

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1701 Session of
1993

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MANDERINO, PISTELLA, D. W. SNYDER, OLASZ, FREEMAN AND TRICH,
MAY 26, 1993

REFERRED TO COMMITTEE ON AGING AND YOUTH, MAY 26, 1993

AN ACT

1 Establishing the Statewide Independent Living Council; providing
2 for the powers and duties of the council; providing for a
3 State plan for the provision of services to people with
4 disabilities; providing for grants and funding for
5 establishment of centers for independent living; and
6 requiring centers for independent living to maintain certain
7 standards and give certain assurances in order to qualify for
8 assistance.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title

12 This act shall be known and may be cited as the Independent
13 Living Services Act.

14 Section 2. Legislative findings and declarations.

15 The General Assembly finds and declares as follows:

16 (1) The Commonwealth currently supports the provision of
17 independent living services to people with disabilities
18 through centers for independent living, but lacks a statutory
19 basis to assure that people with disabilities are fully

1 involved in the planning and provision of these services.

2 (2) People with disabilities have the best capacity to
3 design, develop, manage and implement those programs and
4 services that are intended to assist them.

5 (3) The Rehabilitation Act of 1973 (Public Law 93-112,
6 29 U.S.C. § 701 et seq.), as amended, provides for the
7 establishment and operation of a Statewide Independent Living
8 Council to oversee the provision of independent living
9 services funded by the Federal Government.

10 (4) There are an estimated 830,000 residents of this
11 Commonwealth with disabilities who will benefit directly or
12 indirectly from the services provided by State-supported
13 centers for independent living.

14 (5) People with disabilities who could live and work in
15 the community have been denied access to the full range of
16 social opportunities, and in many cases have been forced to
17 live in institutions at State expense, due to architectural,
18 communication and attitudinal barriers, as well as a lack of
19 appropriate independent living options.

20 (6) There is a need to establish independent living
21 services and centers through a coordinated network of
22 consumer-controlled centers for independent living
23 effectively reaching all 67 counties in this Commonwealth.

24 (7) Notwithstanding the services provided by the
25 Commonwealth to specific disability groups, the General
26 Assembly having heretofore appropriated State funds to
27 support consumer-controlled centers for independent living,
28 finds an immediate need to assure that all citizens of this
29 Commonwealth who have a disability are afforded access to and
30 control of the services provided by centers for independent

1 living.

2 Section 3. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Americans with Disabilities Act of 1990." (Public Law 101-
7 336, 104 Stat. 327), as amended.

8 "Center for independent living." A private, nonprofit agency
9 in which at least 51% of the principle governing board,
10 management and staff are individuals with disabilities and that:

11 (1) is designed and operated within a local community by
12 individuals with disabilities;

13 (2) provides an array of independent living services and
14 programs;

15 (3) does not offer among its services permanent housing;
16 and

17 (4) assists individuals with a wide variety of disabling
18 conditions.

19 "Consumer-control." A condition under which power and
20 authority are vested in individuals with disabilities and, when
21 applied to a center for independent living, means that at least
22 51% of the principle governing board, management and staff are
23 individuals with disabilities.

24 "Council." The Statewide Independent Living Council
25 established by this act.

26 "Disability." With respect to an individual:

27 (1) a physical or mental impairment that substantially
28 limits one or more of the major life activities of the
29 individual;

30 (2) a record of such impairment; or

1 (3) being regarded as having such an impairment.

2 "Designated State unit." The agency designated by the
3 Governor to administer programs funded under the Rehabilitation
4 Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), as
5 amended.

6 "Independent living core services." The term includes all of
7 the following:

8 (1) Information and referral services.

9 (2) Independent living skills training.

10 (3) Peer counseling.

11 (4) Individual and systems advocacy.

