

## California Rules and Regulations Related to Low Incidence Handicaps

### *Meeting the Needs of Low Incidence Students*

30 EC 5600.5

(a) The Legislature finds and declares that:

- (1) Pupils with low incidence disabilities, as a group, make up less than 1 percent of the total statewide enrollment for kindergarten through grade 12.
- (2) Pupils with low incidence disabilities require highly specialized services, equipment, and materials.

### *Qualified Staff*

30 EC 56001. It is the intent of the Legislature that special education programs provide all of the following:

- (n) Appropriate qualified staff are employed, consistent with credentialing requirements, to fulfill the responsibilities of the local plan and positive efforts are made to employ qualified disabled individuals.

### *Definition of Low Incidence Disability*

30 EC 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.

### *Special Education Program Options*

30 EC 56031. . . . Special education provides a full continuum of program options to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment.

### *Guidelines, Technical Assistance, and Monitoring*

30 EC 56136. The superintendent shall 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, and planning of, and the provision of, specialized services to pupils with low incidence disabilities. The superintendent shall consider the guidelines when monitoring programs serving pupils with low incidence disabilities pursuant to Section 56825. The adopted guidelines shall be promulgated for the purpose of establishing recommended guidelines and shall not operate to impose minimum state requirements.

### *Directories of Public and Private Agencies*

30 EC 56137. The superintendent shall develop, update every other year, and disseminate directories of public and private agencies providing services to pupils with low incidence disabilities. The directories shall be made available as reference directories to parents, teachers, and administrators. The directories shall include, but need not be limited to, the following information:

- (a) A description of each agency providing services and program options within each disability area.
- (b) The specialized services and program options provided, including infant and preschool programs.
- (c) The number of credentialed and certificated staff providing specialized services.
- (d) The names, addresses, and telephone numbers of agency administrators or other individuals responsible for the programs.

*Compliance Assurances/Description and Services*

30 EC 56200. Each local plan submitted to the superintendent under this part shall contain all the following:

- (a) Compliance assurances, including general compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and this part.
- (b) A description of services to be provided by each district and county office. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

*Local Plan Agreements*

30 EC 56220. In addition to the provisions required to be included in the local plan pursuant to Section 56200, each special education local plan area that submits a local plan pursuant to subdivision (b) of Section 56170 and each county office that submits a local plan pursuant to subdivision (c) of Section 56170 shall develop written agreements to be entered into by entities participating in the plan. The agreements need not be submitted to the superintendent. These agreements shall include, but not be limited to, the following:

- (a) A coordinated identification, referral, and placement system pursuant to Chapter 4 (commencing with Section 56300).
- (b) Procedural safeguards pursuant to Chapter 5 (commencing with Section 56500).
- (c) Regionalized services to local programs, including, but not limited to, all the following:
  - (1) Program specialist service pursuant to Section 56368.
  - (2) Personnel development, including training for staff, parents, and members of the community advisory committee pursuant to Article 3 (commencing with Section 56240).
  - (3) Evaluation pursuant to Chapter 6 (commencing with Section 56600).
  - (4) Data collection and development of management information systems.
  - (5) Curriculum development.
  - (6) Provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.
- (d) A description of the process for coordinating services with other local public agencies that are funded to serve individuals with exceptional needs.
- (e) A description of the process for coordinating and providing services to individuals with exceptional needs placed in public hospitals, proprietary hospitals, and other residential medical facilities pursuant to Article 5.5 (commencing with Section 56167) of Chapter 2.

- (f) A description of the process for coordinating and providing services to individuals with exceptional needs placed in licensed children's institutions and foster family homes pursuant to Article 5 (commencing with Section 56155) of Chapter 2.
- (g) A description of the process for coordinating and providing services to individuals with exceptional needs placed in juvenile court schools or county community schools pursuant to Section 56150.

30 EC 56221

- (a) Each entity providing special education under this part shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to subdivision (b) or (c) of Section 56170, or Section 56220. The policies need not be submitted to the superintendent.
- (b) Such policies shall include, but not be limited to, all of the following:
  - (5) Transportation, where appropriate, which describes how special education transportation is coordinated with regular home-to-school transportation. The policy shall set forth criteria for meeting the transportation needs of special education pupils.

