

SB

117

State of Alaska
Independent Living Council
Tony Knowles, Governor

701 E. Tudor Road ♦ Anchorage, Alaska 99503-7445 ♦ (907) 502-5006 V/TDD
♦ Fax: (907) 503-0140 ♦

March 6, 1995

An Open Letter to Duane French and Other Interested Persons

Constance E. Anderson
Chair
Juneau

Dan LaBrosse
Vice Chair
Fairbanks

Nugget Hiatt
Secretary
Anchorage

Rae Baggen
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Derrill Johnson
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Stan Ridgeway
Juneau

Earl W. Westphal
Sterling

John A. Woodward
Anchorage

Roger Wright
Kotzebue

Patrick Reinhart
Executive Director
Anchorage

This letter is in response to Duane French's cover article in the Winter, 1995 issue of Access Alaska Update. If you have not seen the article, you are encouraged to obtain a copy and read it carefully.

Dear Duane:

As you know, Dan LaBrosse and I serve as Vice Chair and Chair, respectively, of the State Independent Living Council. We recently read your cover article in the Winter 1995 Access Alaska Update. We believe it contains many inaccuracies, biases, and omissions, and would like to set the record straight.

The newly formed State Independent Living Council (SILC) has been operating for just over a year now. The Governor made appointments in October 1993, and the SILC had its first meeting in January 1994.

The questions as posed in the newsletter article are used again to facilitate accurate and objective responses.

"Why haven't I heard about the meetings of the SILC??"

In fact, the public is well-informed about SILC meetings. The SILC advertises all regularly scheduled quarterly meetings in the Anchorage *Daily News*, the Juneau *Empire*, and the Fairbanks *Daily News-Miner*. Meetings are advertised approximately 10 days in advance, and the

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advertisement shows the general agenda for the meeting and the scheduled time and place for public participation. Local independent living centers and other organizations are sent information about SILC meetings. Working committee meetings, such as negotiating team meetings, in the past were not advertised, but that practice was changed at the direction of the Chair. The public has always been welcome at any meeting of the SILC or its committees. Minutes are available to the public without charge after approval by the SILC. In addition, the SILC began a practice of using a court reporter to document its activities during regularly scheduled quarterly meetings. These transcripts are also available to the public, at a cost. Names, addresses, and telephone numbers of SILC members are also public information, are widely distributed, and remain readily available. All of the members of the SILC are available for questions from any concerned entity.

None of the activities of the SILC are secretive. The SILC, composed primarily of individuals who had no experience with governor-appointed Boards, Commissions, or Councils, joined other similar entities in learning about and incorporating the requirements of the Open Meetings Law into its activities. The SILC followed closely the advice and opinions of Attorney General staff in ensuring its activities meet the Open Meetings Law requirements, and has completely rectified inadvertent errors that occurred in the past.

"Who is responsible for what the SILC has done?"

The entire SILC votes on all official actions. Access Alaska has been an active advocate for concerns about the State Plan. All of Access Alaska's input and comments are part of the public record. The SILC received a great deal of public testimony when drafting the State Plan, and a major focus of many consumers was the need to ensure that independent living services were provided on a statewide basis; not just in Anchorage, and not just with Access

Alaska. Discussions with consumers about consumer choice and consumer control made it clear to the SILC that consumers are not unanimous in wanting Access Alaska to speak *for* them, nor do they unanimously share Access Alaska's concerns. It was clear to the SILC that many consumers, in particular those in areas of the state other than Anchorage, deeply resented Access Alaska's self-appointed advocacy role on their behalf. After all, independent living is about consumer choice and consumer control. Self-advocacy is a desirable goal of most, if not all, consumers the SILC has heard. The SILC could not in good conscience ignore this input.

Despite concerns about submittal of the plan prior to SILC approval, federal regulations allowed this to take place. States were allowed to submit independent living plans before full SILC approval, in order to meet the deadline. The plan is a living document, and can be amended or modified, so it was not a concern to the federal Rehabilitation Services Administration nor to the SILC if the plan was submitted before approval at a regularly scheduled meeting.

