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October 29, 2019

National Federation of the Blind of Idaho  
Dana Ard, President  
1320 E. Washington  
Boise, Idaho 83712  
Sent via email to: [president@nfbidaho.org](mailto:president@nfbidaho.org) and [danalynard@q.com](mailto:danalynard@q.com)

Re.: National Federation of the Blind of Idaho, Resolution 2019-01

Dear Ms. Ard:

As indicated in our letter to you dated August 27, 2019, the Idaho State Independent Living Council (SIILC) appreciates the opportunity to address the concerns presented in your letter dated July 20, 2019 regarding the National Federation of the Blind of Idaho (NFB Idaho) Resolution 2019-01 of March 22, 2019. I received your letter and the accompanying resolution on July 30, 2019. The Idaho SIILC executive Committee reviewed your letter and the NFB Idaho resolution at their September 4, 2019 meeting with a full Council review during our Quarterly meeting, October 11, 2019. We appreciate the historical perspective provided by NFB Idaho, and the opportunity to consider and respond to NFB Idaho Resolution 2019-01 regarding the "Anticipated Reduction of Funding For Independent Living Services for the Idaho Commission for the Blind and Visually Impaired."

The following is a brief overview of Independent Living (IL) funding sources; the 2018 statewide assessment; program resources; Title VII, Chapter I, Part B §713 Authorized Uses of Funds; 2020 Idaho SPIL timeline; and Part II, section 1.3B (1-4) Financial Plan Narratives, material changes:

**Independent Living: The Rehabilitation Act of 1973 and IL funding sources**

- 1) While we understand Title 67, Chapter 54 provided for the establishment of the Idaho Commission for the Blind and Visually Impaired (ICBVI) in 1967, funding for the program did not come from federal Independent Living sources as we know them today. It is our understanding that resources for ICBVI initially came from other state and federal programs, and ultimately, through several reauthorizations of the Rehabilitation Act of 1973.

- 2) The 1978 reauthorization of the Rehabilitation Act included funding for independent living and the establishment of Centers for Independent Living around the country. Ten states were initially funded. Idaho was not one of them. Federal Funding for Independent Living as we now know it today, did not exist prior to 1978.
- 3) The Workforce Innovation and Opportunity Act (WIOA) was signed and enacted on July 22, 2014. It immediately revised and reauthorized the 1998 version of the Rehabilitation Act known as the Workforce Investment Act (WIA).
  - WIOA transferred certain programs from US Department of Education (ED) to the Department of Health and Human Services (HHS) and gives the Secretaries of ED and HHS authority to ensure an orderly transition as they implement these changes.
  - WIOA transferred the following programs from the ED to the Administration for Community Living (ACL) in HHS:
    - State Independent Living Services Program (IL, Part B)
    - Centers for Independent Living Program (IL, Part C)
    - National Institute on Disability and Rehabilitation Research
    - Programs under the Assistive Technology Act of 1998
  - However, ED retained the administration of the Independent Living Services for Older Individuals Who Are Blind program, and it continues to reside in State VR agencies (blind or combined agencies) at the state level.

## **2018 Statewide Assessment**

The primary concerns expressed by individuals who self-identified as being blind or having low vision during community meetings (270 participants) said they were concerned about their housing situation (affordability), including rent, property taxes and repairs, lack of community access such as sidewalks and public or private transportation resources. Many also expressed appreciation for the peer support groups and other services sponsored by ICBVI, emphasizing a need for continued funding for these supports and services.

- ICBVI provided transportation for many people who are blind or low vision to attend public meetings.
- Transportation resources aren't generally available to people with other disabilities in rural areas.

Through electronic surveys (320 participants) the same population expressed concerns about the following: potential loss of ICBVI services for peer support groups and the Talking Books programs, followed by training and employment assistance, mobility and adult daily living skills training provided by ICBVI. Approximately 30% of electronic

survey respondents identified as being blind. Many of them indicated that they have other disabilities as well.

- Idaho SILC staff assisted many individuals upon request in the completion of the survey via telephone.
- In addition to assistance, surveys were also provided in large print and braille and responses were entered into the electronic format by staff from the Centers for Independent Living and the Idaho SILC for compilation.

### **Program resources: Talking Books, Older Blind and Vocational Rehabilitation services**

The Idaho SILC is likely unaware of many private and public funding sources for programs that serve people who are blind or have low vision. However, below are a few examples of funding resources for several programs people who are blind or low vision were concerned about losing during the statewide assessment.