*Staff Development*

30 EC 56240. Staff development programs shall be provided for regular and special education teachers, administrators, certificated and classified employees, volunteers, community advisory committee members and, as appropriate, members of the district and county governing boards. The programs shall be coordinated with other staff development programs in the district, special education local plan area, or county office, including school level staff development programs authorized by state and federal law.

*Identification and Referral*

30 EC 56300. Each district, special education local plan area, or county office shall actively and systematically seek out all individuals with exceptional needs, ages 0 through 21 years, including children not enrolled in public school programs, who reside in the district or are under the jurisdiction of a special education local plan area or a county office.

56301. Each district, special education local plan area, or county office shall establish written policies and procedures for a continuous child-find system which addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs.

56302. Each district, special education local plan area, or county office shall provide for the identification and assessment of an individual's exceptional needs, and the planning of an instructional program to best meet the assessed needs. Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Identification procedures shall be coordinated with school site procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program.

30 EC 56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

### *Educational Needs; Requirements*

30 EC 56320. Before any action is taken with respect to the initial placement of an individual with exceptional needs in special education instruction, an individual assessment of the pupil's educational needs shall be conducted, by qualified persons, in accordance with requirements including, but not limited to, all the following:

- (a) Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory.
- (b) Tests and other assessment materials meet all the following requirements:
  - (1) Are provided and administered in the pupil's primary language or other mode of communication, unless the assessment plan indicates reasons why this provision and administration are not clearly feasible.
  - (2) Have been validated for the specific purpose for which they are used.
  - (3) Are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.
- (c) Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
- (d) Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.
- (e) No single procedure is used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs.
- (f) The pupil is assessed in all areas related to the suspected disability including, where appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general ability, academic performance, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136.

### *Persons Conducting the Assessment*

30 EC 56320.

- (g) 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 Section 56136.

*Assessment Results; Report*

30 EC 56327. 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:

- (a) Whether the pupil may need special education and related services.
- (b) The basis for making the determination.
- (c) The relevant behavior noted during the observation of the pupil in an appropriate setting.
- (d) The relationship of that behavior to the pupil's academic and social functioning.
- (e) The educationally relevant health and development, and medical findings, if any.
- (f) For pupils with learning disabilities whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
- (g) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
- (h) The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

*Individualized Education Program*

30 EC 56345.

- (a) When appropriate, the individualized education program shall also include, but not be limited to, . . .
  - (1) For pupils with low incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to Section 56136.

*Designated Instruction and Services*

30 EC 56363

- (a) Designated instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. The instruction and services shall be provided by the regular class teacher, the special class teacher, or the resource specialist if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate designated instruction and services specialist shall provide such instruction and services. Designated instruction and services shall meet standards adopted by the board.
- (b) These services may include, but are not limited to, the following:
  - (1) Language and speech development and remediation.
  - (2) Audiological services.
  - (3) Orientation and mobility instruction.
  - (4) Instruction in the home or hospital.
  - (5) Adapted physical education.
  - (6) Physical and occupational therapy.
  - (7) Vision services.
  - (8) Specialized driver training instruction.
  - (9) Counseling and guidance.

- (10) Psychological services other than assessment and development of the individualized education program.
- (11) Parent counseling and training.
- (12) Health and nursing services.
- (13) Social worker services.
- (14) Specially designed vocational education and career development.
- (15) Recreation services.
- (16) Specialized services for low incidence disabilities, such as readers, transcribers, and vision and hearing services.

#### *Integrated Special Classes/Instruction*

30 EC 56364.1 Notwithstanding the provisions of Section 56364, pupils with low incidence 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.

#### *Funding Specialized Books, Materials, and Equipment*

30 EC 56739.

- (a) When allocating funds received for special education pursuant to this article, it is the intent of the Legislature that, to the extent funding is available, school districts and county offices shall give first priority to expenditures to provide specialized books, materials, and equipment which are necessary and appropriate for the individualized education programs of pupils with low incidence disabilities, up to a maximum of five hundred dollars (\$500) per pupil with low incidence disability. Nothing in this subdivision shall be construed to prohibit pooling the prioritized funds to purchase equipment to be shared by several pupils.
- (b) Equipment purchased pursuant to this section shall include, but not necessarily be limited to, nonprescriptive equipment, sensory aids, and other equipment and materials as appropriate.