The SILC worked closely with DVR and RSA staff in ensuring that the Plan met the federal criteria. The "order of priorities" in Title VII relates to the provision of federal funds for those Centers (Access Alaska and SAIL), and the Plan did not change federal funding allocation to either Center. Funding available from other sources was the funding over which the SILC had discretion in allocating resources. To do that, the State Plan, in Section 10, followed Title VII. The use of Part B, Chapter 1 funds is outlined in this Section, noting that *all are optional*. The States *may* use Part B funds to: provide resources to the SILC; provide independent living services to individuals with significant disabilities; expand and improve independent living services; support operation of CILs; support activities to increase capacity to develop approaches or systems for providing IL services; to conduct studies and analyses; train regarding IL philosophy; and provide outreach to unserved or

underserved populations. The Interim State Plan does all of these things.

The SILC and DVR are neither irresponsible nor divisive. Irresponsibility and division come from attempts by uninformed and uncooperative individuals to sabotage an approved state plan, a politicization of issues instead of a cooperative and collaborative effort, a perpetuation of inaccuracies, and an infusion of time and money into opposition, instead of service delivery to individuals with disabilities.

Why wasn't the public more involved?

The SILC could probably not have done this any better. Public input obtained by the SILC was considerable, continued at each meeting, and is often effective and appropriate. Written public input is incorporated into the public record. In fact, the SILC has erred by allowing public comment almost to the point of being unable to proceed with the business of the SILC. I believe this should not continue. The first purpose of the SILC meetings is the business at hand. Appropriate mechanisms for public comment must continue to be available, but inappropriate comments, interruptions from the floor, and other rude and disrespectful behavior should not be tolerated at SILC meetings. This has occurred in the past, and has subjected members of the SILC to unnecessary abuse and disrespect.

Don't SILC members have some ethical standard they must follow?

Of course. The State Plan is responsive to consumer needs statewide, and the SILC members responded to this in appropriate, professional fashion. SILC members conform to the Executive Branch Ethics Act, and training and information has been consistently provided to ensure that SILC activities remain

appropriate to the intentions of this Act. *Distribution of funding statewide, ensuring support for and service delivery to cross-disability groups, was and remains the goal of the State Plan.* The Chair did not vote on any matters concerning the agency for which she serves as Executive Director. A Chair votes only to break a tie, and must abstain from even that vote if a conflict of interest arises. The Chair follows this procedure without fail. The Vice-Chair abstains from voting on any matter that might be construed to affect the agency he serves. The federal regulations, in specifying the composition of the SILC, place representatives of agencies in a position of potential conflict of interest, and SILC members have been careful to abstain from any official action of the SILC that might be construed as a conflict of interest. Again, the SILC has been the recipient of clear legal advice from the Attorney General's office in this area, and continues to seek legal advice as appropriate and necessary.

Isn't Title VII written in a pretty straightforward manner and easy to understand?

Yes. Title VII materials were distributed to all SILC members, and to any other interested party. Some SILC members have attended Title VII training. The statement in Duane's article that he would "bet that not one of the SILC members actually read Title VII" . . . is a bet several SILC members would win. My personal well-thumbed copy is evidence enough.

Why would SILC members make things worse for people with disabilities rather than better?

The mission of the SILC is to provide statewide independent living services to individuals with significant disabilities. The SILC is primarily composed of persons with disabilities. Greed and corruption have not been evident in SILC activities. The SILC

struggled a great deal to meet the needs of as many consumers as possible, across all disability groups, and in all geographic regions of the state. During the public input process, the SILC heard from many consumers with visual or hearing disabilities that their needs were not being met. The State Plan, as currently implemented, was designed to meet the needs of *ALL* Alaskans with significant disabilities.

Systems change begins with consumer refusal to any longer accept the status quo of one agency or one service area being the only game in town. Extensive public input to the Plan and during Council meetings demonstrates this is no longer the case. Ensuring consumer choice is and remains a major focus of the Plan.

SILC records show that *many* persons and entities, including Access Alaska, advocated to establish a full-time Executive Director position. The Governor and DVR provided the SILC with a mechanism to establish this position in as independent a fashion as possible. Suddenly, Access Alaska criticizes the SILC's actions in filling this position. *Contrary* to your opinion, the DVR staff person in the past spent *far more* than 5% of her time on SILC activities. The requirements of developing the state plan and coordinating SILC activities have been extremely demanding. The SILC survived without an Executive Director only because of the tremendous dedication of the SILC members, the willingness of the Executive Committee members to commit a great deal of time, and the commitment and expertise of *several* VR staff, including the Director, the Deputy Director, and *many* others. The commitment and integrity of everyone involved in SILC activities have always been in evidence.

