

LOW INCIDENCE PURCHASING

13.1	SUMMARY OF LEGAL REQUIREMENTS	13-1
13.2	RESPONSIBILITY	13-1
13.3	ELIGIBILITY	13-1
	LOW INCIDENCE PURCHASING GUIDELINES	13-3
	LOW INCIDENCE FUNDING PARAMETERS	13-3
	PROCEDURES	13-3
	CAUTIONS	13-4
	LOW INCIDENCE APPROVAL/DENIAL PROCESS	13-4
	REIMBURSEMENT	13-5
	STUDENT MOVEMENT	13-5
	TRANSFER OF EQUIPMENT	13-6
	EQUIPMENT	13-7
	LOW INCIDENCE EQUIPMENT SET-UP	13-7
	LOW INCIDENCE REPAIR	13-7
	FM SYSTEMS	13-7
	MANAGEMENT INFORMATION DOCUMENTATION	13-8
APPENDIX A:	LOW INCIDENCE EQUIPMENT PROPERTY LOAN GUIDELINES	13-10
APPENDIX B:	HOME USE OF LOW INCIDENCE EQUIPMENT	13-11
APPENDIX C:	LI EQUIPMENT/MATERIAL REQUISITION FORM	13-12
APPENDIX D:	REQUEST FOR LI REVIEW TEAM ANALYSIS	13-13
APPENDIX E:	RETURN/TRANSFER OF LI EQUIPMENT/MATERIALS	13-14
APPENDIX F:	2010-2011 FUNDING FOR SPECIALIZED BOOKS, MATERIALS AND EQUIPEMENT FOR LOW INCIDENCE STUDENTS	13-15

LOW INCIDENCE PURCHASING

As part of the Local Plan submitted to the State, each SELPA shall describe how specialized books, materials, equipment and services will be distributed within the SELPA. This policy has been developed to provide a summary of legal and local requirements and guidelines for students with low incidence disabilities.

13.1 SUMMARY OF LEGAL REQUIREMENTS

Education Code Section 56836.22 provides for funds to purchase “specialized” books, materials and equipment as required under the student’s individualized education program (IEP) for students with low incidence disabilities as defined in Section 56026.5 (hard of hearing, deaf, deaf-blind, visually impairment, or severe orthopedic impairments, or any combination thereof). As a condition of receiving these funds, the SELPA shall ensure that:

- the appropriate books, materials and equipment are purchased
- the use of items is coordinated as necessary
- the books, materials and equipment are reassigned within the South East SELPA once the student that originally received the items no longer needs them.

Special supplies and equipment purchased with State funds are the property of the State and shall be available for use by individuals with exceptional needs throughout the State. The Clearinghouse for Specialized Media and Technology (CSMT) is available to facilitate the distribution of unused VI materials and equipment.

In addition to the equipment fund, annually, the State Budget Act may appropriate funds which shall be used to provide specialized services to pupils with low incidence disabilities.

13.2 RESPONSIBILITY

Low Incidence funding is legally the responsibility of the SELPA, including accountability of how the funds are used and reassignment of specialized books, materials and equipment within the SELPA and sharing with other SELPAs.

13.3 ELIGIBILITY

Funds may be used for all students with the Low Incidence disabilities as defined in law, for both primary and secondary eligibilities. Some students counted as having an orthopedic impairment may not be eligible because they do not have a “severe orthopedic impairment” as per the definition of Low Incidence disabilities in Education Code 56026.5. Students who have severe orthopedic impairments require highly specialized services, equipment and materials per Education Code Section 5600.5(b).

Education Code Section 56320(g) requires that persons knowledgeable of that disability shall conduct the assessment of a pupil with a suspected low incidence disability. A low incidence disability does not guarantee the use of low incidence funds. The IEP team reviews assessment

data and determines the most appropriate items or services needed to address the student's unique educational needs. These may, or may not be "specialized." Items, which are found in most classrooms, would not be acquired through low incidence funds.

LOW INCIDENCE GUIDELINES

These guidelines were developed for LEAs serving students with severe low incidence disabilities who require specialized services and/or equipment and specialized materials to benefit from education. These students have the potential to pursue the LEA's general, parallel, or adapted course of study.

A. Low Incidence Funding Parameters

1. Prior to requesting purchase of new equipment the district/program should check other sources such as the Clearinghouse for Specialized Media and Technology for any availability.
2. Low Incidence Funds shall not be used for purchase of non-adapted computers, equipment, and materials.
3. Equipment purchased with LI funds is the property of the State of California and is managed by the SELPA.

Note: When a student is on an inter-district transfer and is in need of low incidence, equipment, material or services, the district of residence will pay for the equipment out their Low Incidence Funds.

B. Procedures

1. **Determine Eligibility:** The IEP team determines eligibility for low incidence disability. The Low Incidence eligibility must be documented on the IEP as a primary or secondary disability.
2. **Determine Student Needs:** The IEP team determines the student's educational needs for item(s) through educational assessment and documentation.
 - a. **Educational Assessment**
The personnel who assess the student shall prepare a written report, or reports as appropriate, of the results of each assessment. The report shall include, but not be limited to the need for specialized services, materials, and equipment for students with low incidence disabilities.
 - b. **IEP Documentation:** The requirements must be written into the IEP but are not limited to the following:
 - Justification statement that is related to the student's unique educational needs as identified in the assessment information.
 - Assessment, goals and objectives that are correlated to the justification statement of need.
 - Present level that reflects assessment information and need for support.
 - How the item will assist the student's instruction in accordance with the IEP.

