

# REGULATIONS OF THE COMMISSIONER OF EDUCATION

## PART 248

### SERVICE CENTERS FOR INDEPENDENT LIVING

(Statutory authority: Education Law, §§ 1123, 1124 (2))

#### **Sec. 248.1 Definitions**

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#### **Section 248.1 Definitions.**

As used in this Part:

(a) Agency means the New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities.

(b) Center means a service center for independent living, as defined in section 1121(1) of the Education Law.

(c) Disabled person means an individual whose ability to function independently in family or community, or whose ability to engage or continue in employment, is so limited by the severity of his or her physical or mental disability that services as listed in subdivision (c) of section 248.2 of this Part are required in order to enable such individual to achieve a greater level of independence in functioning in family, community or employment.

(d) State financial assistance means financial assistance provided to centers under the provisions of section 1124(1) of the Education Law. (e) Project year means the period from July 1st through the following June 30th.

#### **Section 248.2 Eligibility for approval of center.**

To be eligible for approval for State financial assistance, a center shall:

- (a) provide services from facilities which are free of architectural and communication barriers or submit a satisfactory plan for the elimination of such barriers;
- (b) provide staff which the agency determines to be qualified to deliver the program components identified in the budget request and specified in the contract;
- (c) provide services designed to meet the needs of disabled persons such as: (1) peer counseling; (2) housing assistance; (3) information and assistance in obtaining or coordinating delivery of services from other sources; (4) service referral, including attendant, reader, transportation

and employment referral; (5) advocacy; (6) transportation; (7) independent living skills counseling and training; (8) equipment maintenance and repair; (9) telecommunication relay service; (10) health care and homemaker services; (11) job training; and (12) such other services as may be approved by the agency;

(d) comply with 34 Code of Federal Regulations Parts 100 and 104 (Code of Federal Regulations, 1984 Edition, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402: 1984-available at Office of Vocational and Educational Services for Individuals with Disabilities, Room 1907, One Commerce Plaza, Albany, NY 12234) regarding nondiscrimination, and with all applicable local laws and ordinances;

(e) participate in uniform data collection and program evaluation by the agency;

(f) allow agency access to all records of the center, and be subject to financial and/or program audits by the agency.

### **Section 248.3 Receipt of State financial assistance.**

To receive State financial assistance, centers shall:

(a) satisfy the eligibility requirements set forth in section 248.2 of this Part;

(b) submit annually a budget request which identifies estimated fiscal needs for the current project year, and projections of fiscal needs for the next project year. The budget request shall be submitted to the agency on a date and on forms prescribed by the agency, and shall include detailed estimates of expenditures according to the following categories: (1) salaries of personnel; (2) fringe benefit costs; (3) travel (staff, board members, client); (4) equipment; (5) supplies; (6) construction; (7) alterations/renovation; (8) communications (telephone, postage); (9) consultant services; (10) other contractual services; and (11) other costs;

(c) submit annually narrative information to support and justify requests for State financial assistance. Such narrative information shall be submitted to the agency on a date prescribed by the agency and shall include efforts that have been made in establishing service linkages, progress in developing fundraising, a description of impact on the community, statistics on the number of people served and service units provided, and other information determined by the agency to be necessary for the proper and efficient administration of the program.

### **Section 248.4 Allocation of State financial assistance.**

(a) The allocation of State financial assistance shall be based on the following criteria: (1) methodology to be employed by the center; (2) number of individuals to be served; (3) variety or services to be provided; (4) extent of involvement of disabled persons in center management and staffing; and (5) reasonableness of the anticipated cost of the project.

(b) The agency will allocate funds pursuant to contracts with eligible centers in accordance with appropriations available for such purposes and information contained in current project year budget requests and narrative reports.

(c) In the event that the agency determines that a center is not proceeding in a reasonable fashion to meet its contractual obligations to the agency, the agency may withhold or recover from the center all or a portion of its allocated funds. The agency may reallocate such funds to other eligible centers.

### **Section 248.5 Reporting.**

Each center shall:

(a) submit to the agency quarterly reports on a date and in a form prescribed by the agency;

(b) submit a final report to the agency not later than 30 days after the completion of each project year in accordance with guidelines prescribed by the agency. Such report shall be in a form prescribed by the agency and shall include the following information: (1) a description of the objectives of the center; (2) the names of the directors and the chief executive officer of the center; (3) the number of persons, categorized by disability, who received services from the center; (4) the number and types of services provided; and (5) such additional information as may be requested by the agency;

(c) submit to the agency, on a date prescribed by the agency, a financial statement prepared annually after the close of the center's project year. Such financial statement shall be examined and certified by a licensed accountant who is qualified to express an opinion on the accuracy and fairness of the statement, and the governing body of the center shall review and act upon the recommendation of such accountant.