Any reduction in funding to Access Alaska increases funding available to both ensure service delivery on a statewide basis and to provide specialized services for the deaf and the blind, two disability

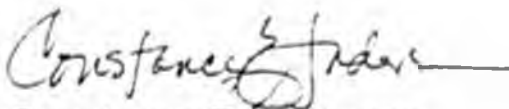
groups that were traditionally unserved and underserved by Centers for Independent Living in Alaska. For the first year of SILC operations, the SILC was funded jointly by Access Alaska, SAIL, and DVR, with a total of \$70,000 budgeted. DVR expended all of the funds committed; SAIL expended more than its commitment, and the SILC has been unable to obtain final expenditure information from Access Alaska, in spite of repeated requests. For the second year, the interim plan provided funding directly to the SILC. This funding is a combination of Part B funds and State Independent Living Funds. As is clearly outlined in the Plan, the largest portion of the SILC's expenditures are for SILC travel and meeting expenses, staff travel, administrative costs, and SILC and staff training. The focus of the Resource Allocation Plan directly interfaces with the State Plan Independent Living Objectives outlined in Attachment 9 of the Plan. These issues were identified through the independent living needs assessment and public input, and most specifically upon the public input and needs assessment provided by individuals with disabilities. These issues were repeatedly stressed by respondents and participants as key to the full inclusion of people with disabilities in all aspects of community life. Your article stated that the "remaining amount of the \$200,000 (of Part B) funds was used to fund deaf services. . .and services for persons who are blind." The Resource Allocation Plan clearly shows that *all Part B monies and all State IL monies are distributed among all service providers included in the Plan, which of course includes Access Alaska. Access Alaska Anchorage and Access Alaska Fairbanks, combined, receive more than \$400,000 in funding from these sources alone.* There is nothing that precludes Access Alaska from using these funds for housing modifications and assistive technology purchases to directly benefit consumers. No other agency receives funding at such a high level from Part B and State IL monies. Access Alaska was not forgotten in the resource allocation plan.

Many people take exception to your statement that the "horrible job

D. French
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March 6, 1995

done by the SILC has hurt all Alaskans with disabilities." We believe that your divisiveness, inaccuracies, lack of cooperation, and repeated attempts to sabotage the mission of the SILC hurt all Alaskans with disabilities. However, we know you to be a committed individual who has many skills that could help us in our common efforts to expand and improve independent living services in Alaska. The SILC is taking proactive steps to ensure that all Alaskans with significant disabilities receive the benefits of independent living. Cooperation and collaboration are essential. We would like nothing better than for you to reconcile with the SILC and lend your expertise and energy to moving us all forward. We hope we can put our differences behind us and work together to enrich the lives of Alaska's disability community.

Sincerely,



Constance E. Anderson
Chair



Dan LaBrosse
Vice Chair

Senator Lyda Green
State Capitol
Juneau, AK 99801-1182

State Independent Living Council
701 E. Tudor Road, Ste. 280
Anchorage, AK 99503-7445

SUBJECT: "An Open Letter to Duane French and Other
Interested Persons"

This letter is in response to Duane French's cover article in the Winter, 1995 issue of Access Alaska Update. If you have not seen the article, you are encouraged to obtain a copy and read it carefully. The article is about the State Independent Living Plan, and we believe it contains many inaccuracies, biases, and omissions, and would like to set the record straight.

SENATE BILL NO. 117

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR HALFORD

Introduced: 3/8/95

Referred: HFS, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a statewide independent living council and clarifying its
2 relationship with existing agencies; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 • Section 1. AS 47.80.030 is amended to read:

5 Sec. 47.80.030. GOVERNOR'S COUNCIL ON DISABILITIES AND
6 SPECIAL EDUCATION. There is established the Governor's Council on Disabilities
7 and Special Education. For budgetary purposes, the council is located within the
8 Department of Health and Social Services but is the interdepartmental planning and
9 coordinating agency of the Department of Health and Social Services, the Department
10 of Education, and other departments that deliver services to persons who are gifted or
11 experiencing a disability. In addition, except as provided in AS 47.80.300 -
12 47.80.330, the council is the state planning council and interagency coordinating
13 council for purposes of federal laws relating to persons who are gifted or experiencing
14 a disability.