- How the item facilitates participation in the classroom.
 - Specific projected student outcomes.
 - Identification of personnel who will provide support to student and will monitor and inventory low incidence equipment and materials.
3. **Complete the Low Incidence Requisition Form:** The LEA Special Education Director or Administrator must sign the request form. Include accurate ordering information including tax and shipping.
 - a. **Attach Current Annual IEP:** IEP must be signed and legible. Attach amendment IEPs as appropriate.
 - b. **Attach Most Recent Reports:** Current reports (within one year), including recommendations, from appropriate specialist (OT, PT, audiologist, VI specialist or speech/language pathologist) must be submitted.
 4. **Submit Low Incidence Requisition Form and Supporting Documents:** Send LI Requisition Form and Documents to the South East SELPA for review and approval by the Director. Keep a copy of the request form for your records. If LI request has been denied, the decision can be appealed by meeting with the SE SELPA director to provide additional justification for the LI request.

C. Cautions:

1. Do not list specific items in the student's IEP using specialized brand names. Goals should be addressed generically. What the IEP must show is that the student has a unique educational need directly related to the low incidence disability and that this need can only be met with specialized books, materials, equipment and services. Goals need to be written to address the unique educational needs, not the desired items or service.
2. If the Annual IEP goals do not specifically address this educational need, then an amendment IEP with goals that reflect the need for specialized books, materials, and equipment must be written and submitted.
3. There is no guarantee of approval. Once specific items are listed on the IEP, the district is ultimately responsible for purchasing the equipment.

D. Low Incidence Approval/Denial Process

1. Upon receipt of Low Incidence purchase request, the South East SELPA office will take no more than five working days to log, review, and notify district of outcome.
 - Denied requests may be appealed by completing and submitting the Request for Low Incidence Review Team Analysis Form. The SE SELPA Director will consider information presented and will make the final determination and/or recommendations.

2. Once LI request is approved, the SE SELPA office will initiate the ordering process by submitting a purchase order requisition to Purchasing Department of the Mt. Pleasant Elementary School District.
3. The SE SELPA office will notify LEA when the LI equipment arrives. The SE SELPA personnel will record an inventory log on the purchase order used to acquire the LI equipment. If there is a delay in shipping from the vendor of more than four weeks, the SE SELPA will inform the LEA.
4. The SE SELPA will deliver LI equipment to LEA within five business days upon receipt from vendor unless arrangements for pick up by LEA have been made.
5. LEA will record and attach an inventory log using a permanent marker to identify equipment as low incidence purchased through the SE SELPA.

E. Reimbursement:

If an LEA needs to purchase LI equipment immediately, the LEA must submit the following documents:

- A memo to the SE SELPA Director indicating the reason for need to purchase, the equipment to be purchased, and the amount of item.
- A copy of the student's IEP, including specialist reports and 2 quotes from vendors.
- A copy of paid invoice or other verification of payment.
- A request for reimbursement for low incidence form.

The SELPA Director will consider the request on its own merit. The fact that it was already purchased will have no bearing on the approval or denial of the request. It is important that all documentation is included with the request, including reimbursement form. The SE SELPA Director will make the final approval of reimbursement during the current school year as long as LI funds are available.

F. Student Movement

1. Student Moves Into the SELPA: When a student moves into the LEA with low incidence equipment already purchased for the student in their last placement, it is the responsibility of the LEA of attendance to secure and document that the equipment be transferred. If equipment is sent with the student an inventory form should be completed and sent to the SELPA so location and use of equipment and materials are inventoried and tracked.
2. Student moves out of SELPA: Per CDE FAQs about LI funds: "if the books, materials and equipment are still needed by other students with low incidence disabilities in your SELPA, there is no requirement to send it with the student who moved. Providing these resources is the responsibility of the SELPA where the student now resides. If, however, books, materials and equipment purchased with low incidence funds are unused, SELPAs are encouraged to make arrangements with other SELPAs to share the unused equipment,

books and materials. The California Department of Education may be contacted for assistance in locating another SELPA that has need of the unused equipment, books or materials.”

3. Student graduates from high school: A graduating high school student who has a low incidence disability cannot use the specialized equipment purchased for him by his SELPA through low incidence funds in college. To do so would be a gift of public funds which is a violation of law. Pursuant to Education Code 56822 “Books, materials and equipment purchased with low incidence funds remain the property of the state. Since the student has graduated from high school, he is no longer eligible to received special education services from your SELPA. If the SELPA no longer has use for the books, equipment or materials the California Department of Education will be notified so another SELPA that has need of these resources can be located. If the student needs similar equipment upon graduating or aging out, he/she should contact the Department of Rehabilitation or Regional Center.

