

LOW INCIDENCE FUNDING GUIDELINES

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. In addition to this policy, all requirements outlined under the Annual State Low Incidence Funding Update will be observed.

13.1 SUMMARY OF LEGAL REQUIREMENTS

Low Incidence Disability is defined as a severe disabling condition with an expected incidence rate of less than one percent of total statewide enrollment in special education. Ed code sections relevant to Low Incidence funding and accountability are listed below.

Low Incidence Disabilities include:

- Hard of Hearing (HH)
- Deafness (DEAF)
- Visual Impairment (VI)
- Orthopedic Impairment (OI)
- Deaf-Blindness (DB)

Code	Disability Category *
220	Hard of Hearing (HH): Hard of Hearing means hearing impairment, whether permanent or fluctuating, that adversely affects a child's educational performance, but that is not included under the definition of "deaf" in this section.
230	Deafness (DEAF): Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. Hearing Impairment (HI): Hearing Impairment is a federal category of disability, which includes both hard of hearing and deaf individuals as defined above. (34 CFR §300.7(c)(3))
250	Visual Impairment (VI): Visually Impaired, including blindness, means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children. (34 CFR §300.7(c)(13))
270	Orthopedic Impairment (OI): Orthopedic Impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures). (34CFR §300.7(b) and 300.7(c)(8))

300	Deaf-Blindness (DB): Deaf-Blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (34 CFR §300.7(c)(2))
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*If you have a student with Multiple Disabilities and one eligibility is a Low Incidence disability then make sure to list the Low Incidence disability as Secondary Disability in order to generate funds.

Low Incidence (LI) funds are for use on behalf of students having an LI **primary or secondary disability** through the assessment and IEP process. The funds are provided to each SELPA through the CA Department of Education and are listed with other special education entitlements on the Funding Exhibits. The allocation of LI funds to the SELPA is based on the prior year CALPADS Census submission in the categories listed above.

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

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; and
- The books, materials and equipment are reassigned within the SELPA to other students with Low Incidence Disabilities 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 materials and equipment.

Low Incidence funds are for **materials and/or services** for students with an LI disability. The requirement to track equipment has changed, but it is recommended that LEAs consider a tracking and monitoring system for equipment purchased with these funds. The LEA or SELPA may consider the following (CDE, 2014) when purchasing materials and/or funding services through LI Funding. The materials and services should be:

- Required for the student to meet IEP goals and objectives;
- Required for the student to access general education;
- Specialized as it relates to a need or the needs of the LI disability;
- Identified in a comprehensive evaluation completed by credentialed staff or a provider and who is knowledgeable of the LI disability area(s).

Currently, there are no specific tracking or documentation requirements of fund expenditures, but students should have an appropriate eligibility category and appropriate services on their IEPs.

LEAs may wish to consider utilizing Function Codes in SACS software for services or personnel in order to have internal documentation of expenditures, as the Annual Budget Plan does ask for Low Incidence expenditure estimates for each year.

Service Codes

The IEP team determines the services for the student. A student must have a service code identified in their IEP that is appropriate to the service that is being provided. A student with a specified LI disability typically has one or more of the following as noted below, all of which are allowable services to be funded with LI funds:

Code	Service Description
610	Specialized Services for LI Disabilities: LI services are defined as those provided to the student population of orthopedically impaired (OI), visually impaired (VI), deaf, hard of hearing (HH), or deaf-blind (DB). Typically, services are provided in education settings by an itinerant teacher or an itinerant teacher/specialist. Consultation is provided to the teacher, staff and parents as needed. These services must be clearly written in the student's IEP, including frequency and duration of the services to the student. (CCR Title 5 §3051.16 & 3051.18)
710	Specialized Deaf and Hard of Hearing Services: These services include speech therapy, speech reading, auditory training and/or instruction in the student's mode of communication. Rehabilitative and educational services; adapting curricula, methods, and the learning environment; and special consultation to students, parents, teachers, and other school personnel may also be included. (CCR Title 5 §3051.16 and 3051.18)
715	Interpreter Services: Sign language interpretation of spoken language to individuals, whose communication is normally sign language, by a qualified sign language interpreter. This includes conveying information through the sign system of the student or consumer and tutoring students regarding class content through the sign system of the student. (CCR Title 5, §3051.16)
720	Audiological Services: These services include measurements of acuity, monitoring amplification, and frequency modulation system use. Consultation services with teachers, parents or speech pathologists must be identified in the IEP as to reason, frequency and duration of contact; infrequent contact is considered assistance and would not be included. (CCR Title 5 §3051.2)
725	Specialized Vision Services: This is a broad category of services provided to students with visual impairments. It includes assessment of functional vision; curriculum modifications necessary to meet the student's educational needs, including Braille, large type, and aural media; instruction in areas of need; concept development and academic skills; communication skills (including alternative modes of reading and writing); social, emotional, career, vocational, and independent living skills. It may include coordination of other personnel providing services to the students (such as transcribers, readers, counselors, orientation and mobility specialists,