12 "Independent living services." The term includes:

13 (1) independent living core services; and

14 (2) other services and assistance which may include, but
15 are not limited to:

16 (i) counseling services, including psychological,
17 psychotherapeutic and related services;

18 (ii) services related to securing housing or
19 shelter;

20 (iii) assistive technology;

21 (iv) interpreter and reader services;

22 (v) personal assistance services, including
23 attendant care and the training of personnel providing
24 personal assistance services;

25 (vi) surveys, directories and other activities to
26 identify appropriate housing, recreation opportunities,
27 accessible transportation and other support services;

28 (vii) services and technical assistance related to
29 the implementation of the Americans with Disabilities Act
30 of 1990 (Public Law 101-336, 104 Stat. 327), as amended

1 and other related Federal and State laws;

2 (viii) activities supporting, assisting or
3 maintaining life in the community;

4 (ix) transportation, including referral for and
5 assistance with transportation;

6 (x) individual and group community integration
7 activities;

8 (xi) training to develop skills which promote self-
9 awareness and esteem, develop advocacy and self-
10 empowerment skills and explore career options;

11 (xii) appropriate preventive services to decrease
12 the needs of individuals assisted under this act for
13 similar services in the future;

14 (xiii) community awareness programs to enhance the
15 understanding and integration into society of individuals
16 with disabilities;

17 (xiv) communicating the programmatic and civil needs
18 of persons with disabilities to State and local planners
19 responsible for community services; and

20 (xv) such other services, not inconsistent with the
21 provisions of this act, as may be necessary.

22 "Rehabilitation Act of 1973." (Public Law 93-112, 29 U.S.C.
23 § 701 et seq.), as amended.

24 Section 4. Eligibility for receipt of services.

25 Services may be provided to any individual with a disability
26 regardless of age, to parents and families of individuals with
27 disabilities and to professionals in the community working with
28 individuals with disabilities.

29 Section 5. Statewide Independent Living Council.

30 (a) Council established.--There shall be established a

1 Statewide Independent Living Council, which shall be the same
2 council established under Title VII of the Rehabilitation Act of
3 1973. The council shall not be independent of State agencies,
4 shall adopt bylaws governing its operations and shall meet at
5 least quarterly.

6 (b) Manner of appointment of members.--Members of the
7 council shall be appointed by the Governor. The Governor shall
8 select members from recommendations of representatives of
9 organizations with governing boards in which at least 51% are
10 persons with disabilities and which represent a broad range of
11 individuals with disabilities. The council shall be composed of
12 members appointed to provide Statewide representation, represent
13 a broad range of disabilities and ensure knowledge about centers
14 for independent living services and programs.

15 (c) Members.--

16 (1) The council shall include a majority of individuals
17 with disabilities who are not State employees and at least
18 50% of the directors of the centers for independent living
19 within this Commonwealth chosen by the directors of centers
20 for independent living in this Commonwealth.

21 (2) The ex officio, nonvoting members shall consist of a
22 representative from the designated State unit and
23 representatives from other State agencies that provide
24 services for individuals with disabilities.

25 (3) In addition to the members provided for in
26 paragraphs (1) and (2), the Governor may appoint additional
27 members who may be:

28 (i) other representatives from centers for
29 independent living;

30 (ii) parents and guardians of individuals with

1 disabilities;

2 (iii) representatives of advocacy organizations;

3 (iv) representatives from private businesses;

4 (v) representatives from organizations that provided
5 services for individuals with disabilities; and

6 (vi) other appropriate individuals.

7 (d) Chairperson.--The council shall select a chairperson
8 from among the membership of the council.

9 (e) Term of office.--No member of the council may serve more
10 than two consecutive three-year terms, except:

11 (1) a member appointed to fill a vacancy occurring prior
12 to the expiration of the term for which a predecessor was
13 appointed shall be appointed for the remainder of the
14 predecessor's term; and

15 (2) the terms of service of the members initially
16 appointed shall provide for the expiration of terms on a
17 staggered basis.

18 (f) Vacancies.--Any vacancy occurring in the membership of
19 the council shall be filled in the same manner as the original
20 appointment. The vacancy shall not affect the power of the
21 remaining members to execute the duties of the council.