G. Transfer of Equipment within the SE SELPA and Santa Clara County

1. Student moving from district to district within the SELPA: The Director/Administrator of SPED of the sending district will coordinate with district and site personnel to ensure proper packing and labeling of equipment. If it is necessary to store equipment through the summer, the district will ensure proper storage, including the identification and location of equipment. The Director/Administrator of the sending district will work with the Director/Administrator of the receiving district to move the equipment in time for proper utilization at the beginning of the school year.
2. If a student is moved during the school year due to IEP decision, or the family moves (from SE SELPA within Santa Clara County), transferred equipment will be in place as soon as possible, but no later than 5 days after student is placed in new school. The sending and receiving districts will coordinate efforts to ensure the student receives the equipment without necessary delay.
3. The district that was in possession of the equipment at that time of transfer will be fiscally responsible for the repair and/or replacement of equipment if equipment is damaged or lost during the transfer.
4. It is not advised that parents transport LI equipment. If there is a circumstance in which the equipment will not be available for student in time, the district may work out arrangements with the parent to transport. If there is damage or loss during this process, the district will be fiscally liable.
5. If student moves from SE SELPA district to a Santa Clara County SELPA district, the sending district will contact the SE SELPA office to remove the equipment from the SE SELPA inventory.

H. Equipment

1. Lost, stolen, or vandalized equipment will not be replaced using low incidence funds. The LEA is responsible for replacement of equipment.
2. Item No Longer Needed: If the item(s) has been purchased for one student and is no longer being used by that student, notify the SE SELPA office. The item can be reassigned to another student who is LI eligible. The IEP for that student must indicate the need for LI equipment. The LEA must submit a complete and submit the Transfer of Low Incidence Equipment/Materials form to the SE SELPA.
3. IEP teams may want to recommend a trial basis on a piece of equipment. This can be accomplished through a lease agreement with the vendor prior to purchase.

I. Low Incidence Equipment Set-Up

1. The responsibility for the set up of LI equipment shall be negotiated between the LEA and SELPA office.
2. Incidentals required to activate the LI equipment, such as plugs, power strips, power surges, extension cords, ink for printers, shall be purchased by the LEA.
3. Continued technical assistance shall be provided either by LEA staff, contracted IT, or SELPA staff based on the circumstances.

I. Low Incidence Repair Other than FM System

1. The LEA is responsible for the repair if equipment breaks on a school site.
2. The SE SELPA will pay up to \$100.00 for repair of defective equipment.
3. Parents are responsible for repair for equipment that breaks at home due to negligence.

J. FM Systems

1. The SE SELPA will cover up to \$100 of the cost of repair for each part. The SE SELPA will not cover service agreements of FM systems purchased through LI.
2. The LEA is responsible for cost of repair due to negligence and/or inappropriate use of FM system at school site.
3. If unit breaks down on multiple occasions (3), a decision will be made after consultation with the company as to the manner in which the cost of the equipment will be addressed such as cost share between SE SELPA & district.
4. The SE SELPA will purchase the first set of batteries for FM system, which comes with the unit. The LEA will be responsible for battery replacement thereafter.

K. Management Information Documentation

An IEP team member will ensure that the student is listed with a Low Incidence disability on the MIS (currently SEIS) through SELPA.

APPENDIX

- APPENDIX A: LOW INCIDENCE EQUIPMENT PROPERTY LOAN GUIDELINES
- APPENDIX B: HOME USE OF LOW INCIDENCE EQUIPMENT
- APPENDIX C: LI EQUIPMENT/MATERIAL REQUISITION FORM
- APPENDIX D: REQUEST FOR LI REVIEW TEAM ANALYSIS
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Low Incidence Equipment Property Loan Guidelines

Home Use of Low Incidence Equipment

In some cases Low Incidence Equipment may need to be used in the home for the student to receive free appropriate public education. If equipment will be used in the home it is important to complete the *Home Use of Low Incidence Equipment* form.

If home use of the equipment/material is deemed appropriate, the IEP team must document on the IEP meeting notes the rationale of equipment/material use in the home. Also, the parents must agree in writing to:

1. Secure the equipment and supervise proper use, ensuring that there will be no modifications of or additions to equipment, existing programs or software.
2. Provide necessary and safe transportation of the equipment between home and school.
3. Acknowledge that the equipment was purchased for student use with state funds and remains the property of the State of California.
4. Agree that equipment will not be used by other members of the family or by friends.
5. Assume responsibility for the replacement or repair of equipment if lost or damaged while at home.
6. Receive training in the use of the equipment before it can be sent home.
7. Acknowledge that the equipment may be required to be returned to school at any time it is determined that the equipment is not being used properly, or when the IEP team determines that use at home and/or use at school is no longer required for student to access curriculum.
8. Return the equipment to the school district (LEA) should the student move out of the district in order to arrange for transfer of the equipment to the new district of the student or to another student in the same LEA.



