

Low Incidence Funding



WEST END
SELPA

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Introduction

This information reviews the procedures related to the funds provided to SELPA and distributed to the local school districts to support their students with low incidence disabilities. Due to the nature and/or severity of low incidence disabilities, this additional money is afforded to districts to provide specialized materials and services that are necessary for these students to benefit from their education as outlined by their Individualized Education Program (IEP) or Individual Family Service Plan (IFSP).

Section A – Legal Requirements

EC 56836.22 (a) Commencing with the 1985-86 fiscal year, and for each fiscal year thereafter, funds to support special education and related services as required under the individualized education program for each pupil with low-incidence disabilities, as defined in [Section 56026.5](#), shall be 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 provided for this purpose in the Budget Act.

(b) The per-pupil entitlement determined pursuant to subdivision (a) shall be multiplied by the number of pupils with low-incidence disabilities in each special education local plan area to determine the total funds available for each local plan.

(c) The Superintendent shall apportion the amount determined pursuant to subdivision (b) to the special education local plan area for purposes of providing special education and related services as required under the individualized education program for each pupil with low-incidence disabilities.

The low incidence money is distributed in accordance with the regulations set out in Education Code 56836.22. All local education agencies that have one or more students with a low incidence disability are eligible to access additional funds, monitored through the West End SELPA, for the purpose of purchasing and coordinating the use of specialized books, materials, and services to be used specifically by these identified individuals.

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).

Low incidence funding may not be used for the following:

- non-specialized instructional service
- medical equipment or storage units
- general classroom supplies
- diagnostic assessments
- consultation or in-service to staff
- materials used primarily by teachers instead of students
- non-specialized computer systems or software

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. For purpose of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. For purposes of this definition, vision impairments do not include disabilities within the function of vision specified in Section 56338.

Low Incidence Funding

Students with the following primary or secondary disabilities are eligible for low incidence funding:

- **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.
- **Deafness (DEAF)**: Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through learning, with or without amplification, which adversely affects educational performance. (34 CFR § 300.7(c)(3))
- **Hearing Impairment (HI)**: Hearing Impairment is a federal category of disability, which includes both hard of hearing and deaf individuals as defined above.
- **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)).
- **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). (34 CFR §. 300.7(b) and 300.7(c)(8))
- **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)).

Determine whether or not the disability is primary or secondary by reflecting on whether the disability inhibits the educational process. If the disability does pose a barrier to learning, then it may be listed as a primary disability. If it does not negatively affect learning, it must be listed as a secondary disability to allow purchases to be made using low incidence funds.

The school district may access low incidence funds when the specialist completes a written report that documents the need for specialized services, materials, and/or equipment to support the educational needs of the student brought about by the low incidence disability. At the student's IEP/IFSP meeting, the team must agree that such services, materials, and/or equipment will be necessary in order to support the student in their individualized education program. It is the responsibility of the district to locate funds to purchase the items documented in the IEP or IFSP.

Section B – Accessing Funding

The IEP/IFSP team shall state the need for and the type of specialized materials, equipment, and/or services needed for the student to benefit from their educational program.

The IEP must include the following:

- Documentation of the low incidence disability
- An assessment demonstrating the need for specialized services, materials, and/or equipment which has been completed and reviewed by personnel knowledgeable of the suspected low incidence disability
- A goal/objective which directly relates to the use of the specialized books, materials, or equipment being requested

A low incidence packet should include the following documentation:

- Two copies of the completed “Notice of Intent to Purchase Utilizing Low Incidence Funds” which have been signed by the person authorized by the district to approve the request
- A copy of the student’s signed IEP
- A copy of an assessment completed by personnel knowledgeable of the suspected low incidence disability
- A recommendation for specialized services, materials, and/or equipment that will meet the needs described in the IEP
- Catalogue or web-based pictures of the specialized materials, and/or equipment the IEP team has requested to have funded through low incidence

The district will log and submit the low incidence packet for review to the West End SELPA. Upon approval from the West End SELPA, the district is responsible for procuring the specialized services, materials, and/or equipment. Please see Appendix A

Section C – Frequently Asked Questions

1. 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 the funds be spent proportionally on each of the various disability groups consistent with the funds generated.

2. 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.

3. 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....” However, 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.

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

When the low incidence materials or equipment are no longer usable, it must be handled in the same manner that materials and equipment purchased by state funds other than low incidence is managed.

