

## **Low Incidence Funding – 2020 Update**

Funding for low incidence disabilities has been provided to special education as part of Assembly Bill (AB) 602. Historically, the fund was generated based on eligible pupil counts within each Special Education Local Plan Area (SELPA) to support the needs for specialized equipment and materials that eligible students with low incidence disabilities may require. Specialized services were also allowable expenditures, although the funds were allocated and tracked separately. The amount generated per eligible pupil with a low incidence disability prior to 2020 was approximately \$450 per year, which was insufficient to account for most material or equipment needs individually but could offset a small part of the needed procurements.

The Enacted Budget of 2020 included a substantial increase of \$100 million in on-going dollars allocated under the AB 602 funding formula for pupils with low incidence disabilities. Before this funding enhancement, there were adjustments to low incidence funds to enhance flexibility, including removal of separate revenue and expenditure tracking for materials, equipment, and services. Low incidence funding flows to the SELPA based on prior year Census Day pupil count of those students eligible with a low incidence disability. SELPAs must then determine a local allocation methodology, which may range from flowing funds directly to the local educational agency (LEA) where the students who generated the funding are enrolled, to pooling funds to serve regional purposes for services or equipment and materials purchases.

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. Education code relevant to low incidence funding and accountability are listed below.

Low incidence disabilities include:

- Hard of Hearing
- Deafness
- Visual Impairment
- Orthopedic Impairment
- Deaf-Blindness

There are no mandated accounting requirements to track the expenditures made with low incidence funds, as the funds arrive as part of the AB 602 principal apportionment monthly payments and are coded as Resource 6500, for the purpose of special education services. However, there are education code requirements for the SELPA to report on the Annual Budget Plan the amount of these funds expended to benefit the services and support to students with low incidence needs in the general education environment. For this reason, LEAs may utilize local coding or tracking methods to ensure the SELPA has sufficient information to accurately report expenditures on behalf of students with low incidence disabilities. The following chart shows the eligibility codes for low incidence needs in special education data systems and California Longitudinal Pupil Achievement Data System.

<i>Code</i>	<i>Disability Category</i>
220	<b>Hard of Hearing (HH):</b> 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	<b>Deafness (DEAF):</b> 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. <b>Hearing Impairment (HI):</b> Hearing Impairment is a federal category of disability, which includes both hard of hearing and deaf individuals as defined above. ( <a href="#">34 CFR §300.7(c)(3)</a> )
250	<b>Visual Impairment (VI):</b> 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. ( <a href="#">34 CFR §300.7(c)(13)</a> )
270	<b>Orthopedic Impairment (OI):</b> 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). ( <a href="#">34CFR §300.7(b) and 300.7(c)(8)</a> )
300	<b>Deaf-Blindness (DB):</b> 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. ( <a href="#">34 CFR §300.7(c)(2)</a> )

\*NOTE: A student with Multiple Disabilities with at least one low incidence disability should have the low incidence disability as secondary disability to generate funds.

Low incidence funds are for services and/or equipment and materials for students with an eligible disability. The requirement to track equipment by the SELPA has changed, but it is recommended that LEAs track and monitor equipment purchased using the LEA asset tagging procedures when appropriate. The LEA or SELPA may consider previous guidance from 2014 ([CDE, 2014](#)) when funding services and/or purchasing materials with low incidence funding, but should note that some information may be outdated or changed. These guidelines stated 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 low incidence disability
- Identified in a comprehensive evaluation completed by credentialed staff or a provider and who is knowledgeable of the low incidence disability area(s)

Tracking or documentation of expenditure of low incidence funds can be achieved by utilizing Function Codes, including the use of locally defined codes to track at the level of

service or service provider type. LEAs should ensure students have an appropriate eligibility category and appropriate services on their IEPs. LEAs are allowed to utilize locally defined Function Codes for services or personnel to have internal documentation of expenditures, as the Annual Budget Plan asks for low incidence expenditure estimates each year. Special education service codes could inform the development of local tracking codes, or LEAs could choose to use optional function codes available.

### Service Codes

The special education team determines the services for the student. A student must have a service code(s) identified on their special education documents that is appropriate to the service that is being provided. A student with a specified low incidence disability typically has one or more of the following as noted below, all of which are allowable services to be funded with low incidence funds:

<i>Code</i>	<i>Service Description</i>
610	<p><b>Specialized Services for low incidence disabilities:</b> Low incidence services are defined as those provided to the student population of OI, VI, deaf, HH, or 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 &amp; 3051.18)</p>
710	<p><b>Specialized Deaf and HH Services:</b> 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)</p>
715	<p><b>Interpreter Services:</b> 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)</p>
720	<p><b>Audiological Services:</b> 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)</p>
725	<p><b>Specialized Vision Services:</b> This is a broad category of services provided to students with VI. 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</p>

	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	<b>Orientation and Mobility:</b> Students with identified Vis 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	<b>Braille Transcription:</b> 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	<b>Specialized Orthopedic Services:</b> 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	<b>Reader Services</b>
750	<b>Note Taking Services:</b> 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.
755	<b>Transcription Services:</b> 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).