South East Consortium for Special Education
3434 Marten Ave.
San Jose, CA 95148
Phone: (408) 223.3771 / Fax: (408) 532-9311

HOME USE OF LOW INCIDENCE EQUIPMENT

Name: _____ DOB: _____ Grade: _____
 SPED Teacher: _____ SPED Program: _____
 District of Residence: _____ Attending School/District: _____
 Current IEP Date: _____ LI Disability: _____

Rationale for Home Use as Determined and Documented by the IEP Team:

Materials to be Used at Home:		
Make/Model	Serial Number #	Asset Tag #

Parent Training provided by _____ **Date** _____

As the parent/guardian of _____, **I agree to:**

1. Secure the equipment and supervise proper use, ensuring that there will be no modifications of or additions to equipment, existing programs or software.
2. Provide necessary and safe transportation of the equipment between home and school.
3. Acknowledge that the equipment was purchased for student use with state funds and remains the property of the State of California.
4. Agree that equipment will not be used by other members of the family or by friends.
5. Assume responsibility for the replacement or repair of equipment if lost or damaged while at home.
6. Receive training in the use of the equipment before it can be sent home.
7. Acknowledge that the equipment may be required to be returned to school at any time it is determined that the equipment is not being used properly, or when the IEP team determines that use at home and/or use at school is no longer required for student to access curriculum.
8. Return the equipment to the school district (LEA) should the student move out of the district in order to arrange for transfer of the equipment to the new district of the student or to another student in the same LEA.

 Parent/Guardian Signature

 Date

 Address

 Telephone

 District Administrator

 Date

 Date Equipment Returned

 Administrator Received

SOUTH EAST SELPA LOW INCIDENCE EQUIPMENT / MATERIALS REQUISITION FORM

Date: _____ SELPA Code: _____

Student Name: _____ **Birth Date:** _____

School of Attendance: _____ District of Service: _____

Person requesting: _____ Title: _____ Phone: _____

Student Disability:

Hard of Hearing Deaf Deaf/Blind Visually Impaired Orthopedically Impaired

Indicate which of the following resources were consulted prior to completing this request:

Assistive Technology Specialist Speech/Language Pathologist CCS
 Vision Specialist Speech / Language Pathologist Other _____

ITEM(S) REQUESTED (Include detailed ordering information):

Qty.	Model/Part Number	Description	
1.	_____	_____	Item Cost: \$ _____
2.	_____	_____	Item Cost: \$ _____
3.	_____	_____	Item Cost: \$ _____
4.	_____	_____	Item Cost: \$ _____
5.	_____	_____	Item Cost: \$ _____

Attach additional page if necessary

Sales Tax (9.25%):\$ _____
Shipping (10%): \$ _____
Total Cost:\$ _____

VENDOR:

Name: _____ Phone: _____ Fax: _____
Address: _____ City, State Zip _____
Representative: _____ Website: _____

DESCRIBE NEED: (Please attach report and current IEP that indicate the need for low incidence materials/equipment)

District Administrator Signature

Date

Low Incidence Action

Date _____ Approved _____ Denied _____ Returned for further detail _____

SELPA Director's Signature _____

Send to: South East SELPA-MC 28 3434 Marten Ave. San Jose, CA 95148

Request for Low Incidence Review Team Analysis

In response to the initial "Low Incidence Request", dated _____, I am resubmitting the "Low Incidence Request" for student _____. Please review this resubmission, which includes the original paperwork, in light of the following information and/or justification (attach additional pages if necessary):

Specific item(s) requested: _____

Requesting Teacher _____ Date _____

District Administrator _____ Date _____

Findings of the Low Incidence Appeal Process:

Outcome/Recommendations _____

Action: _____

SELPA Director Signature _____ Date _____

Return / Transfer of Low Incidence Equipment / Materials

Date: _____

Name of Student: _____

Date of Birth: _____

District: _____ School: _____ Low Incidence Disability: _____

State funds were used to purchase low incidence equipment and/or materials for this student.

Description of item(s) to be transferred/or no longer needed: _____

Make /Model _____ Serial Number _____ Asset Tag _____

Make /Model _____ Serial Number _____ Asset Tag _____

Make/Model _____ Serial Number _____ Asset Tag _____

The low incidence equipment and/or materials listed are no longer needed by this student and are being returned to SE SELPA

The low incidence equipment and/or materials are no longer needed by this student and it is requested that they be reassigned to _____. (Enclosed is a copy of Low Incidence Request and required support documents).

The student has moved to another school district in Santa Clara County and the low incidence equipment and/or materials has been transferred

Date Equipment Sent: _____

Name of School District: _____

School: _____

Director of Special Education: _____

Phone: _____

Comments:

Approval

District Administrator: _____

Date: _____

SELPA Director: _____

Date: _____

For SELPA Use Only:

Transfer Notice Received: _____

Date System Updated _____

2010-2011 FUNDING FOR SPECIALIZED BOOKS, MATERIALS AND EQUIPMENT FOR LOW INCIDENCE STUDENTS

Summary of Legal Requirements

Education Code (EC) Section (§) 56836.22 provides for funds to purchase specialized books, materials, and equipment as required under the individualized education program (IEP) for each pupil with low incidence disabilities as defined in §56026.5 ("hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof").

Funding is determined by dividing the total number of pupils in California with low incidence disabilities, as reported in the December 1, 2009 unduplicated pupil count, in the following categories: hard of hearing, deaf, visually impaired, orthopedically impaired, and deaf-blind (**38,216**), into the annual appropriation provided for this purpose in the Budget Act (**\$13,178,000**), resulting in a per pupil entitlement of (**\$344.83 per pupil**). The Budget Act for fiscal year 2010-2011 allows this funding to be used only "for purchase, repair and inventory maintenance" for equipment, materials and specialized books used by students with low incidence disabilities.