22 Section 6. Powers and duties.

23 The council shall:

24 (1) Jointly develop and submit, in conjunction with the
25 designated State agency, the State plan required by this act.

26 (2) Monitor, review and evaluate implementation of the
27 State plan.

28 (3) Coordinate activities with other State advisory
29 bodies that address the needs of specific disability
30 populations and related issues under Federal and State laws.

1 (4) Ensure that all regularly scheduled meetings of the
2 council are open to the public and that sufficient advance
3 notice of meetings is provided.

4 (5) Prepare reports and make recommendations, as
5 necessary, to the Governor and General Assembly.

6 Section 7. State plan.

7 (a) Eligibility for financial assistance.--To be eligible to
8 receive financial assistance, the council and the designated
9 State unit shall develop a State plan.

10 (b) Periodic review and revision.--The plan shall provide
11 for review and revision of the plan, not less than once every
12 three years, to ensure the existence of appropriate planning,
13 financial support and coordination, and other assistance to
14 appropriately address on a Statewide and comprehensive basis the
15 need of the Commonwealth for the following:

16 (1) Development and support of a Statewide network of
17 centers for independent living.

18 (2) Provision of Statewide independent living services.

19 (3) Establishment of working relationships between the
20 following:

21 (i) Programs providing independent living services
22 and independent living centers.

23 (ii) The vocational rehabilitation program
24 established under Title I of the Rehabilitation Act of
25 1973, and other programs providing services to
26 individuals with disabilities.

27 (c) Objectives and strategy.--The State plan shall do the
28 following:

29 (1) Specify the objectives to be achieved under the plan
30 and establish timetables for the achievement of the

objectives.

(2) Explain how the objectives to be achieved are consistent with and further the purposes of this act.

(3) Set forth a strategy for the expansion and enhancement of the Statewide network of centers for independent living.

(4) Describe the purpose, extent and scope of independent living services and programs funded by the Commonwealth.

(5) Set the priorities for expenditure of State funds allocated for the purposes described in paragraphs (1), (3) and (4).

(6) Describe efforts to coordinate Federal and State funding for centers for independent living and independent living services and programs.

(d) Requirements for recipients of financial assistance.--
The State plan shall provide satisfactory assurances that all recipients of financial assistance will do all of the following:

(1) Notify all individuals seeking or receiving services of the availability of the client assistance program established under section 112 of the Rehabilitation Act of 1973, the purposes of the services provided under the program and how to contact representatives of the 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 employment of the individuals under the provisions of section 503 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

(3) Adopt such fiscal control and fund accounting

1 procedures as may be necessary to ensure the proper
2 disbursement of and accounting for funds received from the
3 Commonwealth under this act.

4 (4) Maintain such other records as may be appropriate to
5 facilitate an effective financial audit.

6 (e) Periodic evaluation.--The plan shall establish a method
7 for the periodic evaluation of the effectiveness of the plan in
8 meeting the objectives established, including evaluation of
9 satisfaction by individuals with disabilities.

10 Section 8. Grants and funding.

11 (a) Authority to award grants.--Under applicable provisions
12 of the State plan, the director of the designated State unit
13 shall, with the approval of the council, award grants to
14 eligible agencies from funds allotted by the Commonwealth for
15 establishment of centers for independent living.

16 (b) Eligible agencies.--The director of the designated State
17 unit may, with the approval of the council, make a grant under
18 this section to any eligible agency that:

19 (1) has the power and authority to carry out the
20 purposes of this act;

21 (2) is determined by the director of the designated
22 State unit and the council to be able to plan, conduct,
23 administer and evaluate a center for independent living
24 consistent with sections 10 and 11; and

25 (3) submits an application to the director of the
26 designated State unit at a time in such manner and containing
27 such information as the director and the council may require.

