29 U.S. Code § 796d mandates that Statewide Independent Living Councils (SILC) develop, monitor and evaluate the Statewide Independent Living Plan (SPIL) in conjunction with the Designated State Entity (DSE). The SILC is expected to be independent of and autonomous from the DSE and all other State agencies. In addition, the SILC is expected to coordinate activities with other entities in the [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-80204913-1026023984&term_occur=411&term_src=title:29:chapter:16:subchapter:VII:part:A:subpart:1:section:796d) that provide services similar to or complementary to [independent living services](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-402744497-1026023926&term_occur=18&term_src=title:29:chapter:16:subchapter:VII:part:A:subpart:1:section:796d) These often entities facilitate the provision of or provide long-term community-based services and supports. The SILC faces a number of barriers to the execution of these expectations under the current organizational structure. Becoming a 501(c)3 nonprofit entity will allow the SILC to more effectively address these issues. These barriers include:

* 796(d) requires that staff and other personnel not be assigned duties by the designated [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-80204913-1026023984&term_occur=415&term_src=title:29:chapter:16:subchapter:VII:part:A:subpart:1:section:796d) entity or any other agency or office of the [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-80204913-1026023984&term_occur=416&term_src=title:29:chapter:16:subchapter:VII:part:A:subpart:1:section:796d), that would create a conflict of interest. As both the fiscal sponsor for the SILC and administrator of contracts for services provided by the Centers for Independent Living (CILs), the DSE is at risk of inadvertently exhibiting a conflict of interest. The SILC can ensure that the DSE is does not inadvertently act in a manner that could be perceived to be a conflict of interest by becoming an organization that is clearly separate from the State.
* Funding sources for the SILC consist of a limited amount of funding from the DSE and a larger amount from the federal government. The federal budgeting process has interrupted funding for the SILC resulting in a disruption of SILC activities. The SILC has a limited ability to implement additional resource development activities because it is linked to State government to stabilize its funding. There is a perception in the community that donations to State government are both not needed and not tax deductible, despite efforts on the part of the State and the SILC to provide education.
* The lack of the ability to grow the SILC’s resource development activities limits its ability to complete its goals. Because the DSE acts as the SILC’s fiscal sponsor, all expenditures must be vetted through the State accounting and procurement systems. This complicates the SILCs ability to contract with other entities and to hire staff. While the SILC will need to continue to follow federal and state guidelines for procurement and accounting, it will be able to directly hire staff and streamline decision making on expenditures. This will improve the SILC’s ability to develop, monitor and evaluate the State Plan for Independent Living (SPIL). The result will be to increase the capacity to research and assist community based and state organizations in the implementation of evidence based practices throughout the state.
* There is a perception in the community that the SILC is an arm of State government. Building autonomy for the organization that would allow the SILC to engage in public discussion and build an educational program to provide the community with information about opportunities to expand independent living opportunities in Colorado.

Becoming a 501(c)3 nonprofit organization will allow the SILC to begin planning and developing resources to more effectively monitor implementation of the SPIL. The SILC will also be able to assist with the development of services that will support the independent living movement such as training, education, conferences, networking opportunities, coordination with other organizations.