As a condition of receiving these funds, "the responsible local agency shall ensure that the appropriate books, materials, and equipment are purchased, the use of the equipment is coordinated as necessary, and that the books, materials, and equipment are reassigned to local education agencies (LEA) within the special education local plan area (SELPA) once the agency that originally received the books, materials, and equipment no longer needs them."

It is also the "intent of the Legislature that local plan areas share unused low incidence books, materials, and equipment with neighboring SELPAs." If the equipment, materials or specialized books are no longer needed within the SELPA or a neighboring SELPA, the Department of Education Low Incidence Program Consultant shall be contacted to reassign the resources elsewhere within California. Items purchased with these funds may only be used by students with low incidence disabilities, unless a waiver has been approved by the State Board of Education.

Existing law (*EC 56822*) provides that "sound recordings, large print, and Braille books purchased, instructional materials transcribed from regular print into special media, and special supplies and equipment purchased for individuals with exceptional needs for which state or federal funds were allowed, are property of the state, and shall be available for use by individuals with exceptional needs throughout the state as the board shall provide."

EC §56320(g) requires that:

"The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the

need for specialized services, materials, and equipment consistent with guidelines established pursuant to §56136."

EC §56327(h) states, "The personnel who assess the pupil shall prepare a written report, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of the following:

"The need for specialized services, materials, and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to §56136."

EC §56345(b)(5) states, "When appropriate, the individualized educational program shall also include..."

For pupils with low incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to §56136."

Section 56136 of the *EC* requires the Superintendent of Public Instruction to "develop guidelines for each low incidence disability area and provide technical assistance to parents, teachers, and administrators regarding the implementation of the guidelines."

EC §56201 states, "As a part of the local plan submitted pursuant to §56200, each SELPA shall describe how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve pupils in isolated sites and maximizes the opportunities to serve pupils in the least restrictive environment."

The Individuals with Disabilities Education Act (IDEA) requires that the IEP team shall "consider whether the child requires assistive technology devices and services" for all students with disabilities. IEP requirements also include the need, as appropriate, for "...Braille" instruction for students who are "blind or visually impaired", and "language and communication needs..." "for students who are "deaf or hard of hearing. The Special Education Division's Web site contains a memorandum regarding assistive technology, and details on these, and other changes in federal and state requirements resulting from reauthorization of IDEA, 2004 and other legislation.

Since the use of these funds is limited to expenditures on books, materials, and equipment, for students with low incidence disabilities, the purchase must relate to the unique educational needs resulting from the low incidence disability as indicated in the IEP of eligible students. For example, regular textbooks and workbooks would not qualify in contrast to low vision aids, digital media, large print or Braille books for students who are visually impaired. Bolsters and mats for young children should be a part of basic equipment and would not qualify, while specialized adapted feeding and self-care equipment, needed by children because of their severe orthopedic impairments, would qualify. It is therefore important that specialized teachers who are credentialed to serve students with specific low incidence disabilities be involved in the team assessment process and attend the IEP meetings so that books, materials and equipment

considered for purchase for low incidence students are related directly to the unique educational needs resulting from a low incidence disability.

It is permissible to "pool" funds to be used by one or more students with low incidence disabilities. There is no legal limitation on the amount of funding for any particular student.

Students with low incidence disabilities enrolled in non-public and private schools by the public school, or served in the student's home when required under the IEP, pursuant to SELPA local plan policies and procedures are also eligible to have books, materials and equipment purchased for their use by low incidence funds. Reasonable care must be taken, however, to prevent damage, loss or theft.

Purchasing specialized equipment and materials for infants with low incidence disabilities is also an allowable expenditure for Part C funds.

Since there may not be adequate funding in FY 2009-10 to meet all the needs of all eligible students with low incidence disabilities, responsible LEAs should establish a priority for the allocating of these funds, using procedures outlined in the SELPAs local plan for special education.

Low Incidence funds allocated under *EC 56836.22* may not be used to:

1. Support staff development. It is suggested that technical support and training be included when equipment is purchased. SELPAs are encouraged to collaboratively develop regionalized multi-agency funded centers that can provide ongoing technical support, training and address other activities and assure funds are used in the most cost-effective manner.
2. Purchase medical therapy units for California Children's Services. LEAs shall provide necessary space and equipment for the provision of occupational therapy and physical therapy in the most efficient and effective manner.
3. Purchase medical equipment needed for providing specialized health needs since *California Code of Regulations (CCR)*, Title 5, §3051.12(b)(3)(C), states that "the school district shall not be required to purchase medical equipment for an individual student."
4. Construct or alter facilities (for example, building ramps), or to acquire storage units.
5. Supplant books, equipment and materials that have been provided by other agencies. Low incidence funds are to be used only to supplement, and not to supplant other available funding for books, materials and equipment provided through the base program for general education and/or special education students. For example, basic computers or other basic technology should not be purchased with low incidence funds unless it can be clearly demonstrated to fulfill a specialized function, format or adaptation directly related to the low incidence disability. General education or other special education funding should be used for purchasing such basic items.

