



Chapter 13: Low Incidence Funding

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Introduction

California Education Code § 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 pupil 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.

Section A – Legal Requirements

California Education Code § 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 purposes 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.

A student with a low incidence disability is one who is deaf, blind, deaf and blind, or severely orthopedically impaired whether this disability is their primary disability, or a concomitant disability. Students with an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) should have their specialized needs discussed and recorded at their IEP/IFSP meeting. These documented needs are what determine the Local Education Agency’s (LEA) responsibility to secure specialized books, materials, and services. It is the responsibility of the LEA to locate funds to purchase the items documented in the IEP or IFSP. One source is low incidence funds. Even though students, parents, or teachers do not have direct access to these funds, students should have access to specialized equipment, books, and materials necessary for them to benefit from their educational program. Because of the high cost of these specialized books, materials, and equipment, it is necessary to provide additional funding for these programs. This low incidence money is distributed in accordance with the regulations set out in California Education Code § 56836.22.

Low incidence funding is provided for purchasing and coordinating the use of specialized books, materials, and equipment for students with low incidence disabilities. As a condition of receiving low incidence funds, the Desert/Mountain Special Education Local Plan Area (SELPA) ensures that the appropriate books, materials, and equipment are purchased, that the use of the equipment is coordinated as necessary and that the books, materials, and equipment are reassigned once they are no longer needed by the LEA that originally received them.

Section B – How to Request Low Incidence Funding

California Education Code § 59201. The diagnostic centers are a part of the public school system of the state, except that they derive no revenue from the State School Fund. The diagnostic centers provide services, including pupil assessment, consultation, technical assistance, and training, to school districts, county offices of education, and special education local plan areas.

To purchase low incidence equipment using low incidence funds, the LEA must first complete an assistive technology assessment (refer to Appendix A for Assistive Technology Assessment

Referral Process). If the IEP team determines the student has a low incidence disability and that the student requires low incidence equipment, then the LEA must complete the appropriate Low Incidence Pre-Approval/Reimbursement Request form, D/M 86C. This form shall also be completed if the IEP team determines and documents the need for home use of the low incidence equipment.

1. Low Incidence Pre-Approval/Reimbursement Request (D/M 86A): Purchase(s) made by the LEA then reimbursed through low incidence funds

For all low incidence equipment other than mobile computing devices and device applications, complete SELPA form D/M 86A and have the LEA Special Education Director/Coordinator sign the form. Attach a copy of the student's current IEP documenting the student's disability and need of the low incidence equipment, any additional information regarding the equipment to be purchased, a completed purchase order with SELPA form D/M 86A and submit all documents to the SELPA office. After SELPA approval, the LEA will be responsible for purchasing the equipment and ensuring the assigned low incidence equipment inventory tags are properly placed on the equipment. After the LEA has purchased and received the equipment, the LEA may seek reimbursement through low incidence funding by completing section 2 of form D/M 86A and forwarding the request to the SELPA (refer to Section C).

2. Low Incidence Pre-Approval Request for Mobile Computing Device (D/M 86B): Purchase(s) made by the SELPA

LEAs complete SELPA form D/M 86B if the request is specifically for a mobile computing device (i.e., iPad, computer tablet). This form and any additional information regarding the equipment must be sent to the SELPA office for approval. The SELPA will be responsible for purchasing the mobile computing device and device application(s), assigning the low incidence equipment/ID number, downloading the device application(s), and coordinating the delivery and release of the equipment to the LEA.

The LEA is responsible for notifying the student's teacher(s) of their responsibilities for the use of low incidence equipment (refer to Appendix B).

Section C – How to Request Reimbursement

The SELPA reimburses member LEAs for low incidence equipment based on the availability of funds. All purchases of low incidence equipment during a fiscal year (July 1 – June 30) must be submitted by August 30th, following the school year the request was made. Member LEAs shall submit approved requests for reimbursement in the following manner:

1. Complete/submit Section 2 of SELPA Form D/M 86 – Low Incidence Pre-Approval/Reimbursement Request Form; and
2. Submit a copy of the request form with a copy of the purchase order and copy of the vendor's paid invoice to the SELPA Business office.

NOTE: Requests for reimbursement are submitted after the request for purchase has been approved by the SELPA, equipment is purchased, received, and invoiced by the LEA.

APPENDIX A: Assistive Technology Assessment – Low Incidence Referral

Assistive Technology refers to a device or service that can be used as a tool by students with disabilities to achieve or maintain function.

