

THE REHABILITATION ACT OF 1973, AS AMENDED (by WIOA in 2015)

Title VII - Independent Living Services and Centers for Independent Living

Chapter 1 - INDIVIDUALS WITH SIGNIFICANT DISABILITIES

Subchapter A - General Provisions

Sec. 701. Purpose. – The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society, by:

- (1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;
- (2) providing financial assistance to develop and support statewide networks of centers for independent living; and
- (3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving assistance under title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal law, and programs funded through non-Federal sources with the goal of improving the independence of individuals with disabilities.

Sec. 701A. Administration of The Independent Living Program.

There is established within the Administration for Community Living of the Department of Health and Human Services, an Independent Living Administration. The Independent Living Administration shall be headed by a Director (referred to in this section as the 'Director') appointed by the Secretary of Health and Human Services. The Director shall be an individual with substantial knowledge of independent living services. The Independent Living Administration shall be the principal agency, and the Director shall be the principal officer, to carry out this chapter. In performing the functions of the office, the Director shall be directly responsible to the Administrator of the Administration for Community Living of the Department of Health and Human Services. The Secretary shall ensure that the Independent Living Administration has sufficient resources (including designating at least 1 individual from the Office of General Counsel who is knowledgeable about independent

living services) to provide technical assistance and support to, and oversight of, the programs funded under this chapter."

Sec. 702. Definitions.

As used in this chapter:

(1) Administrator. – The term "Administrator" means the Administrator of the Administration for Community Living of the Department of Health and Human Services.

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

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

(B) provides an array of independent living services including at a minimum independent living core services as defined in section 7(17).

(3) Consumer Control. – The term "consumer control" means, with respect to a center for independent living, that the center vests power and authority in individuals with disabilities, in terms of management, staffing, decisionmaking, operation, and provision of services, of the center.

Sec. 703. Eligibility for Receipt of Services.

Services may be provided under this chapter to any individual with a significant disability, as defined in section 7(21) (B).

Sec. 704. State Plan.

(a) In General. –

(1) Requirement. – To be eligible to receive financial assistance under this chapter, a State shall submit to the Administrator, and obtain approval of, a State plan developed and signed in accordance with paragraph (2) containing such provisions as the Administrator may require, including, at a minimum, the provisions required in this section.

(2) Joint Development. – The plan under paragraph (1) shall be jointly –

(A) developed by the chairperson of the Statewide Independent Living Council and the directors of the centers for independent living in the State, after receiving public input from individuals with disabilities through the State; and

(B) signed by –

(i) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.

(ii) the director of the designated State entity described in subsection (c); and

(iii) not less than 51 percent of the directors of the centers for independent living in the State.

(3) Periodic Review and Revision. – The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for –

(A) the provision of independent living services in the State;

(B) the development and support of a statewide network of centers for independent living; and

(C) working relationships and collaboration between –

(i) centers for independent living; and

(ii) (I) entities carrying out programs that provide independent living services,

including those serving older individuals:

(II) other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities: and,

(III) entities carrying out other programs providing services for individuals with disabilities.

(4) Date of Submission. – The State shall submit the plan to the Administrator 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Administrator may withhold financial assistance under this chapter until such time as the State submits such a plan.

(5) Statewideness. – The State plan shall describe strategies for providing independent living services on a statewide basis, to the greatest extent possible.

(b) Statewide Independent Living Council. – The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 705, as well as a plan for funding the administrative costs of the Council.

(c) Designation of State Entity. – The plan shall designate a State entity of such State (referred to in this title as the 'designated State entity') as the agency that, on behalf of the State, shall:

- (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).

(d) Objectives. – The plan shall –

- (1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and
- (2) explain how such objectives are consistent with and further the purpose of this chapter.

(e) Independent Living Services. – The plan shall provide that the State will provide independent living services under this chapter to individuals with significant disabilities, and will provide the services to such an individual 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.

(f) Scope and Arrangements. – The plan shall describe the extent and scope of independent living services to be provided under this chapter to meet such objectives. If the State makes arrangements, by grant or contract, for providing such services, such arrangements shall be described in the plan.

(g) Network. – The plan shall set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in section 725.

(h) Centers. – In States in which State funding for centers for independent living equals or exceeds the amount of funds allotted to the State under part C, as provided in section 723, the plan shall include policies, practices, and procedures governing the awarding of grants to centers for independent living and oversight of such centers consistent with section 723.

(i) Cooperation, Coordination, and Working Relationships Among Various Entities. – The plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among –
the Statewide Independent Living Council

centers for independent living

the designated State entity; and

(4) other State agencies or entities represented on the Council, other councils that address the needs and issues of specific disability populations, and other public and private entities determined to be appropriate by the Council.

(j) Coordination of Services. – The plan shall describe how services funded under this chapter will be coordinated with, and complement, other services, in order to avoid unnecessary duplication with other Federal, State, and local programs.

