under the SPIL are centers for independent living funded under Title VII, Part C of the Act. All grantees under the SPIL must comply with the Standards and Assurances for CILs under Section 725 of the Act and as a result are Part C funded CILs. Therefore, all service providers meet the following requirements as directed by and monitored by RSA.

### 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.

West Virginia Centers for Independent Living (WVCIL) employ 33 individuals throughout WV, of which 24 are people with disabilities. The centers ensure staff are specialists in the field of independent living, alternative communication, and to the maximum extent possible, provide staff who can communicate in native languages, and alternative forms of communication. Each center maintains a list of interpreters, peer counselors, and other individuals who may assist with various forms of communication when necessary.

All centers provide new staff orientation and training, using their individually developed procedures manuals, the WV Virtual Center for Independent Living website, and other independent resources that are available through outside sources. (ILNET, ILRU, NCIL, etc)

All centers provide staff development opportunities via the ILNET program, attendance at conferences such as NCIL, private training seminars, college classes, and website training opportunities. All staff are required to complete an individual training needs survey for the annual 704 Report, which are then tallied into the priorities of each center.

All WVCIL members take affirmative action to advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under Section 503 of the Act. (24 of 33 staff employed at all centers in WV are people with disabilities)

#### 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.

All WVCIL members have adopted the fiscal controls and fund accounting that are required under the General Accounting Practices and OMB Circular 133. All centers conduct annual independent audits that also include programmatic requirements in addition to the fiscal requirements.

The State of West Virginia requires that any entity receiving State funds above \$10,000. provide an annual audit to the funding state agency. Federal funds that are considered pass through from a State agency also require copies of audits. Therefore, the centers' fiscal controls are also reviewed by the State of West Virginia auditors.

#### 6.3 Record-Keeping, 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.

All fiscal records are maintained in each center's corporate office in accordance to the IRS requirements as to the number of years and types of records to be maintained. A list of those IRS requirements have been obtained by independent auditors to ensure compliance with those requirements.

All records that are maintained by the centers, both fiscal and programmatic, are kept in secure locations to ensure that independent auditors, State of WV auditors and any Federal representative may review at any time necessary.

#### 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.

6.4 Eligibility: 34 CFR 364.40; and 34 CFR 364.41;

All WVCIL members have eligibility statements that are a part of each consumer's CSR and the policy of each center provides for self declared eligibility, which is documented on the eligibility statement.

**EXAMPLE**

<b>MOUNTAIN STATE CENTERS FOR INDEPENDENT LIVING DISABILITY ELIGIBILITY STATEMENT</b>			
<b>NAME:</b>		<b>CONSUMER CODE:</b>	
<b>ADDRESS:</b>			
<b>CONSUMER STATED DISABILITY:</b>			
<p>I acknowledge that I, _____ am a person with a significant disability. Due to my disability, I am eligible for services from the Mountain State Centers for Independent Living (MTSTCIL). I understand that MTSTCIL provides services to individuals with significant disabilities. As a person with a disability, I request assistance in my effort to live independently in the community.</p>			
_____ Consumer Signature		_____ Staff Signature	
_____ Date		_____ Date	
<p>13.1 Eligibility for Receipt of services (secs. 7(15)(B) and 703 of the Act; 34 CFR 364.51) (a) Individuals with significant disabilities are eligible for services provided under SPIL. (b) to be eligible, an individual is one: (1) Who has a significant physical, mental, cognitive, or sensory impairment; (2) Whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited; and (3) For whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment.</p>			

#### 6.5 Independent Living Plans – 34 CFR 364.43I

- 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.

At the request of the CIL consumer, all WVCIL members complete either an Independent Living Plan or Waiver. When an Independent Living Plan is completed, each consumer identifies specific goals they wish to achieve. Plans are reviewed periodically (time frame varies per center) to update as necessary. If a consumer chooses to have an Independent Living Plan, this Plan must be part of the CSR in order for the consumer to be considered active during any fiscal year.

