CHAPTER 13

LOW INCIDENCE PURCHASING POLICY, PROCEDURES AND GUIDELINES

POLICY

This policy has been developed as part of the SELPA Local Plan to provide a summary of legal and local requirements and guidelines for students with low incidence disabilities.

13.1 SUMMARY OF LEGAL REQUIREMENTS

Funding for the purchase of specialized books, materials and equipment for students meeting the criteria for low incidence funding of specialized services is provided by the State of California. Students must fall within the following categories: hard of hearing, deafness, visual impairment, severe orthopedic impairment, and deaf-blindness.

The use of the equipment will be coordinated as necessary, and the books, materials and equipment will be reassigned to other qualifying SELPAs and local education agencies, within the special education local plan area, once the SELPA or agency, who originally received the books, materials and equipment, no longer requires them.

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.

As a condition of receiving these funds, the responsible SELPAs, or local education agencies shall ensure that the appropriate books, materials and equipment are purchased. The use of the equipment will be coordinated as necessary, and the books, materials and equipment will be reassigned to other qualifying SELPAs and local education agencies, within the SELPA, once the SELPA or agency, who originally received the books, materials and equipment, no longer requires them.

13.3 ELIGIBILITY

Students, with a low incidence disability who are eligible for special education services may also qualify for low incidence equipment. Funds may be used for all students with the Low Incidence disabilities as defined in law, for both primary and secondary eligibilities. Note that an orthopedic impairment must be severe in order to be categorized as a low incidence disability. 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.

13.4 LOW INCIDENCE EQUIPMENT THAT IS ALSO ASSISTIVE TECHNOLOGY

Pursuant to E.C. 56040.3, low incidence equipment that is considered assistive technology may need to be provided to a student outside of school environments and after a student disenrolls from a local educational agency (LEA) and enrolls in a new LEA, including a Charter School. Specifically, low

Revised April 2021
incidence equipment that is also an assistive technology device must be provided outside of school when a student’s IEP team determines a student needs access to that device(s) in the student’s home or other settings in order to receive a free, appropriate public education. Moreover, when a student with such assistive technology LI equipment enrolls in another Local Educational Agency (LEA), including a Charter School, the original LEA is responsible for providing continued access to the device until (1) alternative arrangements for providing the student the device, or comparable device, can be made, or (2) two months from the time the student disenrolled from the original LEA; whichever occurs first.

LOW INCIDENCE PROCEDURES AND 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.

A. Low Incidence Funding 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, equipment, and materials.

   3. Equipment purchased with LI funds is the property of the State of California and is managed by the SELPA.

B. Determining Eligibility and Need

   1. Determine Eligibility: The IEP team determines eligibility with a 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 need 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 following must be written into the IEP:
         • Justification statement that is related to the student’s unique educational needs as identified in the assessment information.
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• Assessment, goals and objectives that are correlated to the justification statement of need.
• Present level that reflects assessment information and need for support.
• How the item will assist the student’s instruction in accordance with the IEP.
• How the item facilitates participation in the classroom.
• Specific projected student outcomes.

C. Complete and Submit the Low Incidence Request:

1. The LEA completes The Low Incidence Requisition Form. The LEA Special Education Director or the Administrator must sign the request form. Include accurate ordering information including tax and shipping.
   a. The IEP At A Glance form with LI disability designated as primary or secondary and that also includes a goal incorporating LI equipment being requested.
   b. The IEP Parent Consent form or the IEP Amendment(s)/Addendum form that documents consent by parents for the student’s use of the Low Incidence materials or equipment
2. The Low Incidence Requisition form and IEP At A Glance form with Parent Consent form or the IEP Amendment(s)/Addendum form are sent to the respective district Director of Special Education for approval. After district approval, the Low Incidence Requisition form is forwarded to the SELPA Director for further processing, preparation of a purchase order, obtaining additional approvals as necessary, placing the order, etc.

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

E. Approval/Denial

1. Upon receipt of Low Incidence purchase request, the South East SELPA office will take no more than five working days to log, review, and notify the district of the outcome. Denied requests may be appealed by completing and submitting the Request for Low Incidence Review Team Analysis Form. The SE SELPA Director will consider information presented and will make the final determination and/or recommendations.

