

LOW INCIDENCE DISABILITY

Definition

EC 56026.5 – “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 12.”

Recognized Examples

- Hearing Impairments (HH)
- Vision Impairments (VI)
- Severe Orthopedic Impairments (OI)
- Combination of These Impairments (DB)

Funding

- EC 56836.22 – “...determined by dividing the total number of pupils with low incidence disabilities in the state, as reported on December 1 of the prior fiscal year, into the annual appropriation...”
- Then, the per pupil entitlement is multiplied by the number of pupils with low incidence disabilities in the special education local plan area (SELPA).

Funding Condition

To receive these funds, the SELPA must ensure that appropriate purchases (e.g., books, materials, equipment) are made by the Local Educational Agencies (LEA), such as MHUSD.

Specialized Services for Low Incidence Disabilities

- Generally provided in education settings by an itinerant teacher or specialist.
- Consultation may be provided to the teacher, staff and parents as needed. These services must be clearly written in the IEP.

Problems

- As with all special education money, funding is woefully inadequate.
- Most individual SELPA procedures follow a “first come, first spent basis.”
- What do we do when it’s gone?
- Our SELPA: The SOUTH EAST CONSORTIUM FOR SPECIAL EDUCATION has traditionally done things in this manner.

Good News

- However, at the last Operations Meeting, our new Director, Nancy Birenbaum, expressed her opinion for considering different models of distribution.
- MHUSD voted to discuss changing the current model and receive information funding allocation procedures used by other SELPAs.
- Stay Tuned for More Information!

South East Consortium for Special Education

Santa Clara County SELPA

Low Incidence Guidelines

2009-10

Funding received by the SELPA to be used for the purchase of low incidence equipment is available only to those students who are primary or secondary disability is identified as a low incidence disability. These disabilities, as defined in CA. Ed. Code 56026.5 are: hard of hearing, deaf, visually impaired, orthopedically impaired, and deaf-blind. Since the use of these funds is limited to 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 the eligible students. Funds are to be used to supplement, not supplant other available funding for books, materials and equipment provided through the base program for general education and/or special education students.

A. Procedure for Request for LI Equipment

1. All recommendations for low incidence equipment purchased through LI SELPA dollars must generate through the IEP process.
2. IEP document must reflect the type of equipment needed, for what educational purpose and that it will be purchased through LI dollars.
3. IEP goals/objectives must reflect the utilization of the LI equipment in conjunction with meeting IEP goals.
4. A low incidence referral form must be completed with all purchasing information including name of vendor, specific equipment and purchasing price.
5. The request form must be sent to the SELPA office accompanied by the IEP and relevant goals.
6. Review to ensure that the student has a low incidence disability as the primary or secondary disability.
7. Send to SELPA office. SELPA office will record date received and proceed with purchase.
8. SELPA office will notify LEA when the equipment arrives. If there is a delay in shipping from the vendor of more than four weeks, the SELPA office will contact the LEA.

B. SELPA Purchase procedures:

1. SELPA maintains LI dollars in separate budget.
2. Equipment is purchased as requests are received and approved on a first come basis
3. SELPA notifies LEAs throughout the year regarding the balance in LI account.
4. If an LEA is requesting a large amount of equipment relative to the dollars available, the SELPA and LEA will discuss possible cost sharing of equipment.
5. Should LI budget experience a balance at the end of the fiscal year, the dollars will be reflected as carry over for subsequent year.

C. Reimbursement

1. If LEA needs to purchase LI equipment immediately, the LEA must fax a memo to the SELPA office, attention SELPA Director.
2. Memo must indicate reason for need to purchase, equipment to be purchased, amount of item.
3. LEA must attach IEP and SDT to memo to verify low incidence equipment/low incidence disability and IEP documentation.
4. Reimbursement in this manner must be approved by SELPA Director.
5. Reimbursement can only occur during the current school year and as long as there are funds available.

D. Standardization of equipment.

1. Purchases of computer through LI funds will only occur for those LI students who require adapted equipment in order to access their education.
2. Non-adapted laptop computers or desktop computers may not be purchased through LI dollars.
3. Non-adapted printers may not be purchased through LI dollars.
4. Approval for purchase of copy-machines for the SE SELPA Visually Impaired programs are determined on a case-by-case basis.

E. Delivery

1. Equipment will be logged in, labeled and delivered to LEA within 5 working days unless arrangements for pick up have been made.
2. SELPA staff and LEA will determine entity responsible for delivery.

F. Equipment Set-Up

1. The responsibility for the set up of equipment shall be negotiated between the LEA and SELPA office.
2. Incidentals required to activate the 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.
5. If equipment is damaged or lost while in the district, the LEA is responsible for repair/replacement.

