

## APPENDIX J

### LOW INCIDENCE POLICIES & PROCEDURES

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.

#### **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 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 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.

#### **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 Humboldt – Del Norte 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
- Teacher or Specialist knowledgeable in assistive technology
- SELPA Administrator
- SELPA Program Coordinator

## **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 (LIF) Parameters**

1. Low Incidence Funds shall not be used for purchase of non-adapted computers and toys.
2. Requests for items for individual students that are \$100 and over can be submitted for funding. Items under \$100 are the responsibility of the LEA to purchase.
3. Equipment purchased with LIF funds is the property of the State of California and is managed by the Humboldt – Del Norte County SELPA.

### **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:
    - 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.
    - Goal related to the Low Incidence service and or equipment.
    - Identification of personnel who will provide support to student and will monitor and inventory adapted equipment and FM System (List position/title).

3. **The LI Committee Member will complete the “Low Incidence Equipment Request” Forms:** All current forms for submitting a request to the LIF committee for purchase of, or reimbursement for, equipment are available on the SELPA website (www.hdnselpa.org). Revisions/updates are posted as necessary. The LEA must sign the request form. Include accurate ordering information including tax and shipping.
4. **Attach Current Annual IEP:** IEP must be signed and legible. Attach amendment IEPs as appropriate.
5. **Attach all Documentation:** Reports from OT, PT, audiologist, VI specialist or speech/language pathologist must be submitted.
6. **Request Packet:** Will be brought to the LI Committee and after approval, the request packet will be given to the SELPA Director. Keep a copy of the request form for your records.

### 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 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. The district/program will receive an approval or denial response after the meeting. Notation of discussion or reason for denial will be made by the SELPA Director. The committee encourages communication if further information is needed.
2. Purchasing the LI Item: Once approval is granted, the SELPA will process the purchase order. An *inventory tag* must be attached to equipment by designated SELPA personnel and identify equipment as LIF with permanent marker. An inventory tag number will also be recorded on the P.O. by SELPA personnel.

### 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 LIF 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 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 or Regional Center.

## **F. Equipment**

1. **Lost, damaged by negligence or stolen equipment:** It is the responsibility of the LEA to replace the equipment. The replaced equipment becomes the property of the LI inventory.
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.
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 on the MIS (currently SEIS) through SELPA.

## **H. Definition of Low Incidence Disabilities**

### **1. 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.

## **2. 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, spinal 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.

## **3. 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.

### **LOW INCIDENCE FUNDING COMMITTEE GUIDELINES**

#### **1. LIF Equipment Fund**

##### **A. 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.

##### **B. Funding Limits:**

- \$100.00 minimum for equipment request

##### **C. Equipment Covered:**

- Equipment must meet the unique needs of the student and be adaptive and specialized

##### **D. Equipment not covered:**

- Lost, damaged by negligence or stolen equipment will be the responsibility of the LEA to replace.

## LIST OF PRIORITIES FOR APPROVAL

The following is a list of priorities for determining allocation of the LIF funds since there may not be adequate funding to meet the needs of all the eligible students with low incidence disabilities.

### 1. Priority checklist for LIF equipment approval

- Appropriate required documents (see forms) submitted including current assessment/screening report by specialist knowledgeable in the specific Low Incidence disability with recommendation for equipment
- \$100.00 minimum for equipment request
- Lost, damaged by negligence or stolen equipment will not be replaced, but will be considered for approval
- Excess equipment will be considered first
- Equipment must meet the unique needs of the student and be adaptive and specialized. The LIF Committee **does not** purchase iPads.

### Sections of Education Code Related to LIF

- *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").
- "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."
- 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.
- 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.
- [www.cde.ca.gov/sp/se/as/documents/ligdlns1112.doc](http://www.cde.ca.gov/sp/se/as/documents/ligdlns1112.doc)