#### *Low Incidence Funding*

30 EC 56771

- (a) Commencing with the 1985-86 fiscal year, and for each fiscal year thereafter, funds to support specialized books, materials, and equipment 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 pupils 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 responsible local agency in the special education local plan area for purposes of purchasing and coordinating the use of specialized books, materials, and equipment.

- (d) As a condition of receiving these funds, the responsible local agency shall ensure 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 to local educational agencies within the special education local plan area once the agency that originally received the books, materials, and equipment no longer needs them.
- (e) It is the intent of the Legislature that special education local plan areas share unused specialized books, materials, and equipment with neighboring special education local plan areas.

*Eligibility Criteria*

5 CCR 3030. A pupil shall qualify as an individual with exceptional needs, pursuant to Section 56026 of the Education Code, if the results of the assessment as required by Section 56320 demonstrate that the degree of the pupil's impairment as described in Section **3030** (a through j) requires special education in one or more of the program options authorized by Section 56361 of the Education Code. The decision as to whether or not the assessment results demonstrate that the degree of the pupil's impairment requires special education shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d) of the Education Code. The individualized education program team shall take into account all the relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the pupil's eligibility for special education. The specific processes and procedures for implementation of these criteria shall be developed by each special education local plan area and be included in the local plan pursuant to Section 56220(a) of the Education Code.

- (a) A pupil has a hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.
- (b) A pupil has concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.
- (c) A pupil has a language or speech disorder as defined in Section 56333 of the Education Code, and it is determined that the pupil's disorder meets one or more of the following criteria:
  - (1) Articulation disorder.
    - (A) The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.
    - (B) A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.
  - (2) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

- (3) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.
- (4) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:
  - (A) The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
  - (B) The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.
- (d) A pupil has a visual impairment which, even with correction, adversely affects a pupil's educational performance.
- (e) A pupil has a severe orthopedic impairment which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.
- (f) A pupil has limited strength, vitality or alertness, due to chronic or acute health problems, including but not limited to a heart condition, cancer, leukemia, rheumatic fever, chronic kidney disease, cystic fibrosis, severe asthma, epilepsy, lead poisoning, diabetes, tuberculosis and other communicable infectious diseases, and hematological disorders such as sickle cell anemia and hemophilia which adversely affects a pupil's educational performance. In accordance with Section 56026(e) of the Education Code, such physical disabilities shall not be temporary in nature as defined by Section 3001(v).
- (g) A pupil exhibits any combination of the following autistic-like behaviors, to include but not limited to:
  - (1) An inability to use oral language for appropriate communication.
  - (2) A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
  - (3) An obsession to maintain sameness.
  - (4) Extreme preoccupation with objects or inappropriate use of objects or both.
  - (5) Extreme resistance to controls.
  - (6) Displays peculiar motoric mannerisms and motility patterns.



- (7) Self-stimulating, ritualistic behavior.
- (h) A pupil has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a pupil's educational performance.
- (i) Because of a serious emotional disturbance, a pupil exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect educational performance:
- (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors.
  - (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
  - (3) Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.
  - (4) A general pervasive mood of unhappiness or depression.
  - (5) A tendency to develop physical symptoms or fears associated with personal or school problems.
- (j) A pupil has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas specified in Section 56337(a) of the Education Code. For the purpose of Section 3030(j):
- (1) Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.
  - (2) Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.
  - (3) The level of achievement includes the pupil's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.
  - (4) The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d), which takes into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the individualized education program team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the individualized education program team shall use the following procedures:
    - (A) When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds

this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

- (B) When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
- (C) If the standardized tests do not reveal a severe discrepancy as defined in subparagraphs (A) or (B) above, the individualized education program team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
  - 1. Data obtained from standardized assessment instruments;
  - 2. Information provided by the parent;
  - 3. Information provided by the pupil's present teacher;
  - 4. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
  - 5. Consideration of the pupil's age, particularly for young children; and
  - 6. Any additional relevant information.
- (5) The discrepancy shall not be primarily the result of limited school experience or poor school attendance.

