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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. 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

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.

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 SELPA Program Specialist has been assigned the responsibility of monitoring low incidence equipment and reviewing request for low incidence reimbursements. The Shasta County SELPA has established procedures and guidelines for purchases through the Low Incidence fund.

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.
13.4 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. LIF 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 and toys.

3. Equipment purchased with LIF funds is the property of the State of California and is managed by the Shasta County SELPA.
B. Procedures

LOW INCIDENCE EQUIPMENT AND MATERIALS PROCEDURES – SP 3300.701

Approved by Commission: December 12, 2009
Approved by Consortium: January 21, 2010

Low Incidence funds are used to provide equipment and materials within the SELPA and are guided by IEPs for students who are designated visually impaired/blind, hearing impaired/deaf or severely orthopedically impaired. The SELPA administrative unit is responsible for carrying out the Low Incidence funding policy. The IEP team will determine the need for specialized equipment and materials and will submit a Request for Low Incidence Equipment/Materials Reimbursement to the Shasta County SELPA. Low Incidence funds are also used to repair formally purchased Low Incidence equipment purchased via the SELPA Reimbursement process.

Low Incidence Equipment and Materials:

1. Low Incidence equipment and materials may be requested by the IEP team of an LEA within the SELPA.

2. The District will purchase the specialized equipment/materials and submit a Request for Low Incidence Equipment/Materials Reimbursement to the SELPA office.

3. The Request for Low Incidence Equipment/Materials Reimbursement form must be filled out completely. A district administrator should sign this form.

   The following items must accompany this request to be considered for reimbursement by the committee.

   a. Copy of Invoice from vendor indicating receipt and payment

   b. Copy of applicable portions of IEP that document disability, need, and goal for use of equipment

   c. Copy of supporting documentation (assessment reports, etc.)

4. All Requests for Low Incidence Equipment/Materials Reimbursement are reviewed by the SELPA Program Specialist and/or SELPA Director
5. Requests for Low Incidence Equipment/Materials Reimbursement are sent to the SELPA Commission for approval.

6. All Low Incidence equipment/materials will receive a SELPA Low Incidence inventory tag once the Request for Low Incidence Equipment/Materials Reimbursement has been approved.

(Ed Code 56136)

C. Complete the “Low Incidence Request” Form. See Appendix B

D. 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 SELPA Governing Board. Once specific items are listed on the IEP, the district is ultimately responsible for purchasing the equipment.

E. Low Incidence Committee Approval Process

1. Dates of Review: The SELPA Governing Board will meet monthly to review the Low Incidence requests. All requests need to be submitted to the SELPA Program Coordinator two weeks prior to the meeting dates.

2. The district/program will receive an approval or denial response after the meeting. Notation of discussion or reason for denial will be made. The committee encourages communication if further information is needed.

3. Purchasing the LI Item: Once Low Incidence Request for Reimbursement is approved, the SELPA will process the request. An inventory tag must be attached to equipment by designated district/county personnel and identify
equipment as LIF with permanent marker. An inventory tag number will also be recorded on the P.O. by SELPA personnel.

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. It is important that all documentation is included with the request. **Use Reimbursement for LIF Equipment form for this purpose.**

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 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 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 or Far Northern Regional Center.

G. Equipment

1. Lost or stolen 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 SELPA Program Specialist. The item can be reassigned to another student who is LI eligible. The IEP for that student must indicate the need for LI equipment. 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.

H. 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.

I. 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 prelude, the processing for linguistic information
  through hearing, with or without amplification.
SHASTA COUNTY SELPA LOW INCIDENCE FUNDING COMMITTEE
GUIDELINES

1. LI 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. Equipment Covered:
      • Excess equipment will be considered first
      • Equipment must meet the unique needs of the student and be adaptive and specialized

2. LI Service 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 services

   B. Services Covered:
      • Repair of Audiological equipment
      • 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

   C. Services not covered:
      • Assessments
      • Assistive Technology services
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, 2007 unduplicated pupil count, in the following categories: hard of hearing, deaf, visually impaired, orthopedically impaired, and deaf-blind (34,086), into the annual appropriation provided for this purpose in the Budget Act ($13,206,000), resulting in a per pupil entitlement of ($372.21 per pupil). The Budget Act for fiscal year 2008-2009 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 2008-2009 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
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:

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<td>Assistive Technology</td>
<td>Linda Wyatt</td>
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<td>Visual Impairments</td>
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FUNDING FOR SPECIALIZED SERVICES FOR STUDENTS WITH LOW INCIDENCE DISABILITIES

Summary of Legal Requirements

The Budget Act for FY 2008-2009 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 $26.92 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 $26.92 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, $555,000 ($5,000 x 111) 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, 2007 with low incidence disabilities (35,480) which yields a per pupil entitlement for 2008-2009 of $26.92.