28 (c) Existing eligible agencies.--In the administration of
29 the provisions of this section, the designated State unit shall
30 award grants to any eligible agency that received funds for

1 establishment of a center for independent living on June 30,
2 1992, unless the director finds that the agency fails to comply
3 with sections 10 and 11.

4 (d) Minimum annual allocation.--Subject to the availability
5 of appropriations, the minimum annual allocation for each center
6 for independent living shall be \$200,000 in Federal and State
7 funds. Priority for distribution of State funds shall be as
8 follows:

9 (1) Existing State-funded centers for independent
10 living.

11 (2) Centers for independent living funded through Title
12 VII of the Rehabilitation Act of 1973, which receive less
13 than the minimum annual allocation.

14 (3) New centers for independent living planned by the
15 council.

16 (e) New centers for independent living.--If the council
17 determines that there is no center for independent living
18 serving a geographic region of this Commonwealth or a region is
19 underserved and the State appropriation for the year is
20 sufficient to support an additional center for independent
21 living within this Commonwealth, the director may award a grant
22 under this section to the most qualified applicant, consistent
23 with provisions in the State plan relating to establishment of a
24 Statewide network of centers for independent living.

25 Section 9. Compliance with standards.

26 Each center for independent living that receives assistance
27 under this act shall comply with the standards set forth in
28 section 10 in order to ensure that all programs and activities
29 are planned, conducted, administered and evaluated in a manner
30 consistent with the purposes of this act.

1 Section 10. Standards for centers for independent living.

2 (a) Philosophy.--The center for independent living shall
3 promote and practice the independent living philosophy of:

4 (1) consumer control of the center for independent
5 living, regarding decision making, service delivery,
6 management and establishment of the policy and direction of
7 the center for independent living;

8 (2) self-help and self-advocacy;

9 (3) development of peer relations and peer role models;
10 and

11 (4) equal access of individuals with disabilities to
12 society and to all services, programs, activities, resources
13 and facilities, whether public or private and regardless of
14 the funding source.

15 (b) Provision of services.--The center for independent
16 living shall provide services to individuals with a range of
17 disabilities. The center for independent living shall provide
18 services for individuals with different types of disabilities,
19 including individuals with disabilities who are members of
20 populations that are unserved or underserved. Eligibility for
21 services at any center for independent living shall not
22 typically be based on the presence of any one or more specific
23 disabilities.

24 (c) Independent living goals.--The center for independent
25 living shall facilitate the development and achievement of
26 independent living goals selected by individuals who seek
27 assistance from the center for independent living.

28 (d) Community options.--The center for independent living
29 shall work to increase the availability and improve the quality
30 of community options for independent living in order to

1 facilitate the development and achievement of independent living
2 goals by individuals with disabilities.

3 (e) Independent living core services.--The center for
4 independent living shall provide independent living core
5 services and, as appropriate, a combination of other independent
6 living services.

7 (f) Activities to increase community capacity.--The center
8 for independent living shall conduct activities to increase the
9 capacity of communities within the service area of the center
10 for independent living to meet the needs of individuals with
11 disabilities. The center for independent living shall support
12 and participate in national, State and local coalition building
13 among independent living centers and organizations representing
14 persons with disabilities.

15 (g) Resource development activities.--The center for
16 independent living shall conduct resource development activities
17 to obtain funding from sources other than sources provided for
18 under this act.

19 Section 11. Assurances of centers for independent living.

20 A center for independent living shall provide at a time and
21 in such manner as the council may require, satisfactory
22 assurances that:

23 (1) The center for independent living is an eligible
24 agency.

25 (2) The center for independent living will be designed
26 and operated within a local region by individuals with
27 disabilities, including an assurance that the center for
28 independent living will have a board that is the principle
29 governing body of the center for independent living, a
30 majority of which shall be composed of individuals with

1 disabilities.

2 (3) The center for independent living will comply with
3 the standards set forth in section 10.