Since use of these funds is limited, "for purchase, repair and inventory maintenance" for equipment, materials and specialized books used by students with low incidence disabilities, any "coordinating" activity necessary to allow for the tracking of books, materials and equipment for

students with low incidence disabilities must come funds other than those allocated under *EC* 56836.22.

The Low Incidence Program Consultant and the Clearinghouse for Specialized Media and Technology (CSMT) can assist and advise SELPAs or LEA's in reassigning surplus materials and equipment statewide or provide information regarding the disposal of unusable surplus items. If you have any questions or need assistance in this area, please contact:

Linda Wyatt, Ed.D, Consultant
 Special Education Low Incidence Programs
 California Department of Education
 1430 N Street, Suite 2401, Sacramento, CA 95814
 Voice 916-322-3254
 TTY 916-445-4556
 FAX 916-327-3706

Web page: <http://www.cde.ca.gov/sp/se/> E-mail: lwyatt@cde.ca.gov

Jonn Paris-Salb, Manager, CSMT
 California Department of Education
 1430 N Street, Third Floor, Sacramento, CA 95814-2343
 Voice/TTY: 916-445-5103
 FAX: 916-323-9732

Web page: <http://www.cde.ca.gov/re/pn/sm/> E-mail: jparis-salb@cde.ca.gov

Guidelines for each low incidence disability, are published by the California Department of Education (CDE), pursuant to *EC* §56136 that provide additional information about specialized books, materials and equipment. Copies of the guidelines may be ordered from:

CDE Press, Publication Sales, California Department of Education
 P.O. Box 271, Sacramento, CA 95812-0271
 Telephone: 916-445-260 or 1-800-995-4099
<http://www.cde.ca.gov/re/pn/>

If you need technical assistance in serving students with low incidence disabilities, contact:

Assistive Technology	Linda Wyatt	916-322-3254
Deaf-Blind	Linda Wyatt	916-322-3254
Deaf/Hard of Hearing	Nancy Grosz Sager	916-327-3868
Regionalization	Nancy Grosz Sager	916-327-3868
Severe Orthopedic Impairments	Linda Wyatt	916-322-3254
Visual Impairments	Linda Wyatt	916-322-3254

FUNDING FOR SPECIALIZED SERVICES FOR STUDENTS WITH LOW INCIDENCE DISABILITIES

Summary of Legal Requirements

The Budget Act for FY 2010-11 appropriates \$1,700,000, which shall be used to provide specialized services to pupils with low incidence disabilities, as defined in §56026.5 ("hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof.")

EC §56320(g) requires that:

The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but no limited to, skills and the need for specialized services, materials and equipment consistent with guidelines established pursuant to §56136."

EC §56327(h) states, "The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

The need of specialized services, materials and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to §56136."

EC §56345(b)(5) states, "When appropriate, the individualized education program shall also include...."

For pupils with low incidence disabilities, specialized services, materials and equipment, consistent with guidelines established pursuant to §56136."

EC §56136 requires the Superintendent of Public Instruction to "develop guidelines for each low incidence disability area, and provide technical assistance to parents, teachers, and administrators regarding the implementation of the guidelines. The guidelines shall clarify the identification, assessment, planning of, and the provision of specialized services to pupils with low incidence disabilities."

EC §44265.5 outlines credential requirements for specialized teachers serving students with low incidence disabilities:

- (a) Pupils who are visually impaired, as defined in §56350, shall be taught by teachers whose professional preparation and credential authorization are specific to that disabling condition.
- (b) Pupils who are deaf or hard of hearing shall be taught by teachers whose professional

- preparation and credential authorization are specific to that disabling condition.
- (c) Pupils who are orthopedically disabled shall be taught by teachers whose professional preparation and credential authorization are specific to that disabling condition.

EC §56363(b)(16) states the Designated Instruction and Services (DIS) "may include but not be limited to:

Specialized services for low incidence disabilities, such as readers, transcribers, and vision and hearing services."

These services are further defined in California Code of Regulations, Title 5, §3051.16: "Specialized Services for low incidence disabilities may include:

- (b) Specialized services related to the unique needs of pupils with low incidence disabilities provided by qualified individuals such as interpreters, note takers, readers, transcribers, and other individuals who provide specialized materials and equipment."

EC §56201 states, "As a part of the local plan submitted pursuant to §56200, each SELPA shall describe how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve pupils in isolated areas and maximizes the opportunities to serve pupils in the least restrictive environments."

The IDEA requires that the IEP team, "consider whether the child requires assistive technology devices and services" for all students with disabilities, as well as other requirements. The Special Education Division's Web site contains a memorandum regarding assistive technology, and details on these, and other of the changes in federal and state requirements resulting from IDEA 2004, and other legislation.