G. Repair of Equipment. (Other than FM system)

1. If equipment breaks on a school site, the LEA is responsible for repair.
2. If equipment breaks due to defect, the SELPA will pay up to \$100.00 for repair.
3. If equipment breaks at home due to negligence, parent is responsible for repair (stated in home use document).

H. Loss/Theft/Vandalism

1. If LI equipment is lost/stolen while at a school district site, the LEA is responsible for replacement.
2. Based on the policy of the LEA, should a determination be made as to the person responsible for the theft, the LEA may pursue replacement costs in that manner.
3. If LI equipment is vandalized while at school site, LEA is responsible for replacement.

I. FM Systems

1. Repairs of FM
 - Service agreements are not covered.
 - Cost for repair is up to \$100.00 per part: SELPA will pay.
2. If a unit is damaged at school due to negligence, district is responsible for cost of repair.
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 SELPA & district.
4. Batteries: SELPA will purchase the first set of batteries, which comes with the unit; district is responsible for battery replacement thereafter.

J. Transfer of Equipment

1. Keep all boxes when you receive new equipment.
2. Student is moving from district to district within the SELPA.
 - Director of SPED will coordinate with 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.
 - Director of sending district will work with director of receiving district to move the equipment in time for proper utilization at the beginning of the school year.
3. If student moves 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 ASAP but no later than 5 days after student is placed in new school.
4. If equipment is damaged or lost during the transfer, the district that was in possession of the equipment at that time will be fiscally responsible for the repair and/or replacement of equipment.
5. It is not advised that parents transport equipment. If there is a circumstance in which the equipment will not be available for student in time (see above), the district may work out arrangements with the parent to transport; however, if there is damage or loss during this process, district will be fiscally liable.
6. If student moves from SE SELPA district to SCC SELPA district, the sending district will contact the SE SELPA office so that the equipment is removed from the SE SELPA inventory.
7. If a student is moving outside the SE SELPA to a SELPA outside of Santa Clara County, the SE SELPA will make a determination as to whether the SELPA will retain the equipment.

K. Funding LI Equipment for students served outside of SELPA:

Funds for low incidence equipment are generated at the December 1 pupil count based on where the student is being served not where the student lives. Therefore the SELPA serving the child receives the per pupil amount of the funds generated (\$372.21 for 2008-09).

1. When a request for LI equipment is generated through the IEP process between SE SELPA district and district outside of the SE SELPA, the request should be forwarded to SE SELPA office for ordering.
2. The SE SELPA will order and send invoice to the other SELPA for payment from their share of low incidence dollars. Example: Student lives in Evergreen, served by Santa Clara Unified on December 1: SC Unified (SELPA 7) receives low incidence dollars; contributes the pupil's portion of the LI dollars toward the purchase. SE SELPA will pay the balance.
3. If LI funds are depleted, then the district of residence will order/pay for LI equipment. Should there be questions about the processing of these requests, please contact the SE SELPA Fiscal Analyst.

*Criteria for Low Incidence Funding of "Specialized Books, Materials, and Equipment"**

- Each student for whom an item is to be purchased has a "low incidence disability" (i.e., deaf-blind, deaf, hard of hearing, severe orthopedic impairment and/or visual impairment).
- The item is "specialized" (i.e., it relates to a need or needs resulting directly from the low incidence disability, as indicated in the comprehensive assessment in all areas related to the student's disability, involving staff who are credentialed/knowledgeable of the low incidence disability area(s)).
- The item is "necessary for the child with a disability to benefit from special education" (i.e., it meets the legal definition of a related service).
- Low incidence funds are used to "supplement" not to "supplant" other funding sources (i.e., general education funding, other special education funding or funding by other agencies).
- The item is required "under" the student's IFSP/IEP/ITP (i.e., it relates to a goal/objective or some other need indicated in the plan).
- Funds are NOT used to purchase medical equipment to furnish medical therapy units to construct or alter facilities or to assess the student or to provide in-service/parent education.

*Criteria for Low Incidence Funding of Specialized Services**

- Each Student to whom the service is to be provided has a "low incidence disability" (i.e., deaf-blind, deaf, hard of hearing, severe orthopedic impairment and/or visual impairment).
- The service is "specialized" (i.e., it relates to a need(s) resulting from the low incidence disability as indicated in the comprehensive assessment in all areas related to the student's disability, involving staff who are credentialed/knowledgeable of the low incidence disability areas(s)).
- The service is "necessary for the student with a disability to benefit from special education" (i.e., it meets the legal definition of a related service).
- Low incidence funds are used to "supplement" not to "supplant" existing services (i.e., funds are to be used for additional services beyond those provided through special education funds, the base program or by another agency).
- The service is considered a "support service" (i.e. it is provided by non-credentialed staff).

** These key criteria summarize the legal requirements, guidelines and other information that are contained in this memorandum. They are intended to serve as a guide for determining the appropriate use of low incidence funding for each item or service considered for this funding.*