[Authority cited: Statutes of 1981, Chapter 1094, Section 25(a); and Section 56100(a), (g), (i), Education Code] [Reference: 20 U.S.C. 1401(a)(15) and 1412(5); 34 CFR 300.5(b)(7) and (9), 300.532(a) (2), (d) and (e), 300.533, 300.540, 300.541-43; and Sections 56026, 56320, 56333, and 56337, Education Code]

## *Deaf/Hearing Impaired*

### *Referral for Further Assessment and Recommendations*

30 EC 56326. A pupil may be referred, as appropriate, for further assessment and recommendations to the California Schools for the Deaf or Blind or the Diagnostic Centers.

### *Purpose of School for the Deaf*

32 EC 59001. The California School for the Deaf is part of the public school system of the state except that it derives no revenue from the State School Fund, and has for its object the education of the deaf who, because of their severe hearing loss and educational needs, cannot be provided an appropriate educational program and related services in the regular public schools.

### *Testing Center; Schools for the Deaf*

32 EC 59042. The Superintendent of Public Instruction may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard-of-hearing minors. It shall be the purpose of this center to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child.

## *Blind/Vision Impaired*

### *Teacher Qualifications*

30 EC Section 44265.5

- (a) Pupils who are visually impaired, as defined in Section 56350, shall be taught by teachers whose professional preparation and credential authorization are specific to that disabling condition.

### *Pupils With Low-Incidence Disabilities; Hearing Impaired Children; Legislative Findings and Declarations*

30 EC 56000.5.

- (a) The Legislature finds and declares that:
  - (1) Pupils with low-incidence disabilities, as a group, make up less than 1 percent of the total statewide enrollment for kindergarten through grade 12.
  - (2) Pupils with low-incidence disabilities require highly specialized services, equipment, and materials.
- (b) The Legislature further finds and declares that:
  - (1) Deafness involves the most basic of human needs--the ability to communicate with other human beings. Many hard-of-hearing and deaf children use an appropriate communication mode, sign language, which may be their primary language, while others express and receive language orally and aurally, with or without visual signs or cues. Still others, typically young hard-of-hearing and deaf children, lack any significant language skills. It is essential for the well-being and growth of hard-of-hearing and deaf children that educational programs recognize the unique nature of deafness and ensure that all hard-of-hearing and deaf children have appropriate, ongoing, and fully accessible educational opportunities.
  - (2) It is essential that hard-of-hearing and deaf children, like all children, have an education in which their unique communication mode is respected, utilized, and developed to an appropriate level of proficiency.
  - (3) It is essential that hard-of-hearing and deaf children have an education in which special education teachers, psychologists, speech therapists, assessors, administrators, and other special education personnel understand the unique nature of deafness and are specifically trained to work with hard-of-hearing and deaf pupils. It is essential that hard-of-hearing and deaf children have an education in which their special education teachers are proficient in the primary language mode of those children.
  - (4) It is essential that hard-of-hearing and deaf children, like all children, have an education with a sufficient number of language mode peers with whom they can communicate directly and who are of the same, or approximately the same, age and ability level.
  - (5) It is essential that hard-of-hearing and deaf children have an education in which their parents and, where appropriate, hard-of-hearing and deaf people are involved in determining the extent, content, and purpose of programs.
  - (6) Hard-of-hearing and deaf children would benefit from an education in which they are exposed to hard-of-hearing and deaf role models.
  - (7) It is essential that hard-of-hearing and deaf children, like all children, have programs in which they have direct and appropriate access to all components of the educational

- process, including, but not limited to, recess, lunch, and extracurricular social and athletic activities.
- (8) It is essential that hard-of-hearing and deaf children, like all children, have programs in which their unique vocational needs are provided for, including appropriate research, curricula, programs, staff, and outreach.
  - (9) Each hard-of-hearing and deaf child should have a determination of the least restrictive educational environment that takes into consideration these legislative findings and declarations.
  - (10) Given their unique communication needs, hard-of-hearing and deaf children would benefit from the development and implementation of regional programs for children with low-incidence disabilities.

*Assessment/Low Vision Assessment*

30 EC 56320.

- (b) The pupil is assessed in all areas related to the suspected disability, including, where appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general ability, academic performance, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136.

*Referral for Further Assessment and Recommendations*

30 EC 56326. A pupil may be referred, as appropriate, for further assessment and recommendations to the California Schools for the Deaf or Blind or the Diagnostic Centers.

*Visual Perceptual/Visual Motor Dysfunction*

30 EC 56338. As used in Section 56337, "specific learning disability" includes, but is not limited to, disability within the function of vision which results in visual perceptual or visual motor dysfunction.