- Talking Books programs are funded through Idaho Commission for Libraries resources, not Independent Living resources. The Idaho SILC has no say over state or federal funds dedicated to the Talking Books program, other than to support continuation of this valuable resource.
- Title VII, Chapter II – Independent Living Services for Older Individuals Who are Blind (55+) resources were not Impacted by WIOA. Title VII, Chapter II funding has remained constant for services through the Idaho Commission for the Blind and Visually Impaired through the Rehabilitation Services Administration, U.S. Department of Education. The Idaho SILC has no say over state or federal funds dedicated to this valuable program for people who are older blind, other than to support its continuation.
- Vocational Rehabilitation services to transition age youth and adults who are blind or have low vision has remained constant for services through the Idaho Commission for the Blind and Visually Impaired through the Rehabilitation Services Administration, U.S. Department of Education. While WIOA may have impacted how, when and to whom ICBVI delivers vocational rehabilitation services, those services are not impacted by Title VII, Chapter I – Independent Living Services and Centers for Independent Living, Parts A-C. The Idaho SILC has no say over state or federal funds dedicated to valuable vocational rehabilitation programs, other than to support continuation.

### **Independent Living Funds - Title VII, Chapter I, Part B §713 Authorized Uses of Funds:**

- (a) IN GENERAL.—The State may use funds received under this part to provide the resources described in

section 705(e) (but may not use more than 30 percent of the funds paid to the State under section 712 for such resources unless the State specifies that a greater percentage of the funds is needed for such resources in a State plan approved under section 706), relating to the Statewide Independent Living Council, may retain funds under section 704(c)(5), and shall distribute the remainder of the funds received under this part in a manner consistent with the approved State plan for the activities described in subsection (b).

(b) **ACTIVITIES.**—The State may use the remainder of the funds described in subsection (a)—

(1) to provide independent living services to individuals with significant disabilities, particularly those in unserved areas of the State;

(2) to demonstrate ways to expand and improve independent living services;

(3) to support the operation of centers for independent living that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725;

(4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;

(5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;

(6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and

(7) to provide outreach to populations that are unserved or underserved by programs under this title,

including minority groups and urban and rural populations.  
[29 U.S.C. 796e-2]

While it is likely that people who are blind and have low vision are among the underserved across Idaho, there is little doubt that all disability categories are underserved, especially in rural parts of the state – which geographically speaking, is most of the state. Centers for Independent Living are sorely underfunded: Living Independently for Everyone (LIFE), servicing the eastern portion of the state, including large swaths of isolated communities; and Living Independence Network Corporation (LINC) which serves our most populous communities as well as substantially rural areas in South Central to Southwestern Idaho are both inadequately funded through Part C Independent Living Funds, and have up until the recently approved, amended and extended 2020 State Plan for Independent Living (SPIL), received zero in Part B Independent Living funds. These two Centers will see the first ever Part B funding allocation effective October 1, 2019.

**Timeline for Idaho SPIL development, public comment period, submission, NFB Idaho resolution 2019-01 and ACL approval:**

April 13, 2018: Idaho SILC quarterly public meeting. Meeting notice and agenda published in accordance with Idaho Public Meeting law. Idaho SILC Executive Director reviewed timeline for development and submission of the FFY2020-2023 Idaho State Plan for Independent Living. Council determined who would be on the planning committee: several Council members, including ex-officio members, Center Directors, the Idaho SILC Director and support staff, the Administrator of the Designated State Entity (IDVR) and the Administrator of ICBVI.

May 14, 2018: The first of many Idaho SPIL planning committee meetings occurred. Meeting notices and agendas were published in accordance with Idaho Public Meeting law.

July 12-13, 2018: The Council reviewed Idaho 2020-2023 development SPIL progress, met with prospective facilitator and voted to hire him for assistance in development of the Idaho SPIL. Meeting notice and agenda published in accordance with Idaho Public Meeting law.

September 7 – November 7, 2018: Statewide public meetings and survey. Meeting notices and agendas published in accordance with Idaho Public Meeting law.

October 23, 2018: Administration on Community Living issued guidance the following for 2020, given that the SPIL Instrument was not yet published:

## FY 2020 SPIL Options

Sec. 704(a) of The Rehabilitation Act, as amended, requires states review and revise SPILs not less than once every three years (Rehab Act Sec. 704 (a)). As such, ILA is providing guidance to state networks for the development and approval of SPILs for FY2020 (the period between the current SPIL expiration and the new SPIL instrument being implemented).

ILA is providing two options for the FY2020 SPIL year:

- (a) Make substantial and material changes to the FY2017-FY2019 SPIL; or
- (b) Make technical amendments to extend the FY2017-FY2019 SPIL through FY 2020.

Because of the resources already expended by the Idaho SILC and the Centers, Idaho elected to extend and amend the SPIL for FFY 2020 based on information obtained during the statewide assessment.

January 10-11, 2019: Idaho SILC quarterly public meeting. Meeting notice and agenda was published in accordance with Idaho Public meeting law. Projects and potential funding opportunities were discussed. No one who identified themselves as representing NFB Idaho was in attendance. Idaho SILC membership includes a voting member who is blind, an ex-officio member from ICBVI. The Administrator of ICBVI attended as an invited guest.