2. → Finance → compensation

#1

1. → spell out dismissal standard (can only be dismissed for cause)

1 * Sec. 2. AS 47.80 is amended by adding new sections to read:

2 ARTICLE 4A. STATEWIDE INDEPENDENT LIVING COUNCIL.

3 Sec. 47.80.300. STATEWIDE INDEPENDENT LIVING COUNCIL. There
4 is established the Statewide Independent Living Council. For budgetary purposes, the
5 council is located in the Department of Education. The Department of Education shall
6 provide reasonable and necessary professional and technical assistance when requested
7 by the council.

8 Sec. 47.80.310. COMPOSITION; TERMS; COMPENSATION. (a) The
9 governor shall appoint members to the council who meet the applicable requirements
10 of 29 U.S.C. 796d after soliciting personal applications and after soliciting
11 recommendations from the public, from organizations representing a broad range of
12 individuals experiencing disabilities, and from organizations interested in individuals
13 experiencing disabilities. The council shall select a chairperson from among its voting
14 members.

15 (b) The members shall be appointed to staggered terms of three years, except
16 that a person appointed to fill a vacancy shall be appointed for the remaining years of
17 the prior member's term. A member may not serve more than two consecutive full
18 terms.

19 (c) Members of the council who are not state employees are entitled to per
20 diem and travel expenses as authorized for members of boards and commissions under
21 AS 39.20.180. In addition, if required by federal law, a member is entitled to

22 (1) reimbursement of the necessary expenses of attending council
23 meetings and performing council duties, including expenses for child care and personal
24 assistance services;

25 (2) compensation of \$150 for each day of performing council duties
26 and each day spent traveling to attend a council meeting if the member is not
27 employed or must forfeit wages from other employment in order to perform council
28 duties or travel to a council meeting.

29 Sec. 47.80.320. POWERS AND DUTIES. (a) The council shall perform the
30 duties set out in 29 U.S.C. 796d in a manner that will maximize the state's receipt of
31 federal financial assistance for independent living services and centers of independent

1 living for residents with severe disabilities, including the following duties:

2 (1) joint development of the state plan required under 29 U.S.C. 796c
3 and evaluation of the implementation of the plan;

4 (2) development of a plan for the provision of resources, including staff
5 and personnel, that may be necessary to carry out the council's functions with funds
6 from the federal government and other public and private sources; and

7 (3) coordination of the council's activities with other state agencies that
8 address the needs of specific disability populations and issues under federal law.

9 (b) The council may

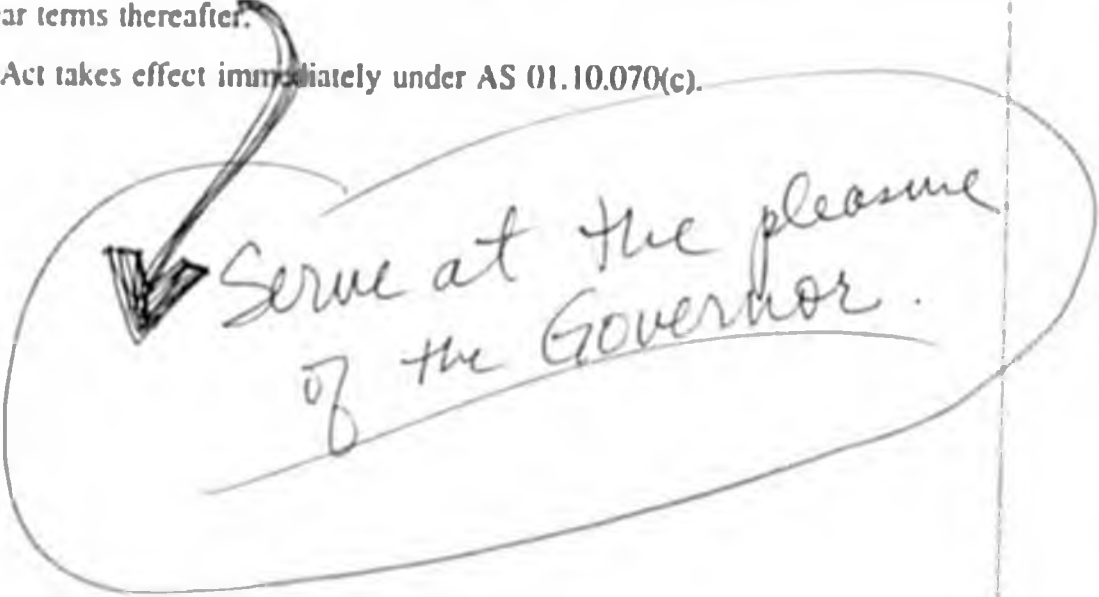
10 (1) hold hearings and forums as determined by the council to be
11 necessary to carry out its duties;

12 (2) solicit and accept money or other resources on behalf of the state
13 from any public or private source.