	career/vocational staff, and others) and collaboration with the student's classroom teacher. (CAC Title 5 §3030(d), EC 56364.1)
730	Orientation and Mobility: Students with identified visual impairments are trained in body awareness and to understand how to move. Students are trained to develop skills to enable them to travel safely and independently around the school and in the community. It may include consultation services to parents regarding their children requiring such services according to an IEP.
735	Braille Transcription: Any transcription services to convert materials from print to Braille. It may include textbooks, tests, worksheets, or anything necessary for instruction. The transcriber should be qualified in English Braille as well as Nemeth Code (mathematics) and be certified by the appropriate agency.
740	Specialized Orthopedic Services: Specially designed instruction related to the unique needs of students with orthopedic disabilities, including specialized materials and equipment. (CAC Title 5, §3030(e) & 3051.16)
745	Reader Services
750	Note Taking Services: Any specialized assistance given to the student for the purpose of taking notes when the student is unable to do so independently. This may include, but is not limited to, copies of notes taken by another student, transcription of tape-recorded information from a class, or aide designated to take notes. This does not include instruction in the process of learning how to take notes.
755	Transcription Services: Any transcription service to convert materials from print to a mode of communication suitable for the student. This may also include dictation services as it may pertain to textbooks, tests, worksheets, or anything necessary for instruction.

Reference Education Code

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."

EC §56136 requires that: 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 §56206 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."

EC §56363(b)(16) states the Related Services "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 § 56364.1 Notwithstanding the provisions of Section 56364.2, pupils with LI disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites. The instruction shall be provided in a manner which is consistent with the guidelines adopted pursuant to Section 56136 and in accordance with the individualized education program.

EC § 56836.04.

(a) The Superintendent continuously shall monitor and review all special education programs approved under this part to ensure that all funds appropriated to special education local plan areas under this part are expended for the purposes intended.

(b) Funds apportioned to special education local plan areas pursuant to this chapter are to assist local educational agencies to provide special education and related services to individuals with exceptional needs and shall be expended exclusively for programs operated under this part.

(Amended by Stats. 2007, Ch. 56, Sec. 91. Effective January 1, 2008.)

Notwithstanding the provisions of subparagraphs (A) through (F), a State may use funds reserved pursuant to this paragraph for implementing a placement neutral cost sharing and reimbursement program of high need, LI, catastrophic, or extraordinary aid to local educational agencies that provides services to high need students based on eligibility criteria for such programs that were created not later than January 1, 2004, and are currently in operation, if such program serves children that meet the requirement of the definition of a high need child with a disability as described in subparagraph (C)(ii)(I).

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. To meet this responsibility, a Low Incidence Committee has been established which is comprised of educators knowledgeable about Low Incidence disabilities. The North Santa Cruz County SELPA Low Incidence Committee has established procedures and guidelines for purchases through the Low Incidence fund.

The Low Incidence Committee may include:

Specialist for the Visually Impaired

Specialist for the Orthopedically Impaired
 Specialist for the Hard of Hearing or Deaf
 Speech/Language Pathologist
 Audiologist
 Occupational Therapist
 Physical Therapist
 Teacher or Specialist knowledgeable in assistive technology
 SELPA Administrator

13.3 ELIGIBILITY

Funds may be used for all students with the Low Incidence disabilities as defined in law, for both primary and secondary eligibility categories. 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 items or services 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.

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, and SELPA office for any availability.
2. Since Low Incidence funds are 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.
3. Equipment purchased with LI funds is the property of the State of California and is managed by the North Santa Cruz County SELPA.

B. Procedures

1. **Determine Eligibility:** The IEP team determines eligibility for a 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 assessments and/or 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 consistent with guidelines established pursuant to §56136..
 - b. **IEP Documentation:** The requirements must be written into the IEP but are not limited to the following:
 - How the item will assist the student's instruction in accordance with the IEP.
 - How often the item will be used or is needed.
 - How the item facilitates participation in the classroom.
 - Specific projected student outcomes.
 - Justification statement that is related to the student's unique educational needs as identified in the assessment information. (See IEP Team's Rationale on Request Form)
 - Assessment, goals and objectives that are correlated to the justification statement of need.
 - Present level that reflects assessment information and need for support.
 - Identification of personnel who will provide support to the student and will monitor and inventory adapted equipment and/or FM System (List name & position).
3. **Submission to LI Committee:** Complete the "Low Incidence Request" Forms: The LEA or SCCOE Early Start Special Education Director must sign the request form. Include accurate ordering information including tax and shipping.
4. **Attach Relevant Current Annual IEP Forms:** IEP must be signed and legible. Attach amendment IEPs as appropriate. The minimum IEP forms that should include:
 - Info/Eligibility
 - Special Factors
 - Related Goal/s
 - Any additional documentation relative to support this request
5. **Send the Request Packet:** Request packet must be sent to the SELPA office for presentation to the Low Incidence Committee for review. The SELPA Administrator signs approval. After approval, the request packet will be processed for ordering by the SELPA office. The LEA should keep a copy of the request form for their records.

If LI request has been denied, the decision can be appealed by meeting with the 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/Special Factors 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 must 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 by the Low Incidence Committee. Once specific items are listed on the IEP, the district is ultimately responsible for purchasing the equipment.

