

Low Incidence Disability - Updated 8/14/2020

Low Incidence Disability is defined as a severe disabling condition with an expected incidence rate of less than one percent of total statewide enrollment in special education. Ed code sections relevant to Low Incidence funding and accountability are listed below.

Low Incidence Disabilities include:

- Hard of Hearing (HH)
- Deafness (DEAF)
- Visual Impairment (VI)
- Orthopedic Impairment (OI)
- Deaf-Blindness (DB)

Low Incidence (LI) funds are for use on behalf of students certified as having an LI **primary or secondary disability** through the assessment and IEP process. The funds are provided to each SELPA by CDE and are listed with other special education entitlements on the Funding Exhibits. The allocation of LI funds to the SELPA is based on the prior year CALPADS Census submission in the categories listed above.

<i>Code</i>	<i>Disability Category</i>
220	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.
230	Deafness (DEAF): Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. Hearing Impairment (HI): Hearing Impairment is a federal category of disability, which includes both hard of hearing and deaf individuals as defined above. (34 CFR §300.7(c)(3))
250	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))
270	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). (34CFR §300.7(b) and 300.7(c)(8))
300	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))

*If you have a student with Multiple Disabilities and one eligibility is a Low Incidence disability then make sure to list the Low Incidence disability as Secondary Disability in order to generate funds.

Low Incidence funds are for **materials and/or services** for students with an LI disability. The requirement to track equipment has changed, but it is recommended that LEAs consider a tracking and monitoring system for equipment purchased with these funds. The LEA or SELPA may consider the following ([CDE, 2014](#)) when purchasing materials and/or funding services through LI Funding. The materials and services should be:

- Required for the student to meet IEP goals and objectives;
- Required for the student to access general education;
- Specialized as it relates to a need or the needs of the LI disability;
- Identified in a comprehensive evaluation completed by credentialed staff or a provider and who is knowledgeable of the LI disability area(s).

There are currently no specific tracking or documentation of expenditure of funds, but please ensure that students have an appropriate eligibility category and appropriate services on their IEPs. LEAs may wish to consider utilizing Function Codes in SACS software for services or personnel in order to have internal documentation of

expenditures, as the Annual Budget Plan does ask for Low Incidence expenditure estimates for each year.

Service Codes

The IEP team determines the services for the student. A student must have a service code identified in their IEP that is appropriate to the service that is being provided. A student with a specified LI disability typically has one or more of the following as noted below, all of which are allowable services to be funded with LI funds:

<i>Code</i>	<i>Service Description</i>
610	Specialized Services for LI Disabilities: LI services are defined as those provided to the student population of orthopedically impaired (OI), visually impaired (VI), deaf, hard of hearing (HH), or deaf-blind (DB). Typically, services are provided in education settings by an itinerant teacher or an itinerant teacher/specialist. Consultation is provided to the teacher, staff and parents as needed. These services must be clearly written in the student's IEP, including frequency and duration of the services to the student. (CCR Title 5 §3051.16 & 3051.18)
710	Specialized Deaf and Hard of Hearing Services: These services include speech therapy, speech reading, auditory training and/or instruction in the student's mode of communication. Rehabilitative and educational services; adapting curricula, methods, and the learning environment; and special consultation to students, parents, teachers, and other school personnel may also be included. (CCR Title 5 §3051.16 and 3051.18)
715	Interpreter Services: Sign language interpretation of spoken language to individuals, whose communication is normally sign language, by a qualified sign language interpreter. This includes conveying information through the sign system of the student or consumer and tutoring students regarding class content through the sign system of the student. (CCR Title 5, §3051.16)
720	Audiological Services: These services include measurements of acuity, monitoring amplification, and frequency modulation system use. Consultation services with teachers, parents or speech pathologists must be identified in the IEP as to reason, frequency and duration of contact; infrequent contact is considered assistance and would not be included. (CCR Title 5 §3051.2)
725	Specialized Vision Services: This is a broad category of services provided to students with visual impairments. It includes assessment of functional vision; curriculum modifications necessary to meet the student's educational needs, including Braille, large type, and aural media; instruction in areas of need; concept development and academic skills; communication skills (including alternative modes of reading and writing); social, emotional, career, vocational, and independent living skills. It may include coordination of other personnel providing services to the students (such as transcribers, readers, counselors, orientation and mobility specialists, career/vocational staff, and others) and collaboration with the student's classroom teacher. (CAC Title 5 §3030(d), EC 56364.1)
730	Orientation and Mobility: Students with identified visual impairments are trained in body awareness and to understand how to move. Students are trained to develop skills to enable them to travel safely and independently around the school and in the community. It may include consultation services to parents regarding their children requiring such services according to an IEP.
735	Braille Transcription: Any transcription services to convert materials from print to Braille. It may include textbooks, tests, worksheets, or anything necessary for instruction. The transcriber should be qualified in English Braille as well as Nemeth Code (mathematics) and be certified by appropriate agency.
740	Specialized Orthopedic Services: Specially designed instruction related to the unique needs of students with orthopedic disabilities, including specialized materials and equipment. (CAC Title 5, §3030(e) & 3051.16)
745	Reader Services
750	Note Taking Services: Any specialized assistance given to the student for the purpose of taking notes when the student is unable to do so independently. This may include, but is not limited to, copies of notes taken by another student, transcription of tape-recorded information from a class, or aide designated to take notes. This does not include instruction in the process of learning how to take notes.

Transcription Services: Any transcription service to convert materials from print to a mode of communication suitable for the student. This may also include dictation services as it may pertain to textbooks, tests, worksheets, or anything necessary for instruction.

Reference Education Code

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."

EC §56136 requires that: 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 §56206 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."

EC §56363(b)(16) states the Related Services "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 § 56364.1 Notwithstanding the provisions of Section 56364.2, pupils with LI disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites. The instruction shall be provided in a manner which is consistent with the guidelines adopted pursuant to Section 56136 and in accordance with the individualized education program.

EC § 56836.04.

(a) The Superintendent continuously shall monitor and review all special education programs approved under this part to ensure that all funds appropriated to special education local plan areas under this part are expended for the purposes intended.

(b) Funds apportioned to special education local plan areas pursuant to this chapter are to assist local educational agencies to provide special education and related services to individuals with exceptional needs and shall be expended exclusively for programs operated under this part.

(Amended by Stats. 2007, Ch. 56, Sec. 91. Effective January 1, 2008.)

Notwithstanding the provisions of subparagraphs (A) through (F), a State may use funds reserved pursuant to this paragraph for implementing a placement neutral cost sharing and reimbursement program of high need, LI, catastrophic, or extraordinary aid to local educational agencies that provides services to high need students based on eligibility criteria for such programs that were created not later than January 1, 2004, and are currently in operation, if such program serves children that meet the requirement of the definition of a high need child with a disability as described in subparagraph (C)(ii)(I).