14 Sec. 47.80.330. DEFINITION. Notwithstanding AS 47.80.900, in
15 AS 47.80.300 - 47.80.320, "council" means the Statewide Independent Living Council
16 established under AS 47.80.300.

17 • Sec. 3. Notwithstanding AS 47.80.310, enacted by sec. 2 of this Act, the governor shall
18 appoint the initial members of the Statewide Independent Living Council so that approximately
19 equal numbers of the members have terms of one, two, and three years in order to achieve
20 staggered three-year terms thereafter.

21 • Sec. 4. This Act takes effect immediately under AS 01.10.070(c).



Serve at the pleasure
of the Governor.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 117

Revision Date: _____

Department Affected: Education

Title: Statewide Independent Living Council

BRU: Vocational Rehabilitation

Component: Independent Living Rehabilitation

Sponsor: Senator Halford

Requester: Senate HESS Committee

COMPONENT SERIAL NO. 203

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	56.5	56.5	56.5	56.5	56.5	56.5
TRAVEL	26.0	26.0	26.0	26.0	26.0	26.0
CONTRACTUAL	54.3	54.3	54.3	54.3	54.3	54.3
SUPPLIES	4.1	4.1	4.1	4.1	4.1	4.1
EQUIPMENT	1.7	1.7	1.7	1.7	1.7	1.7
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	142.6	142.6	142.6	142.6	142.6	142.6

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	128.3	128.3	128.3	128.3	128.3	128.3
1003 GF Match	14.3	14.3	14.3	14.3	14.3	14.3
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	142.6	142.6	142.6	142.6	142.6	142.6

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

To be eligible to receive federal funds for independent living services, Alaska must establish a Statewide Independent Living Council. On October 26, 1994, Governor Hickel established the Council by Administrative Order No. 149. Senate Bill 117 formally establishes this council in statute. Funding for this council and other independent living services is included in the *Rehabilitation Act Amendments of 1992, Title VII*. The state currently receives approximately \$900,000 under this Act.

Please see the attached sheet for further analysis.

Prepared by: Stan Ridgeway, Deputy Director Phone: 465-6932
 Division: Vocational Rehabilitation Date: March 16, 1995
 Approved by Commissioner: Shirley Holloway
 Agency: Education Date: March 16, 1995

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

To be eligible to receive federal funds for independent living services, Alaska must establish a Statewide Independent Living Council. Funding for this program is included in the *Rehabilitation Act Amendments of 1992, Title VII*.

Funds, allotted under Part B of *Title VII*, are disbursed to Alaska as a minimal allotment state which means that Alaska will receive not less than \$275,000 for independent living services. The state must match Part B funds by 10%.

In addition, Part C of *Title VII* entitles Alaska to receive not less than \$533,330 in federal funds designated for centers for independent living. There are currently two Alaska centers which receive these funds directly from the federal government under Part C. In FY95, a total for \$602,900 was awarded to two Alaskan independent living centers. Access Alaska received \$301,000 and Southeast Independent Living (SAIL) received \$301,900 from this federal source.

The funding for the independent living program in FY95 is as follows:

Funding Source	Amount (in thousands)
Federal Part B	\$ 283.8
Part B Required State Match	39.1
Federal Part C	602.9
State General Funds	563.4
TOTAL	\$ 1,489.2

The Independent Living Council expenses are funded with Part B and state general funds. The total Council budget is \$142,600, which is 9% of the total funds available. The state Division of Vocational Rehabilitation retained \$10,600 (.7% of the total) for grant monitoring. The remainder of the funds, \$1,336,000 is granted to statewide non-profit organizations for direct consumer services.

Without a Statewide Independent Living Council the state will not be eligible to receive either Part B or Part C federal funds under *Title VII of the Act* resulting in a lost of approximately \$900,000 in federal funds.