#### 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 1 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.

6.6 Client Assistance Program (CAP) Information: 34 CFR 364.30;

All WVCIL members are required to provide documentation in each CSR, signed by the consumer, that they have received information on the Client Assistance Program. The information provided includes what the CAP is, how it is funded, what it is for, and who to contact. Upon request of a consumer, this information is provided in the alternative format requested. A CAP brochure is provided to each consumer during the intake process, again in the format requested by the consumer. This signed document must be part of the CSR in order for the consumer to be considered active during any fiscal year.

**EXAMPLE**

**MOUNTAIN STATE CENTERS FOR INDEPENDENT LIVING  
CLIENT ASSISTANCE PROGRAM (CAP)**

People with disabilities, especially people with severe disabilities, have a right to public services that will help them to work and live as independently as possible. The Federal government funds many services for this purpose under the Rehabilitation Act. To make sure that people like **you** receive these services, Congress created a Client Assistance Program to help individuals seeking or receiving services funded under the Act.

We want to help:

**If** you have applied for or are now a client of the WV Division of Rehabilitation Services, **a center for independent living or a supported employment project** and are having trouble getting services.

**If** you have been denied services from the WV Division of Rehabilitation Services, **a center for independent living or a supported employment project** and want to appeal the decision.

**If** you think your services have been delayed, interrupted or stopped without cause.

**If** you have a problem you have not been able to work out with your counselor.

**If** you are having problems with other agencies or facilities which affect your program.

How to contact CAP:

Call 1-800-950-5250 (voice or TDD), or, in Charleston, call 346-0847, or write:

Client Assistance Program, West Virginia Advocates, Inc.  
Litton Building, 4<sup>th</sup> Floor, 1207 Quarrier Street  
Charleston, WV 25301

I have received information on the Client Assistance Program and understood its purpose.

Signature of Consumer/Guardian	Date	Signature of Staff Member
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## 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 WVCIL member has adopted and implemented policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies provide for the specific safeguards to protect current and stored personal information.

As examples, consumers are requested to sign media release forms, release of information forms, CSR's are secured in locked files, and computer database programs are all password and firewall protected.

During the intake process, all applicants for IL services and, as appropriate, those individuals' legally authorized representatives, service providers, cooperating agencies, and interested persons are informed of the confidentiality of personal information and the conditions for gaining access to and releasing this information; which includes the signing of appropriate release of information forms, of which copies are in each CSR.

During the intake process, information required for the 704 Report is gathered from all applicants or their legally authorized representatives. They are informed about the need to collect personal information and the policies governing its use. They are also informed of the reason for collecting the information, the governing authority requiring the collection of information, and whether or not the information is considered mandatory or voluntary.

The policy of all WVCIL members is to gain written signed consent in order to release or share any information. There is no situation in which information can be shared without this consent, unless it is a legal subpoena from an authorized court of law holding jurisdiction over local matters. Only during legal matters shall any fees be charged for copies of records.

Since all consumers' information is unique, there is not a list of agencies to which information is routinely provided. All information provided to agencies is completed only after the appropriate consent form is signed.

Alternative formats and methods of communication are always available when requested. HIPPA Laws pertaining to the State of West Virginia are observed at all centers.

## Section 7: Evaluation

7.1A 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*

Subject to approval by the full Council, the Administrative Committee of the WVSILC will develop and implement strategies for monitoring the implementation of the SPIL. Specific strategies for monitoring and evaluating objectives in the work plan include the following:

- The WVSILC will analyze past monitoring and evaluation strategies; determine which strategies were effective; establish guidelines for monitoring the SPIL goals and objectives, and will adjust and further develop the Evaluation plan as needed.
- The Administrative Committee will review and analyze annual consumer satisfaction reports and develop strategies to address issues identified.
  - Consumer satisfaction surveys are provided to all individuals who received IL services during the fiscal year.
- WVSILC and WVDRS, in the preparation of the 704 Report, will conduct a comparative review against the previous year's accomplishments to evaluate the effectiveness of outreach and other initiatives in the SPIL.
- Receive a progress report from one grantee of IL service funds from the DSU at each WVSILC meeting, as scheduling allows.

## Section 8: State-Imposed Requirements

8.1A Identify any State-imposed requirements contained in the provisions of this SPIL.

Indicate N/A if not applicable. **N/A**