(k) Coordination Between Federal and State Sources. – The plan shall describe efforts to coordinate Federal and State funding for centers for independent living and independent living services.

(l) Outreach. – With respect to services and centers funded under this chapter, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

(m) Requirements. – The plan shall provide satisfactory assurances that all recipients of financial assistance under this chapter will –

- (1) notify all individuals seeking or receiving services under this chapter about the availability of the client assistance program under section 112, the purposes of the services provided under such program, and how to contact such program;

- (2) take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of section 503;

- (3) adopt such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under this chapter;

- (4) (A) maintain records that fully disclose:
 - (i) the amount and disposition by such recipient of the proceeds of such financial assistance;
 - (ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and
 - (iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;(B) maintain such other records as the Administrator determines to be appropriate to facilitate an effective audit;
- (C) afford such access to records maintained under subparagraphs (A) and (B) as the Administrator determines to be appropriate; and
- (D) submit such reports with respect to such records as the Administrator determines to be appropriate;

- (5) provide access to the Administrator and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this chapter; and

- (6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

- (n) Evaluation. – The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

(o) Promoting Full Access to Community Life –

(1) In General. – The plan shall describe how the State will provide independent living services described in section 7(18) that promote full access to community life for individuals with significant disabilities.

Sec. 705. Statewide Independent Living Council.

(a) Establishment. – To be eligible to receive financial assistance under this chapter, each State shall establish and maintain a Statewide Independent Living Council (referred to in this section as the "Council"). The Council shall not be established as an entity within a State agency.

(b) Composition and Appointment. –

(1) Appointment. – Members of the Council shall be appointed by the Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this Act in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

(2) Composition. – The Council shall include

among its voting members, at least 1 director of a center for independent living chosen by the directors of centers for independent living within the State;

among its voting members, for a State in which 1 or more centers for independent living are run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations, at least 1 representative of the directors of such centers; and

as ex officio, nonvoting members, a representative from the designated State entity,

and representatives from State agencies that provide services for individuals with disabilities;

(3) Additional members. – The Council may include:

(A) other representatives from centers for independent living;

(B) individuals with disabilities;

- (C) parents and guardians of individuals with disabilities;
- (D) advocates of and for individuals with disabilities;
- (E) representatives from private businesses;
- (F) representatives from organizations that provide services for individuals with disabilities; and
- (G) other appropriate individuals.

(4) Qualifications. –

(A) In general. – The Council shall be composed of members--

- (i) who provide statewide representation;
- (ii) who represent a broad range of individuals with disabilities from diverse backgrounds;
- (iii) who are knowledgeable about centers for independent living and independent living services; and
- (iv) a majority of whom are persons who are-
 - (I) individuals with disabilities described in section 7(20) (B); and
 - (II) not employed by any State agency or center for independent living.

(B) Voting members. – A majority of the voting members of the Council shall be –

- (i) individuals with disabilities described in section 7(20) (B); and
- (ii) not employed by any State agency or center for independent living.

(5) Chairperson. –

(A) In General. Except as provided in subparagraph (B), the Council shall select a chairperson from among the voting membership of the Council.

(B) Designation by Governor. In States in which the Governor does not have veto power pursuant to State law, the appointing authority described in paragraph (1) shall designate a voting member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a voting member.

(6) Terms of Appointment. –

(A) Length of term. – Each member of the Council shall serve for a term of 3 years, except that –

(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(ii) the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(B) Number of terms. – No member of the Council, other than a representative described in paragraph (2)(A) if there is only one center for independent living within the State, may serve more than two consecutive full terms.

(7) Vacancies. –

(A) In general. – Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(B) Delegation. – The Governor may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.

(c) Functions.

(1) Duties. – The Council shall

(A) develop the State plan as provided in section 704(a)(2);

(B) monitor, review, and evaluate the implementation of the State plan;

(C) meet regularly, and ensure that such meetings of the Council are open to the public and sufficient advance notice of such meetings is provided;

(D) submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and

(E) as appropriate, coordinate activities with other entities in the State that provide services similar to or complimentary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.

(2) Authorities. – The Council may, consistent with the State plan described in section 704, unless prohibited by State law –

(A) in order to improve services provided to individuals with disabilities, work with centers for independent living to coordinate services with public and private entities;

(B) conduct resource development activities to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and

(C) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.

(3) Limitation. – The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.

(d) Hearings and Forums. – The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

(e) Plan. –

(1) In General. –The Council shall prepare, in conjunction with the designated State entity, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the Council under this section, with funds made available under this chapter, and under section 110 (consistent with section 101(a) (18), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(2) Supervision and Evaluation. – Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

(3) Conflict of Interest. – While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

(f) Compensation and Expenses. – The Council may use available resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (such as personal assistance services), and to pay reasonable compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.