*Definitions; Visually Impaired Pupils*

30 EC 56350. Unless the context otherwise requires, the definitions set forth in this section shall govern the construction of this article.

- (a) A "functionally blind pupil" means a pupil who relies basically on senses other than vision as major channels for learning.
- (b) A "pupil with low vision" means a pupil who uses vision as a channel for learning, but who may also benefit from instruction in braille.
- (c) A "visually impaired pupil" means a pupil who is functionally blind or a pupil with low vision. For purposes of this article, a "visually impaired pupil" does not include a pupil who is eligible for special education and related services based on a specific learning disability identified pursuant to Section 56338.
- (d) "Braille" means the system of reading and writing through touch commonly known as "Standard English Braille, American Edition."

### *Braille Instruction*

30 EC 56351. School districts, special education local plan areas, or county offices of education shall provide opportunities for braille instruction for pupils who, due to a prognosis of visual deterioration, may be expected to have a need for braille as a reading medium.

### *Determining the Appropriate Reading Medium or Media*

30 EC 56352.

- (a) A functional vision assessment conducted pursuant to Section 56320 shall be used as one criterion in determining the appropriate reading medium or media for the pupil.
- (b) An assessment of braille skills shall be required for functionally blind pupils who have the ability to read in accordance with guidelines established pursuant to Section 56136.
- (c) Braille instruction shall be provided by a teacher credentialed to teach pupils who are visually impaired.
- (d) The determination, by a pupil's individualized education program team, of the most appropriate medium or media, including braille, for visually impaired pupils shall be in accordance with guidelines established pursuant to Section 56136.
- (e) Each visually impaired pupil shall be provided with the opportunity to receive an assessment to determine the appropriate reading medium or media, including braille instruction, if appropriate, for that pupil.

30 EC 56360. Each district, special education local plan area, or county office shall ensure that a continuum of program options is available to meet the needs of individuals with exceptional needs for special education and related services.

### *Special Supplies and Equipment*

30 EC 56822. Sound recordings, large print, braille, and other specialized technology, media, or materials 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.

### *Purpose of School for the Blind*

32 EC 59101. The California School for the Blind is a part of the public school system of the state except that it derives no revenue from the State School Fund, and has for its object the education of visually impaired, blind, and deaf-blind pupils who, because of their severe sensory loss and educational needs, cannot be provided an appropriate educational needs, cannot be provided an appropriate educational program and related services in the regular public schools.

### *Vision Services*

5 CCR 3051.7.

- (b) Vision services shall be provided by a credentialed teacher of the visually handicapped and may include:
  - (1) Adaptations in curriculum, media, and the environment, as well as instruction in special skills.
  - (2) Consultative services to pupils, parents, teachers, and other school personnel.

- (b) An assessment of and provision for services to visually impaired pupils may be conducted by an eye specialist who has training and expertise in low vision disabilities and has available the appropriate low vision aids for the purposes of assessment. The eye specialist may provide consultation to the pupil, parents, teacher and other school personnel as may be requested by the individualized education program team.
- (c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.
- (d) For the purposes of this section, an eye specialist shall mean a licensed optometrist, ophthalmologist, or other licensed physician and surgeon who has training and expertise in low vision disabilities.

*Appropriate Reading Media or Medium, Including Braille*  
*Noncodified Section, AB 2445 (Conroy), Chapter 998, Statutes of 1994*

The Legislature hereby finds and declares the following:

- (a) Functionally blind pupils and some pupils with other severe visual impairments who have the ability to read require instruction in braille if they are to maximize their academic potential and have the greatest chances for success throughout their lives. There are pupils in California who are visually impaired for whom braille is the appropriate reading method but who are not receiving instruction in braille. In the development of the individualized education programs for pupils who are visually impaired, there is a presumption that proficiency in braille reading and writing is essential for the pupils' satisfactory education progress and independent functioning.
- (b) The most appropriate reading medium or media for an individual pupil is that which is most efficient in terms of comprehension, speed, and stamina, commensurate with the pupil's ability and grade level. It is not the intention of the Legislature to require the exclusive use of braille if other educational media are appropriate for the pupil's educational needs. It is the intent of the Legislature, however, that all pupils who are visually impaired be given the opportunity to be assessed to determine the appropriate reading medium or media of each pupil.