D. Low Incidence Committee Approval Process

1. Dates of Review: The Low Incidence Committee will meet regularly to review the low incidence requests. All requests must be submitted to the SELPA office.
2. The district/program will receive an approval or denial response after the meeting. Notation of discussion or reason for denial will be made.
3. Purchasing the LI Item: Once approval is granted, the SELPA will process the purchase order. An *inventory tag* must be attached to equipment. Low Incidence inventory will be recorded by personnel on an annual spreadsheet.
4. Reimbursement: If an LEA purchases equipment prior to accessing the Low Incidence Committee, then a reimbursement request may be made. The committee 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. Use Reimbursement for Low Incidence Funds Equipment form for this purpose.

E. 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 it can be put into the Low Incidence Inventory database.

2. Student moves out of SELPA: Per CDE FAQs about Low Incidence 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 receive special education services from your SELPA. If your SELPA no longer has use for the books, equipment or materials the California Department of Education should be notified so that we can find another SELPA that has need of these resources. If the student needs similar equipment upon graduating or aging out, he/she should contact the Department of Rehabilitation.

F. Equipment

1. Lost or stolen equipment will not be replaced using low incidence funds. The LEA is responsible for replacement of equipment. Reimbursement to districts for costs of replacing lost or stolen equipment can be requested if money is available at the end of year.
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 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. Use Transfer of Low Incidence Equipment/Materials form. Notify the SELPA of any action taken with LIF equipment.
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.

G. Management Information Documentation:

An IEP team member will ensure that the student is listed with a Low Incidence disability in the Management Information System (MIS which is currently SEIS) through SELPA. It can be listed as Disability 1 or Disability 2.

H. Definition of Low Incidence Disabilities

Visual Impairment

To be eligible for special education, a “pupil has a visual impairment which, even with correction, adversely affects a pupil’s educational performance.”

When an assessment of a student with a visual impairment determines that he or she has educational needs that cannot be met without special education and related services, the student is provided with instruction, specialized services and materials and equipment in accordance with his or individualized education program (IEP).

The term *visual impairment* includes, for educational purposes:

- Students who have functional blindness (who rely basically on senses other than vision as their major channels for learning).
- Students with low vision (who use vision as a major channel for learning).
- A visual impairment that does not include perceptual or visual motor dysfunction resulting solely from a learning disability.

Severe Orthopedic Impairment

The term orthopedic impairment includes those impairments caused by congenital anomalies, diseases, and other conditions.

Conditions resulting in severe orthopedic impairments include, but are not limited to: cerebral palsy, muscular dystrophy, spina bifida, spinal cord injuries, head traumas, juvenile rheumatoid arthritis, and tumors.

- These conditions may improve, remain stable, or deteriorate; and changes in characteristics may occur at varying rates.
- A severe orthopedic impairment is persistent and significantly restricts an individual's normal physical development, movement, and activities of daily living.

As a result, this impairment may affect the pupil's educational performance. Accompanying sensory, intellectual, behavioral, learning, and medical problems often occur that may affect the pupil's school performance.

Hearing Impairment

The student with a hearing impairment is one whose hearing loss adversely affects his or her developmental growth or educational performance, or both, to such an extent that special education and related services are required. Hearing impairment is defined as an impairment which is permanent that adversely affect an individual's:

- Expressive and/or receptive communication.
- Developmental growth, and or educational performance and makes it difficult, but does not preclude, the processing for linguistic information through hearing, with or without amplification.

**NORTH SANTA CRUZ COUNTY SELPA
LOW INCIDENCE FUNDING COMMITTEE GUIDELINES**

Low Incidence Fund for Equipment

Documentation needed:

Appropriate required documents (see forms) submitted including current assessment/screening report by specialist knowledgeable in the specific Low Incidence disability with recommendation for equipment.

Equipment Covered:

Current inventory of equipment not currently in use will be considered first.
Equipment must meet the unique needs of the student and be adaptive and specialized.

Equipment not covered:

Lost or stolen equipment will not be replaced, but will be considered for reimbursement if there are funds at the end of the year.

Unused funds:

Reimbursement to districts for costs of replacing lost or stolen equipment if money is available at the end of year.

Unused funds will be rolled into the next fiscal year.

Low Incidence Fund for Services

Beginning in 2020-21, after setting aside money annually from the Low Incidence revenue to maintain a Low Incidence Equipment Fund of \$100,000 (including any rollover from prior year), the remaining balance of that revenue will be divided evenly and applied to OI, VI, and DHH regional services “off the top” to offset the cost of Regional Services for Low Incidence students as outlined in the AB602 Fiscal Allocation Plan.

Low Incidence Fund for Other Items Covered:

Repair of Audiological equipment that was previously funded through Low Incidence Reimbursement for Repair of previously purchased LIF Equipment (with the exception of Audiological equipment). Districts are required to repair LIF equipment and then seek reimbursement from LIF Service Fund.

Warranty Renewal

Replacement of batteries on previously purchased LIF equipment

Services not covered:

- Assessments
- Assistive Technology services

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 *Low Incidence Property Loan* 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 the 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.