GUIDELINES - Specialized Services

- **Eligibility**

Funds may be used for all pupils with low incidence disabilities (ages 0-21) as defined in law, even though they may have been counted in another category in the pupil count. For example, a pupil who is deaf and also developmentally delayed would still be eligible to receive services funded by low incidence funds even if the pupil was reported as developmentally delayed or multi-handicapped. Some pupils classified as orthopedically handicapped may not be eligible to receive low incidence funding because they are not "severely orthopedically handicapped" per the definition in *EC* §56026.5. Pupils with severe orthopedic impairments require highly specialized services, materials and equipment per *EC* §56000.5(b). Generally, a student with severe orthopedic impairment would have a medical diagnosis including significant gross motor, range of motion deficiencies.

- **Responsibility**

The SELPA has responsibility for the use of these funds, including accountability of how the funds are spent. It is the responsibility of LEAs within the SELPA to cooperate with the SELPA by providing the information needed for the proper administration of the funds.

- **Allocation of Funds**

SELPAs that serve 25 or fewer students who have low incidence disabilities will receive base funding of \$2,000, plus **\$24.60** per student. Such SELPAs are designated as **sparse** and are eligible to apply for additional funding to serve students with low incidence disabilities. SELPAs serving 26 or more students who have low incidence disabilities will receive base funding of \$5,000, plus **\$24.60** per pupil. The per-pupil allocation is computed by taking the budget amount of \$1,700,000, and subtracting 10%, (\$170,000) for the sparse SELPA grants, \$570,000 (\$5,000 x 114) for the foundation program of the non-sparse SELPAs, \$20,000 (\$2,000 x 10) for the foundation program of the sparse SELPAs. The remaining is divided by the total number of pupils reported in California on December 1, 2009 with low incidence disabilities (**38,216**) which yields a per pupil entitlement for 2010-2011 of **\$24.60**.

Sparse SELPAs that serve 25 or fewer students with low incidence disabilities have the opportunity to apply for additional funds for low incidence specialized services through an application process. Funds are awarded based on demonstrated needs. These sparse SELPA grant funds are not entitlements, and funding amounts may vary from year to year.

The Department has reserved \$170,000 for low incidence specialized service grants to sparse SELPAs, in order to meet the special needs of the low incidence student population. Approved applications will be funded utilizing the following timeline and process:

- Applications, with the required documentation, must be received, not just postmarked by the Department of Education by 5:00 PM December 10, 2010.
- The application will be reviewed between **December 10, 2010 and January 15, 2011**.
- By **January 31, 2011** award letters will be sent to the successful applicants.

Following is a list of the ten sparse SELPAs who are eligible to apply during 2010-11 for the supplemental grant, based on the December 1, **2009** Low Incidence Pupil Count:

SELPA	PUPIL COUNT
El Dorado Charter	23
Inyo County	16
Lake Tahoe-Alpine	23
Lassen County	21
Los Angeles County Juvenile Court Schools	11

SELPA	PUPIL COUNT
Modoc County	5
Mono County	11
Plumas County	16
Sierra County	1
Trinity County	10

Use of Funds (All SELPAs)

The use of these funds is limited to expenditures supporting low incidence specialized services such as "interpreters, note takers, readers, transcribers, and others who provide specialized services to students with low incidence disabilities pursuant to *EC* §56026.5. These specialized services must relate to the unique educational needs resulting from the pupil's low incidence disability or disabilities. Low incidence specialized service funds are to be used to supplement, and not to supplant existing services. (i.e., to provide additional services beyond those funded through the base program or another agency).

It is important that teachers who are credentialed to serve students with low incidence disabilities are involved in the assessment process and attend IEP meetings to assure the specialized services incorporated into the IEP are directly related to the unique educational needs of the student.

Expenditures of low incidence specialized services funds are limited to direct services to the pupils with low incidence disabilities, and cannot be used for services to staff, or for any other purpose. These funds should not be used to provide services to meet general education needs provided through the base program.

It is permissible to "pool" funds to be used by one or more pupils with low incidence disabilities. Since there may not be adequate funding to meet the needs of all pupils, SELPAs should establish a priority for the use of these funds.

Purchasing specialized services for infants with low incidence disabilities is an allowable expenditure for Part C funds. Services must relate to a need documented in the IEP based on assessment results for each pupil receiving the services.

Personnel providing services to meet the specialized health care needs related to a student's low incidence disability must meet the requirements of the *CCR*, Title 5, §3051.12(b).

Guidelines for low incidence disabilities (except for VI Guidelines which are currently being updated), are published by the CDE pursuant to *EC* §56136. Copies of the guidelines may be ordered from:

Publication Sales, California Department of Education
P.O. Box 271, Sacramento, CA 95812-0271
Telephone: 916-445-1260 or 1-800-995-4099
<http://www.cde.ca.gov/re/pn/>

It is recommended that a regionalized approach be used to provide services to students with low incidence disabilities, whenever possible. A report, titled *Regionalization for Students with Low Incidence Disabilities*, developed pursuant to ACR 55, provides information regarding the effectiveness of using regionalization. For a copy of this document, contact:

Resources in Special Education (RiSE)
Sonoma State University - CIHS
1801 E. Cotati Avenue, Rohnert Park, CA 94928
707-664-4394, or FAX 707-664-2417

NOTE: Funding for the provision of specialized services cannot be co-mingled with funding for low incidence books, materials and equipment. Per the **2010-2011** Budget Act, of the funds appropriated in Schedule (1) of this item, \$1,700,000 shall be used to provide specialized services to pupils with low-incidence disabilities, as defined in §56026.5 of the *EC*.