Sparse SELPAs that serve 25 or fewer students with low incidence disabilities had the opportunity to apply for additional funds for low incidence specialized services through an application process. Funds were 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 (form is attached) will be funded utilizing the following timeline and process:

a. Applications, with the required documentation, must be, received, not just postmarked by the Department of Education by 4:00 PM January 9, 2009.
b. Between January 9, and January 23, the completed applications will be reviewed and ranked by a committee of non sparse SELPAs representatives and CDE staff.
c. By February 15, award letters will be sent to the successful applicants

Following is a list of the ten sparse SELPAs who are eligible to apply during 2008-09 for the supplemental grant, based on the December, 2007 Low Incidence Pupil Count:

<table>
<thead>
<tr>
<th>SELPA</th>
<th>PUPIL COUNT</th>
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<tbody>
<tr>
<td>Colusa County</td>
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<td>El Dorado Charter</td>
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<td>Modoc County</td>
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<td>Plumas County</td>
<td>15</td>
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<tr>
<td>Trinity County</td>
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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 each low incidence disability, 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 2008-09 Budget Act, #15. 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 MediCal.

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
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.
2008-2009 GRANT APPLICATION
LOW INCIDENCE SPECIALIZED SERVICES AUGMENTATION FOR SPARSE SELPAs
(Serving 25 students or less)

<table>
<thead>
<tr>
<th>SELPA Name</th>
<th>Address</th>
<th>Contact Person</th>
<th>E-mail</th>
<th>Telephone</th>
<th>FAX</th>
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<tr>
<th>Service Description</th>
<th>Staff FTE</th>
<th>Cost with Benefits</th>
<th># Pupils Served</th>
<th>Low Incidence Disability</th>
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<td><strong>TOTALS</strong></td>
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On a separate attachment, please provide a brief **narrative** that describes the need for the services. Along with the **narrative**, include documentation to support student eligibility as determined by:

Assessment results, that include a statement as to the need for specialized services, pursuant to EC 56320(g), and 56327(h) and IEP documents that confirm the need for the specialized services requested in the application as required in EC 56136. **Submitted documents shall exclude any personally identifiable student information.**

Applications will be ranked on completeness, clarity and documented need. The higher ranked application will receive a higher prorated amount of requested funding.

**Pursuant to EC 56201, please reference the part of your local plan that describes how specialized equipment and services will be distributed within the local plan area that minimizes the necessity to serve pupils in isolated sites, and maximizes the opportunities to serve pupils in the least restrictive environment Local Plan section _ _ _ _ _ page number _ _ _ _ _._**

Is staff currently available to provide the services? Yes _ _ _ _ _ No _ _ _ _ _. If no, please include an explanation with your application, including a projected date as to when the staff will be available.

I certify that the above information is complete and accurate and that the services being requested will be provided by qualified individuals, pursuant to the CCR, Title 5, § 3051.16 & our SELPA is in substantial compliance with IDEA.

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<th>SELPA Administrator</th>
<th>Date</th>
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To be considered complete this application form with narrative and other required information must be received by CDE not later than 4:00 PM, Tuesday, January 9, 2009. Send to:

Linda Wyatt, Ed.D., Consultant  
California Department of Education  
Special Education Division - Low Incidence Program  
1430 N Street Room 2401  
Sacramento, California 95814  
916-322-3254  lwatt@cde.ca.gov
SHASTA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA
Request for Low Incidence Equipment/Materials Reimbursement

<table>
<thead>
<tr>
<th>Payable To:</th>
<th>Fiscal Year:</th>
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<tbody>
<tr>
<td>Student Name:</td>
<td>Date of Birth:</td>
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<tr>
<td>District/Site of Service:</td>
<td>Date Submitted:</td>
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Please check the Low Incidence disabling qualifiers below: (Disability may be primary or secondary on the IEP)

- [ ] Visually Impaired/Blind
- [ ] Severely Orthopedically Impaired
- [ ] Hearing Impaired/Deaf

Please list equipment or materials purchased: Include Vendor’s name(s) and prices, CA Tax, and date paid by district.