F. Purchasing, Tracking and Delivery of Equipment

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1. Once LI request is approved, the SE SELPA office will:
   a. initiate the ordering process by submitting a purchase order requisition to the Purchasing Department of the Mt. Pleasant Elementary School District
   b. notify the LEA when the LI equipment arrives
   c. record an inventory log on the purchase order used to acquire the LI equipment
   d. deliver LI equipment to LEA within five business days upon receipt from the vendor unless arrangements for pick up by LEA have been made
   e. inform the LEA if there is a delay in shipping from the vendor of more than four weeks

G. Reimbursement:
If an LEA needs to purchase LI equipment immediately, the LEA must submit the following documents:
   ● A memo to the SE SELPA Director indicating the reason for the need to purchase, the equipment to be purchased, and the amount of item.
   ● A copy of the student’s IEP, including specialist reports and a quote from a vendor.
   ● A copy of paid invoice or other verification of payment.
   ● A request for reimbursement for low incidence form.

The SELPA Director will consider the request on its own merit. The fact that it was already purchased will have no bearing on the approval or denial of the request. It is important that all documentation is included with the request, including reimbursement form. The SE SELPA Director will make the final approval of reimbursement during the current school year as long as LI funds are available.

H. Student Movement

a. Inter-District Transfers
   When a student is on an inter-district transfer and is in need of low incidence, equipment, material or services, the district of residence will pay for the equipment out of its Low Incidence Funds.

b. When Student Moves to another District
   EC 56836.22 (e) states that “it is the intent of the legislature that SELPAs share unused equipment, books and materials with neighboring SELPAs… “If the book, materials and equipment are still needed by other students with low incidence disabilities in the 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. Special rules apply if the LI equipment is an assistive technology device(s), as referenced below.

Revised April 2021
c. When a Student Graduates
   Pursuant to E.C. 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/she is no longer eligible to receive special education and related services. Therefore, districts CANNOT give the books, materials and equipment to the student. This would be a gift of public funds. Districts cannot sell the equipment to parents/students.

I. Equipment
   1. Lost, stolen, or vandalized 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 SE 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. The LEA must submit a Transfer of Low Incidence Equipment/Materials form to the SE SELPA.
   3. If IEP teams want to consider a trial basis on a piece of equipment, this may be accomplished through a lease agreement with the vendor prior to purchase.

J. Low Incidence Equipment Set-Up
   1. The responsibility for the set up of LI equipment shall be negotiated between the LEA and SELPA office.
   2. Incidental required to activate the LI equipment, such as plugs, power strips, power surge protectors, extension cords, ink for printers, shall be purchased by the LEA.
   3. Continued technical assistance shall be provided either by LEA staff, contracted IT, or SELPA staff based on the circumstances.

K. Low Incidence Repair Other than FM System
   1. The LEA is responsible for the repair if equipment breaks on a school site.
   2. The SE SELPA will pay up to $300.00 for repair of defective equipment.
   3. Parents are responsible for repair for equipment that breaks at home due to negligence.

L. FM Systems
   1. The SE SELPA will cover up to $200 of the full cost of repair for each part. The SE SELPA will not cover service agreements of FM systems purchased through LI.
   2. The LEA is responsible for the full cost of repair due to negligence and/or inappropriate use of the FM system at a school site.

Revised April 2021
3. If a unit breaks down on multiple occasions (3), a decision will be made after consultation with the company as to the manner in which the cost of the equipment will be addressed such as cost share between SE SELPA & the LEA.

4. The SE SELPA will purchase the first set of batteries for the FM system, which comes with the unit. The LEA will be responsible for battery replacement thereafter.

M. Home Use of Low Incidence Equipment
    In some cases Low Incidence Equipment may need to be used in the home for the student to receive FAPE. If equipment will be used in the home it is important to complete the Home Use of Low Incidence Equipment form.

APPENDIX

APPENDIX A: LOW INCIDENCE EQUIPMENT PROPERTY LOAN GUIDELINES
APPENDIX B: HOME USE OF LOW INCIDENCE EQUIPMENT
APPENDIX C: LI EQUIPMENT/MATERIAL REQUISITION FORM
APPENDIX D: RECONSIDERATION/APPEAL REQUEST FORM
APPENDIX E: RETURN/TRANSFER OF LI EQUIPMENT/MATERIALS
APPENDIX F: SOUTH EAST CONSORTIUM SELPA LOW INCIDENCE DISABILITIES GUIDELINES

Revised April 2021