TONY KNOWLES, GOVERNOR

DEPARTMENT OF EDUCATION
OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894
(907) 465-2300
FAX (907) 465-4156

March 16, 1995

The Honorable Rick Halford
Alaska State Senate
State Capitol, Room 508
Juneau, AK 99801-1182

Re: Senate Bill 117
Establishment of a State Independent Living Council

Dear Senator Halford:

The Department of Education and the Division of Vocational Rehabilitation (DVR) support Senate Bill 117. In order for Alaska to continue receiving federal funds for independent living services, the state must establish in statute a statewide independent council. The Rehabilitation Act of 1973 as Amended in 1992 states in Title VII, Sec. 705 "Statewide Independent Living Council:"

(a) Establishment - to be eligible to receive financial assistance under this chapter, each state shall establish a Statewide Independent Living Council (referred to in this section as the "Council"). The council shall not be established as an entity within another state agency.

We support your efforts in submitting this legislation. For your information I have enclosed a copy of the Alaska Independent Living Council's mission statement, responsibilities and goals as contained in the statewide independent living plan.

If we can be of more assistance in your efforts, please contact me or Stan Ridgeway, Deputy Director, DVR, at 465-6932.

Sincerely,



Shirley J. Holloway, Ph.D.
Commissioner

Enclosure

ALASKA INDEPENDENT LIVING COUNCIL

Mission

To promote 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.

Responsibilities

1. Jointly developing and submitting the State Plan for Independent Living, in conjunction with the Alaska Division of Vocational Rehabilitation.
2. Monitoring, reviewing and evaluating the implementation of the State Plan.
3. Coordinating activities with the Alaska Vocational Rehabilitation Advisory Council and other councils that address the needs of specific disability populations and issues.

Goals

1. To develop, implement, monitor and evaluate a coordinated and unified statewide service delivery system for independent living.
2. To develop a statewide network of centers for independent living.
3. To maximize working relationships and collaborative ventures for the provision of independent living services.
4. To develop and implement public awareness and outreach activities.

STATE OF ALASKA - OFFICE OF THE GOVERNOR
Boards and Commissions Office

Membership Roster

(181) INDEPENDENT LIVING COUNCIL

Member	Appointed	Reappointed	Term Exp.
Constance E. Anderson Independent Living Center Representative 8800 Glacier Highway, Suite 238 Juneau, AK 99802 Home Phone - (907) 780-6085 Work Phone - (907) 789-9665 FAX - (907) 789-9747	10/01/93		10/01/96
Rae A. Boggan Community Rehabilitation Program Representative P.O. Box 6064 Sitka, AK 99835 Home Phone - (907) 747-4742	10/01/93		10/01/96
James R. Burton Community Rehabilitation Program Representative 1169 Hoss Avenue Fairbanks, AK 99709 Home Phone - (907) 479-8118 Work Phone - (907) 474-7249	10/01/93		10/01/95
Bernadine J. Graham Advocate 4131 East 20, No. 33 Anchorage, AK 99508 Home Phone - (907) 337-7914	10/01/93		10/01/95
Nugget A. Hiatt Advocate 1706 Bartlett Drive Anchorage, AK 99507 Home Phone - (907) 562-1706	10/01/93		10/01/94
Demill Johnson Division of Mental Health and Developmental Disabilities Rep. DHSS, Div. of Mental Health P.O. Box 110620 Juneau, AK 99811-0620 Work Phone - () 465-3370	10/01/93		10/01/96
Dan LaBrosse Community Rehabilitation Program Representative 1405 Kellum Fairbanks, AK 99701 Home Phone - (907) 488-6980 Work Phone - (907) 456-5913	10/01/93		10/01/94
José A. Lopez Nieves Family Member With Disability F.O. Box 7204 Bethel, AK 99559 Home Phone - (907) 543-5683 Work Phone - (907) 543-5500	10/01/93		10/01/95
Patrick Reinhart Community Rehabilitation Program Representative P.O. Box 110005 Anchorage, AK 99511-0065 Home Phone - (907) 346-1798 Work Phone - (907) 563-2658	10/01/93		10/01/94

STATE OF ALASKA - OFFICE OF THE GOVERNOR
Boards and Commissions Office

Membership Roster

(181) INDEPENDENT LIVING COUNCIL

Member	Appointed	Reappointed	Term Exp.
Stan Ridgeway Division of Vocational Rehabilitation Rep. 801 West Tenth Street, Suite 200 Juneau, AK 99801-1894 Work Phone - (907) 465-8932	10/01/93		10/01/96
Earl W. Westphal Advocate P.O. Box 288 Sterling, AK 99672 Home Phone - (907) 282-6061	10/01/93		10/01/96
John A. Woodward Community Rehabilitation Program Representative 2200 Sunrise Drive Anchorage, AK 99508 Home Phone - (907) 278-1159	10/01/93		10/01/94
Roger Wright Independent Living Program Representative P.O. Box 209 Kotzebue, AK 99752 Home Phone - (907) 442-3021	10/01/93		10/01/95



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

ADMINISTRATIVE ORDER NO. 149

Walter J. Hickel, Governor of the State of Alaska, under the authority of art. III, secs. 1, 16, and 24, of the Alaska Constitution and AS 44.19.145(c), hereby establish by Administrative Order the Alaska Statewide Independent Living Council (council).

