

Visual Impairment Guidance

OSEP NATIONAL TA CALL

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Overview

Introduction:

Gregg Corr, Director, MSIP

- I. Background
- II. Definitions and Criteria
- III. Issues and Potential Impact
- IV. OSEP Review of State VI Policies
- V. Next Steps
- VI. Resources

Background – Letter to Kotler

2014 - OSEP received an inquiry asking whether it was permissible for an SEA or LEA to establish procedures that further define criteria for the disability category, “visual impairment, including blindness.”

In the [Letter to Kotler](#) (November 12, 2014), OSEP stated the following:

- States are permitted to establish standards of eligibility however they **must not narrow** the definitions under IDEA
- Definitions and criteria for visual impairment, including blindness, must include **any** impairment in vision, regardless of significance or severity, that even with correction, impacts a child’s educational performance
- Functional assessments should be conducted to determine how a child’s vision impairment impacts their educational performance

Background – OSEP Memo 17-05

2017- in response to written requests, OSEP issued guidance to assist SEAs in supporting their LEAs in reaching appropriate eligibility determinations for children with “visual impairment including blindness,” under IDEA.

In [**Memo 17-05**](#) (May 22, 2017), OSEP stated:

- States with a two-step process to determine eligibility under VI, where children had to have a specific vision condition (step 1) before being assessed to determine whether VI impacted their educational performance (step 2), is not permissible
- States can provide **examples** of conditions but these must not preclude eligibility teams from considering other vision conditions that, even with correction, adversely affect educational performance

Definitions and Criteria Under IDEA

- Child with a disability [34 CFR §300.8\(c\)\(13\)](#)

Visual Impairment Including Blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. [34 CFR §300.8\(c\)\(13\)](#)

State and Local Eligibility Criteria

Some state and local educational agencies have policies or practices which specify criteria for students to be found eligible in the category of *visual impairment including blindness*. Examples:

- Qualifying **conditions or diagnoses**
- **Acuity** measurements and/or **degrees of peripheral vision**

Many states also indicate in their eligibility policies that students with **progressive visual impairments** are eligible

Criteria Under IDEA - Continued

State and Local Eligibility Criteria

- Some States have multi-step eligibility criteria. However, these criteria must consider how any impairment of vision, even with correction, adversely impacts educational performance. Children cannot be excluded from being considered further for eligibility because they do not have a condition that is on a State's list of criteria
- As part of the eligibility process, both the Letter to Kotler and Memo 17-05 discuss the use of functional assessments to determine how a child's vision impairment impacts their learning

Examples of Visual Impairments - 1

Ocular Visual Impairments: near and farsightedness, astigmatism, retinal disorders, glaucoma, cataracts, amblyopia, structural anomalies

Neurological Visual Impairments: cortical/cerebral visual impairment, visual processing disorders

Ocular Motor Impairments: convergence insufficiency, oculomotor dysfunction

Examples of Visual Impairments - 2

"**Convergence Insufficiency** [CI] is a binocular vision disorder that results in symptoms such as eyestrain, headaches, and diplopia when looking at a near target" ([Georing, et al., 2022](#))

- People with CI may have "perfect vision" (normal acuities) ([NIH, 2019](#))
- CI is thought to be the result of miscommunication between the brain and eye muscles (NIH, 2019)

Assessment of Impact on Education

An assessment of a child's vision status generally would include:

- **the nature and extent of the child's visual impairment and its effect**, for example, on the child's ability to learn to read, write, do mathematical calculations, and use computers and other AT
- as well as **the child's ability to be involved in and progress in the general curriculum**

For children with low vision, assessment should include an evaluation of ability to utilize low vision aids, as well as a learning media assessment and **a functional vision assessment**

[Educating Blind and Visually Impaired Students; Policy Guidance \(2000\)](#)

Impact of Problematic Eligibility Criteria

Two-step process for eligibility:

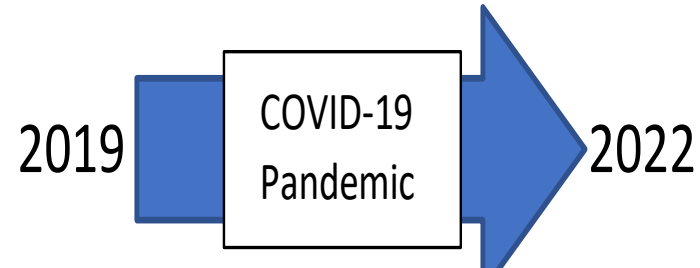
1. Eligibility team required to reach decision whether child has one or more of conditions State has identified and believes could affect a child's vision functioning
2. Eligibility team determines extent that it should proceed and examine whether condition adversely affects educational performance

This process may result in the exclusion of children who would otherwise be eligible, under IDEA, for the services necessary to meet their special education needs under 34 C.F.R. § 300.8(c)(13).

Why Now?

- There has been an increase in the number of inquiries from parents, teachers, and other stakeholders that demonstrates continued confusion in the field. Some of the issues:
 - Confusion with State criteria
 - Delay in service provision due to steps involved with criteria
 - Increase in dispute resolution activities
- **Result** - Children are still being excluded from special education that have visual impairments that adversely impact their educational performance.

OSEP Review of State VI Policies



Based on OSEP's review, States fell into the following categories:

1. Definition and/or eligibility criteria **appears consistent** with IDEA
2. Definition and/or eligibility criteria is **potentially inconsistent** with IDEA
3. Definition and/or eligibility criteria is **too confusing** to determine consistency with IDEA
4. Definition and/or eligibility criteria is **not publicly available**

Issues and Potential Impact

These potential issues may result in the exclusion of children who would otherwise be eligible, under IDEA, for the services necessary to meet their special education needs under 34 CFR §300.8(c)(13)

Next Steps

After today's call, OSEP will:

- Re-issue the OSEP policy documents related to visual impairment
- Request that States reread the Letter to Kotler and OSEP Memo 17-05 and review their VI definitions and criteria
 - Disseminate policy changes to LEAs, IEP teams, and eligibility determination groups
- Contact States with concerns or unclear criteria to inform them of required actions
- Request VI definitions and criteria from States that do not have the information publicly available

Resources

OSEP Policy Documents

- [Letter to Kotler](#)
- [Memo 17-05](#)

Recent data on the infant population, which suggests what the Part B population will look like in a year or two [Babies count | Visually impaired babies | BabiesCount.org](#)

Questions?

Contact your MSIP State Lead:

<https://www2.ed.gov/policy/speced/guid/idea/monitor/state-contact-list.html>



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