5. 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 because a SELPA has a responsibility to use the equipment with other students in the SELPA. If there are no other students in the SELPA that need the piece of equipment, it is to be shared with other SELPAs as needed. Since the student has graduated from high school, he is no longer eligible to receive special education services from a SELPA. If a SELPA no longer has use for the 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.

6. 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 because 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 for disposal of obsolete or unusable property must still be followed, but the parent could attempt to purchase the equipment at the public auction held by the school.

7. 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.

8. 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 low incidence 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. Even though the numbers are taken from Disability 1 and Disability 2, the total statewide student count is an unduplicated count.

9. What is the criteria for determining if items are "specialized"?

Items must relate to the unique educational needs resulting from the low incidence disability as indicated in the IEP/IFSP of eligible students. That is, if the general population uses the materials in the course of their education, these materials would not be considered "specialized". Examples include, but are not limited to: ordinary computer systems (including monitors, software, and printers), standard classroom necessary toilet devices, duplication of existing classroom equipment for students or teachers, non-specialized recreation equipment, instructional materials used primarily by teachers, and consumable items (such as blank computer disks, batteries, workbooks, copier supplies, etc.)

10. Can specialized materials, and equipment be shared with other students?

It is desirable that these materials and equipment be shared by more than one low incidence eligible student. Specialized materials, and equipment may be shared with non-eligible students as long as:

1. The low incidence student has first priority for its use;
2. The item remains in the same setting as the low incidence student;
3. The item is transferred with the student if the student moves to another special education program within the SELPA;
4. The item is reassigned for use with another eligible low incidence student within the SELPA when the item is no longer needed by the person for whom it was originally requested;
5. The item is not required for general use with the instructional curriculum. In that case, it would be supplied by special education or general education funds.

11. Can low incidence materials and equipment be acquired for home use?

Yes. Specialized materials, and equipment may be used by students at home, as well as students in non-public and private schools, when required under the IEP. Reasonable care must be provided, however, to prevent damage, loss, or theft. The items remain on the inventory of the SELPA and are the property of the State of California. They are to be returned to the student's school when they are no longer required at home.

12. Who owns items purchased through low incidence funds?

When low incidence funds are used to purchase specialized materials and equipment, it is extremely important to understand that in all cases, the items are the property of the State of California. Items are to be considered "On Loan" to the students who are qualified by the nature of their disability to access materials purchased with low incidence funds.

13. Who is responsible for maintaining an inventory of items purchased with low incidence funds?

The SELPA is responsible for keeping a current inventory of low incidence materials and equipment; however, this requires the cooperation of the local education personnel using the materials and equipment with their students. The receiving district must take care to complete the bottom portion of the "Notice of Intent to Purchase Utilizing Low Incidence Funds." WESELPA will send inventory tags back with approved "Notice of Intent ..." paperwork. It is up to the receiving district to tag the equipment and record the number at the bottom of the "Notice of Intent. If the equipment is not purchased, the inventory tag should be returned to the SELPA.

References

EC 56836.22, 56026.5

Appendix A



WEST END
SELPA

ACCESSING LOW INCIDENCE FUNDS

I
State the
Need

The IEP team shall state the need for specialized books, materials, equipment and/or services for the student to benefit from their educational program.

II
IEP
Requirements

The IEP must include the following:

- Documentation of the low incidence disability.
- An assessment demonstrating the need for specialized services, materials, and/or equipment which has been completed and reviewed by personnel knowledgeable of the student's low incidence disability.
- A goal/objective which directly relates to the use of specialized services, materials, and or equipment being requested

III
Gathering
Packet

A low incidence packet should include the following documentation:

- Two copies of the completed "Notice of Intent to Purchase Utilizing Low Incidence Funds" which have been signed by the person authorized by the district to approve the request
- A copy of the student's signed IEP
- A copy of an assessment completed by personnel knowledgeable of the suspected low incidence disability
- A recommendation for specialized services, materials, and/or equipment that will meet the needs described in the IEP
- Copies of the specialized services, materials, and/or equipment the IEP team has requested to have funded through low incidence.

IV
SELPA
Approval

The district will log and submit the low incidence packet for review to the West End SELPA. Upon approval from the West End SELPA, the district is responsible for procuring the specialized services, materials and/or equipment.