April 12, 2019: Idaho SILC quarterly public meeting. Meeting notice and agenda was published in accordance with Idaho Public meeting law. Council members, including ex-officio members, Center Directors, the Idaho SILC staff, the Administrator of the Designated State Entity (IDVR) and the Administrator of ICBVI were present. Part B funding allocations were addressed, and the draft SPIL was reviewed and approved for submission with corrections.

May 1 – May 31, 2019: The draft of the 2020 Idaho SPIL was posted for the 30-day public comment period as required by Federal law. Two comments were received: one related to counties covered by LIFE and another regarding typos. No comments were received from anyone who identified being from NFB-Idaho, nor did anyone submit the concerns brought in the March 22, 2019 NFB Idaho Resolution 2019.

July 10, 2019: Upon final review the Administrator of the Designated State Entity noticed a slight discrepancy in the match amounts for the Centers. The error was corrected as a technical amendment which does not require additional public comment.

July 10, 2019: The 2017-2019 extension and amendments for 2020 Idaho SPIL was submitted to the Administration on Community Living.

July 30, 2019: The Idaho SILC received the attached letter from the National Federation of the Blind – Idaho, dated July 20, 2019 regarding NFB-Idaho Resolution 2019-01.

September 30, 2019: The Administration on Community Living notified the Idaho SILC that the 2017-2019 extension and amendments were approved for 2020.

**Related amendments to for the 2020 Idaho SPIL extension are as follow:**

**Funding (Part II, section 1.3B (1-4) Financial Plan Narratives) material changes:** The SPIL development team used information from the statewide assessment, 2017-19 quarterly SPIL reviews, geographic and demographic information and Center PPRs to develop the 2020 SPIL extension and amendments. The team and the Council agreed the resources put into SPIL development warranted using 2020 SPIL extension with substantial and material changes as a bridge to the 2021-24 SPIL. The funding plan reduces Part B funding to the Idaho SILC (30%), ICBVI (30%) and DAC-NW (10%) from 2019 levels and provides Part B funding for LINC (20%) and LIFE (10%). **Section 1.3B(4):** Title VII, Part B funds will continue to be evaluated based on the Plan - This formula is based on the statewide assessment of needs completed in FFY2019, geographic area, population and current inequities of Title VII Chapter 1 Part C. The Title VII, Part B funding formula will continue revision in the following 2021-2024 SPIL to bring it into line with the factors cited above facilitating cross-disability, independent living services and education throughout Idaho. It further acknowledges the need for Centers to work together and with ACL to address Part C inequities in the coming five years.

The narrative and explanation above are in the FFY 2020 amendment and extension published for a 30-day public comment on May 1, 2019.

Funding changes for the 2020 Idaho SPIL are as follows:

- 30% to the Idaho SILC – a 9% reduction
- 30% to the Idaho Commission for the Blind and Visually Impaired - a 15% reduction
- 10% to Disability Action Center Northwest – a 6% reduction
- 10% to LIFE – a 10% increase
- 20% to LINC – a 20% increase

As stated above and in the FFY 2020 SPIL amendments and extension, funding allocations will continue to be evaluated and adjusted in the coming few years based on the information cited above.

## Conclusion

The Idaho SILC appreciates the concerns expressed in NFB Idaho resolution 2019-01. However, no one who identified themselves as being from NFB Idaho attended Council meetings, planning meetings or submitted comments during the 30-day Public Comment period. The FFY2020 SPIL is based on information gathered from the statewide assessment, demographic and geographic data, annual Performance Progress Reports (PPRs) filed by the Idaho SILC and each of the three Centers for Independent Living, and quarterly reviews from the prior Idaho SPIL. Applicable state and federal laws direct that Title VII Part B Independent Living funds be directed across disabilities, including specific underserved and unserved populations of which people who are blind are a part, but not the whole; and can be served in a cross-disability environment or through other state and federal funds as directed by state and federal law.

The Idaho SILC respectfully disagrees that "it is now actively working to greatly reduce and perhaps eliminate federal independent living funds for the Idaho Commission for the Blind." Further, while the NFB Idaho "condemn[s] the attempts to greatly reduce funding for independent living services, potentially eliminating such specialized services for Idaho's blind citizens" the Idaho SILC is working diligently to improve funding for services and supports for all Idahoans with disabilities. We recognize there are not enough federal and state independent living funds for all of Idaho's disabled citizens, including, but not limited to her blind citizens.

There is little doubt that many Idahoans with disabilities of any kind generally do not have enough services and supports needed to live independently and safely in their community of choice. It is our sincere hope that we can work together to improve the lives of all Idahoans with Disabilities.

Sincerely,



Mel Leviton, Executive Director  
Idaho SILC



Eric Bjork, Council Chair  
Idaho SILC