4 (4) The center for independent living will establish
5 clear priorities through annual and three-year programs and
6 financial planning objectives, including overall goals or
7 missions for the center for independent living, a work plan
8 for achieving the goals or missions, specific objectives,
9 services priorities, types of services to be provided and a
10 description that shall demonstrate how the proposed
11 activities of the center for independent living are
12 consistent with the most recent three-year State plan.

13 (5) The center for independent living will use sound
14 organizational, personnel assignment practices, including
15 taking affirmative action to employ and advance in employment
16 qualified individuals with disabilities on the same terms and
17 conditions required with respect to employment of individuals
18 with disabilities under section 503 of the Rehabilitation Act
19 of 1973 and the Americans with Disabilities Act of 1990.

20 (6) The center for independent living will ensure that
21 the majority of its staff and individuals in decision making
22 positions are individuals with disabilities.

23 (7) The center for independent living will practice
24 sound fiscal management, including making arrangements for an
25 annual independent fiscal audit.

26 (8) The center for independent living will conduct
27 annual self-evaluations, prepare an annual report and
28 maintain records, adequate to measure at a minimum,
29 performance with respect to the following:

30 (i) The extent to which the center for independent

1 living is in compliance with section 10.

2 (ii) The numbers and types of individuals with
3 disabilities receiving services through the center for
4 independent living.

5 (iii) The types of services provided through the
6 center for independent living and the number of
7 individuals with disabilities receiving each type of
8 service.

9 (iv) The source and amounts of funding for the
10 operation of the center for independent living.

11 (v) The number of individuals with disabilities who
12 are employed by the center for independent living and the
13 number who are in management and decision making
14 positions.

15 (vi) A comparison, when appropriate, of the
16 activities of the center for independent living in prior
17 years, with the activities of the center for independent
18 living in the most recent year.

19 (9) Individuals with severe disabilities who are seeking
20 to receive services from the center for independent living
21 will be notified by the center for independent living of the
22 existence of, the availability of, and how to contact
23 representatives of, the client assistance program.

24 (10) Aggressive outreach, regarding services provided
25 through the center for independent living, will be conducted
26 in an effort to reach populations of individuals with
27 disabilities that are unserved or underserved by programs
28 under this act, especially minority groups and urban and
29 rural populations.

30 (11) Staff at centers for independent living will

1 receive training on how to serve unserved and underserved
2 populations, including minority groups and urban and rural
3 populations.

4 (12) The center for independent living will submit to
5 the council a copy of its approved grant application and the
6 annual report required under paragraph (8).

7 (13) The center for independent living will prepare and
8 submit a report to the designated State unit, at the end of
9 each fiscal year, that contains the information described in
10 paragraph (8) and information regarding the extent to which
11 the center for independent living is in compliance with the
12 standards set forth in section 10.

13 (14) Each individual receiving independent living
14 services has an independent living plan, if requested by the
15 individual.

16 Section 12. Allocation of funds by designated State unit.

17 From sums appropriated each fiscal year, in addition to funds
18 allocated for independent living centers under the State
19 independent living plan, the designated State unit may allocate,
20 under the State plan, funds for the following purposes:

21 (1) To demonstrate ways to expand and improve
22 independent living services.

23 (2) To support the operation of centers for independent
24 living.

25 (3) To support activities to increase the capacities of
26 centers for independent living to develop comprehensive
27 approaches or systems for providing independent living
28 services.

29 (4) To conduct studies and analyses, gather information,
30 develop model policies and procedures and present

1 information, approaches, strategies, findings, conclusions
2 and recommendations to policymakers in order to enhance
3 independent living services for individuals with
4 disabilities.

5 (5) To train individuals with disabilities and
6 individuals providing services to individuals with
7 disabilities and other persons regarding the independent
8 living philosophy.

9 (6) To provide outreach to populations that are unserved
10 or underserved by programs under this act, including minority
11 groups and urban and rural populations.

12 Section 13. Effective date.

13 This act shall take effect immediately.