FREQUENTLY ASKED QUESTIONS

1. *There are two types of low incidence funding, one for books, materials and equipment and one for specialized services. May the SELPA combine the funds as long as they are spent on low incidence students?*

No. There are two distinct low incidence funding sources, one for books, materials and equipment and the other for specialized services. These funds must be spent for the specific, established purpose only and may not be commingled.

2. *May Low Incidence funding be spent in only one of the eligible low incidence disability areas even though all Low Incidence disability students generate income?*

Yes. Although the allocation is generated on a per student basis and must be expended on only students who have a Low Incidence disability, there is no requirement that income be spent proportionally on each of the various disability groups consistent with the funds generated. It is a local decision of the LEA or SELPA regarding how the available low incidence funds are spent as long as revenue for equipment, books and materials isn't commingled with specialized services funds.

3. *Is a SELPA or LEA required to use Low Incidence Funding to purchase prescription devices?*

The California State Board of Education has adopted CCR, Title 5, §3051.12(b)(3)(c), which states in part that "the school district shall not be required to purchase medical equipment for an individual student." Based on this regulation, the CDE has a long standing practice to encourage the purchase of prescription devices and medical equipment through other funding sources such as private medical insurance or Medi-Cal.

4. *If a student with a low incidence disability within our SELPA for whom we purchased books, materials and equipment with our low incidence funds moves to a different SELPA, are we required to send the books materials and equipment with the student to the new SELPA?*

No. EC §56836.22 (e) states in part that "it is the intent of the legislature that SELPAs share unused equipment, books and materials with neighboring SELPAs...." If the books, materials and equipment are still needed by other students with low incidence disabilities in your SELPA, there is no requirement to send it with the student who moved away. Providing these resources is the responsibility of the SELPA where the student now resides. If, however, books, materials and equipment purchased with low incidence funds are unused, SELPAs are encouraged to make arrangements with other SELPAs to share the unused equipment, books and materials. The CDE may be contacted for assistance in locating another SELPA that has need of the unused equipment, books or materials.

5. *Our SELPA has obsolete, unusable books, materials and equipment purchased by low incidence funds. How do we dispose of these things?*

Pursuant to EC §56822, books, materials and equipment purchased with low incidence funds remain the property of the state. When the low incidence books, materials or equipment is no longer usable, it must be handled in the same manner that books, materials and equipment purchased by state funds other than low incidence is managed pursuant to EC §17545-17555 which requires, among other things, that the items which are obsolete or unusable be declared surplus by the Governing Board and that they be auctioned off after the public has been duly notified.

6. *May we give one of our graduating high school students who has a low incidence disability the specialized equipment purchased for him by our SELPA through low incidence funds so he can use it in college?*

No, to do so would be a gift of public funds which is a violation of law. Pursuant to EC §56822, books, materials and equipment purchased with low incidence funds remain the property of the state. Since the student has graduated from high school, he is no longer eligible to receive special education services from your SELPA. If your SELPA no longer has use for the books, equipment or materials the CDE should be notified so that we can find another SELPA that has need of these resources. If the student needs similar equipment in college, he should contact the Department of Rehabilitation who has the legal responsibility to assist in training adults with disabilities.

7. *The parents of one of our graduating high school students with a low incidence disability wish to purchase the specialized equipment from our SELPA that we provided for her use while in our special education program. May we sell it to them?*

No, EC §56822 states that books, materials and equipment purchased with low incidence funds remain the property of the state. The equipment should be reassigned to another student in your SELPA, a neighboring SELPA or the CDE should be notified to identify a SELPA that can use the equipment. Even if the equipment is so personalized that it cannot be used by another student, the procedures in EC §17545-17555 for disposal of obsolete or unusable property must still be followed, but the parent could then attempt to purchase the equipment at the public auction held by the school.

8. *We have students in our SELPA who have visual perception problems. Does this disability qualify as a visual impairment for low incidence funding?*

No. EC §56026.5 states "Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade twelve. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments,

or any combination thereof. Vision impairments as defined by *EC* §56350 (c) do not include a pupil who is eligible for special education and related services based on a specific learning disability within the function of vision which results in visual perceptual or visual motor dysfunction identified pursuant to §56338.

9. *We have a student who is both severely emotionally disturbed and blind. Will we receive low incidence funding for this student?*

Visual Impairment is one of the severe disabling conditions defined by *EC* §56026.5 as a low incidence disability. The language “or any combination thereof” has been interpreted to mean a student is eligible for Low Incidence funding if (s)he has at least one of the three severe disabling condition regardless of any other disabilities that may also be present. Therefore, a student who has multiple disabilities will generate Low Incidence funding as long as that student has been reported on the CASEMIS pupil count in either Disability 1 or Disability 2 as either hearing impaired, visually impaired or severely orthopedically impaired. Since students with low incidence disabilities may be reported in either the Disability 1 or Disability 2 category on the CASEMIS, first there is a count of disability 1 data. Then there is a count of disability 2 to capture those students with low incidence disabilities that were not reported in Disability 1. This ensures that the total count is an unduplicated count.