<table>
<thead>
<tr>
<th>Equipment/Material</th>
<th>Vendor</th>
<th>Item Price</th>
<th>Shipping/Handling</th>
<th>Tax</th>
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Total Amount of Reimbursement Requested

Please provide a brief description of the student’s needs and how the above items will support Least Restrictive Environment (LRE) and allow the student access to his/her program.

________________________________________________________________________

________________________________________________________________________

The following items must accompany this request to be considered for reimbursement by the committee.

1. Copy of Invoice from vendor indicating receipt and payment
2. Copy of applicable portions of IEP that document disability, need, and goal for use of equipment
3. Copy of supporting documentation (assessment reports, etc.)

District Administrator Approval

District Business Office Approval

For Office Only:   SELPA Committee Approval: ___________________________ Date: ________
                   Date of Board Approval: ___________________________ Date: ________
EQUIPMENT LOAN AGREEMENT

THIS AGREEMENT is entered into by and between the SHASTA COUNTY OFFICE OF EDUCATION ("Office") and ____________________ ("Borrower").

1. **PARENT OR GUARDIAN:** Borrower represents that Borrower is the parent or guardian of special education student,___________________, for whom the Office is currently providing services.

2. **NEED:** In order to assist in the education of the student, Borrower desires to borrow and the Office if willing to loan to Borrower the following described equipment ("Equipment"):  

<table>
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<tr>
<th>Description</th>
<th>Value</th>
<th>Daily Rental</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serial# and Item#</td>
<td>Value</td>
<td>Daily Rental</td>
</tr>
</tbody>
</table>

3. **VALUE:** The parties agree that the value of the equipment is as set forth above.

4. **TERM:** This agreement shall commence when executed by the Office and shall terminate on___________________ at which time the Borrower shall return the equipment to the Office. Borrower shall return the equipment in the same condition it was in when the Office delivered possession thereof to the Borrower.

5. **SOLE PURPOSE:** The sole and only purpose for the loan of the equipment to the Borrower is to benefit the student. The equipment shall be used for educational purposes only. In no event shall the equipment be used for any purpose except for educational purposes directly related to the student. If the provisions of this paragraph are breached and the equipment is used for purposes other than educational purposes to benefit the student, then the Borrower agrees to pay to the Office the daily rental value of the equipment for the each day the equipment was in...
the possession of the Borrower. Said daily rental value of the equipment is agreed to be as set forth above.

6. **DAMAGE OR REPLACEMENT**: In the event Borrower returns the equipment to the Office in damaged condition, then Borrower shall pay, immediately, to the Office, the costs to repair the equipment or if the Office determines that the equipment is irreparable or that the repairs will cost more than the value of the equipment as set forth above, then the Borrower shall pay to the Office, immediately, the full value as set forth above. Repairs needed due to normal “wear and tear” on loaned equipment will be the responsibility of the SELPA.

7. **EARLY TERMINATION**: This agreement may be terminated at any time by either party. The effective date of the termination shall be the date the equipment is returned to the Office. If the Office desires to terminate this Agreement, then it shall so notify the Borrower in writing and the Borrower shall return the equipment within five (5) days after the day the Notice of Termination is mailed from the Office to the Borrower. The Borrower is responsible for keeping the Office apprised of the Borrower’s current mailing address. If the Borrower does not return the equipment within five (5) days of the date the Notice of Termination is mailed to the Borrower, then commencing on the 6th day after the Notice of Termination is mailed, the Borrower shall pay to the Office the daily rental value of the equipment until the equipment is returned. In no event shall the terms of this paragraph be construed to permit the Borrower to retain the equipment for any period of time beyond five (5) days after the Notice of Termination is mailed.

8. **ATTORNEY’S FEES**: Should a legal action be commenced to enforce any of the terms and conditions under this Agreement, the prevailing party in any litigation shall be entitled to recover all costs of suit, including reasonable attorney’s fees.

IN WITNESS WHEREOF, this Agreement shall be deemed effective as of this ______ day of ______________ at ________________________________.

SHASTA COUNTY OFFICE OF EDUCATION

By: ____________________________________________
    Conde Kunzman
    SELPA Director

_______________
Parent’s Signature

Address:________________________________________

______________________________________________

Phone:__________________________________________