Section 1. PURPOSE

The council shall serve as the Statewide Independent Living Council for Alaska required for the receipt of federal financial assistance under 29 U.S.C. 796d, as amended as of July 1, 1994.

Section 2. DUTIES

The council shall perform the duties set out in 29 U.S.C. 796d, to allow the receipt of federal financial assistance in Alaska for independent living services and centers for independent living for Alaskans with severe disabilities. The council may hold hearings or forums in Alaska as the council determines necessary to carry out its duties.

Section 3. MEMBERSHIP; TERMS

The Governor will appoint members to the council who meet the applicable membership requirements set out in 29 U.S.C. 796d. A term of a member will be three years unless the appointment is to fill a vacancy for the remaining years of a prior member's term. A member may not serve more than two consecutive full terms.

Section 4. CONTACT AGENCY

The Alaska Department of Education will serve as lead contact agency for the council. The Alaska Department of Education shall provide reasonable and necessary professional and technical assistance requested by the council.

This Order takes effect immediately.

Dated at Juneau, Alaska this 26 day of October, 1994.

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor



ALASKA DIVISION of EDUCATIONAL REHABILITATION

Rehabilitation Act of 1973
as Amended by
The Rehabilitation Act
Amendments of 1992

29 USC 701-744

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 Commissioner determines to be appropriate to facilitate an effective audit;

(C) afford such access to records maintained under subparagraphs (A) and (B) as the Commissioner determines to be appropriate; and

(D) submit such reports with respect to such records as the Commissioner determines to be appropriate;

(5) provide access to the Commissioner 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) 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.

Sec. 705. Statewide Independent Living Council

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

(b)(1) Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments, within 90 days after the date of enactment of the Rehabilitation Act Amendments of 1992. 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) The Council shall include -

(A) at least one director of a center for independent living chosen by the directors of centers for independent living within the State; and

(B) as ex officio, nonvoting members -

(i) a representative from the designated State unit; and

(ii) representatives from other State agencies that provide services for individuals with disabilities.

(3) The Council may include -

(A) other representatives from centers for independent living;

(B) parents and guardians of individuals with disabilities;

(C) advocates of and for individuals with disabilities;

(D) representatives from private businesses;

(E) representatives from organizations that provide services for individuals with disabilities;
and

(F) other appropriate individuals.

(4) The Council shall be composed of members -

(A) who provide statewide representation;

(B) who represent a broad range of individuals with disabilities;

(C) who are knowledgeable about centers for independent living and independent living services; and

(D) a majority of whom are persons who are -

(i) individuals with disabilities described in section 7(8)(B); and *(ii)* not employed by any State agency or center for independent living.

(5)(A) Except as provided in subparagraph (B), the Council shall elect a chairperson from among the membership of the Council.

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

(6)(A) 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 the 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 appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(B) No member of the Council may serve more than two consecutive full terms.

(7) 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.

(c) The Council shall -

(1) jointly develop and submit (in conjunction with the designated State agency) the State plan required in section 704;

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

(3) coordinate activities with the State Rehabilitation Advisory Council established under section 105 and councils that address the needs of specific disability populations and issues under other Federal law;

(4) ensure that all regularly scheduled meetings of the Council are open to the public and sufficient advance notice is provided; and

(5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

(d) 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)(1) The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under this section, with funds made available under this chapter and part C of title I 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) 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) 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) The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay 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.

(g) To the extent that a State has established a Council before September 30, 1992, that is comparable to the Council described in this section, such Council shall be considered to be in compliance with this section. Within 1 year after the date of enactment of the Rehabilitation Act Amendments of 1992, such State shall establish a Council that complies in full with this section.

Sec. 706. Responsibilities of the Commissioner

(a)(1) The Commissioner shall approve any State plan submitted under section 704 that the Commissioner determines meets the requirements of section 704, and shall disapprove any such plan