Pre-Referral Procedure – Local Education Agency (LEA) Responsibility

1. Convene an IEP meeting to document the team’s decision to refer the student for an Assistive Technology Assessment.
2. Complete the Assistive Technology Assessment Referral form (D/M 127) and obtain the signatures of the person making the referral and the director of special education.
3. Complete the Assessment Plan form (D/M 66) and obtain the parent/guardian signature.
 - The person making the referral should check the box that corresponds to the type of assessment(s) requested.
 - The parent/guardian should initial each applicable statement listed under the Parental Authorization section.
4. Complete the Authorization for Use and/or Disclosure of Information form (D/M 63) and obtain the parent/guardian signature. Specify the receiving agency’s name, if known. If not, leave the field blank.

Referral Procedures – LEA Responsibility

Forward the following completed documents to the attention of the Coordinator, Transition Services at the SELPA.

- Assistive Technology Assessment Referral form (D/M 127)
- Assessment Plan form (D/M 66)
- Authorization for Use and/or Disclosure of Information form (D/M 63)
- IEP or IEP Addendum dated within one (1) year of the referral for an Assistive Technology Assessment
- Psycho-educational evaluation dated within three (3) years of the referral for an Assistive Technology Assessment
- Any additional supporting information

Timelines for Assessment

Within five (5) business days of receipt of the completed referral packet, the Coordinator, Transition Services at the SELPA will assign the assessment to an independent assessor who will coordinate the assessment through the contact person named on the referral form (D/M 127)

Timelines for Services

Upon completion of the assessment, a report will be sent to the Director of Special Education by either the agency that conducted the assessment or the Coordinator, Transition Services at the SELPA, with a request to schedule an IEP meeting.

The Director of Special Education should reconvene the Individualized Education program (IEP) team to review the report finding and recommendations of the assessment and determine whether or not assistive technology services are warranted.

If the IEP team agrees that services are not needed, it will be documented in the IEP notes.

Appendix B: Teacher Responsibilities for Low Incidence Equipment

The assigned teacher for the student(s) indicated in approved Low Incidence Request form (D/M 86A or 86B) must be notified of their responsibilities for the assigned low incidence item(s) purchased for use by the student. The teacher should be informed that unless the Individualized Education Program (IEP) team agrees there is an educational need for the student to use the equipment at his/her home and form D/M 86C is completed, the student is not allowed to take the item(s) home. The item(s) is solely for the student(s) indicated on the Low Incidence Equipment Request form to meet his/her unique educational needs according to their IEP goals.

Responsibilities:

1. Complete an annual inventory of all low incidence items in the classroom - the Desert/Mountain SELPA will provide the Director of Special Education a list of low incidence items assigned to students in the classroom on an annual basis. The item(s) should have a blue and silver “Property of Desert/Mountain SELPA” numbered ID tag (except for small, untaggable items). If the item does not have an inventory tag, contact the SELPA office at (760) 552-6700.
2. Reassign the equipment to another student in his/her classroom or Local Education Agency (LEA) who qualifies for use of the item(s) purchased and is no longer being utilized to meet the unique educational needs of the assigned student, or return the item(s) to the SELPA and complete Section 3 of form D/M 86B (if mobile computing device, Section 2 of form D/M 86B) for the reassignment or return of the item(s). Forward a copy of the form to the SELPA office.
3. If the student has moved to another site within the LEA and can still benefit from the use of the item(s), forward the item(s) and a copy of the original request form D/M 86A (if mobile computing device, D/M 86B) to the student’s new site/teacher. Inform the Desert/Mountain SELPA by completing Section 3 of D/M 86A (if mobile computing device, complete Section 2 of D/M 86B) and forward a copy to the SELPA office.
4. If the student has moved outside the LEA and the LEA is unable to reassign the item to another low incidence eligible student, the teacher must return the item to the SELPA. Contact (760) 552-6700 to make arrangements for return of the item. Complete Section 3 of D/M 86A (if mobile computing device, Section 2 of D/M 86B) to return the item(s) to the SELPA.
5. If the item(s) was purchased for more than one student as indicated on Section 1 of D/M 86A (if mobile computing device, D/M 86B) and any of the conditions explained in items 3-5 above exist, the item may remain at your site/LEA as long as at least one low incidence eligible student still qualifies for use of the item.
6. Report any lost or broken equipment item(s) to the SELPA in writing to facilitate the replacement or repair of the item(s).

All changes regarding any low incidence equipment/materials must be communicated in writing to the Desert/Mountain SELPA office using Section 1 of the Low Incidence Request Form.

Legal References

California Education Code Sections

- 56026.5; 56836.22

Title 5 California Code of Regulations (CCR)

- 3051.16