

IDEA Eligibility for Vision Impairment

Wyoming Department of Education

WAVES Conference

December 10, 2020

Current Wyoming Vision Impairment Eligibility

Documentation of loss of vision, which adversely affects the child's educational performance and requires the use of specialized texts, techniques, materials, or assistive technology devices.

AND at least one of the following:

- Acuity of 20/50 or less in the better eye with best possible correction
- Field of 20 or less
- Progressive loss of vision, which may, in the future affect the child's ability to learn
- Visual acuity which cannot be measured but the child has a functional loss of vision as determined by a FVE

Letter to Kotler

In November of 2014, OSEP formally responds to a query from Michelle Kotler who is a lawyer from Maryland.

These OSEP letters are not legally binding but are seen as guidance, as they are the interpretation of IDEA by the USDOE.

Her query was regarding how some states determine eligibility for visual impairment. She indicated that some states have limitations in their eligibility for VI that exclude children that have visual conditions that impact their ability to read and write. She specifically notes that convergence insufficiency is one of these conditions.

Letter to Kotler (cont.)

Under Part B of the IDEA a child with a disability means a child evaluated in accordance with 34 CFR §§300.304-300.311 as having a disability, and who, by reason thereof, needs special education and related services. 34 CFR §300.8(a)(1). Further, under 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.

Letter to Kotler (cont.)

- OSEP notes that states can establish standards for eligibility, but that these standards cannot narrow the definitions in the IDEA.
- They note that the IDEA does contain “ambiguous modifiers” which give states the ability to establish specificity in order to implement those definitions. Examples are the word severe in the definition of orthopedic impairment and significant in the definition of intellectual disability.
- “In contrast, the definition of “visual impairment including blindness,” does not contain a vague modifier; rather, *any* impairment in vision, regardless of severity, is covered, provided that such impairment, even with correction, adversely affects a child’s educational performance.”
- State eligibility guidelines and definitions for visual impairment and blindness may not exclude a child with convergence insufficiency or other visual conditions from meeting the definition in the IDEA for visual impairment and blindness if that condition adversely affects that child’s educational performance.

Letter to Kotler (cont.)

Guidance is provided about comprehensive evaluations for vision impairment:

- Data based assessment of learning media
- Functional vision assessment
- Nature, extent and impact of visual impairment (reading, writing, math, computer use, use of other AT, access and progress in the general ed curriculum).

OSEP Memo 17-05

- Reiterated the information in Letter to Kotler.
- It goes on to say that states that implement a two-step process which requires that a vision condition is identified and then how much that condition impacts educational performance. They note: “Such a practice is inconsistent with the IDEA.”

OSEP Memo 17-05

Prior to eligibility determination an individual evaluation must take place, which

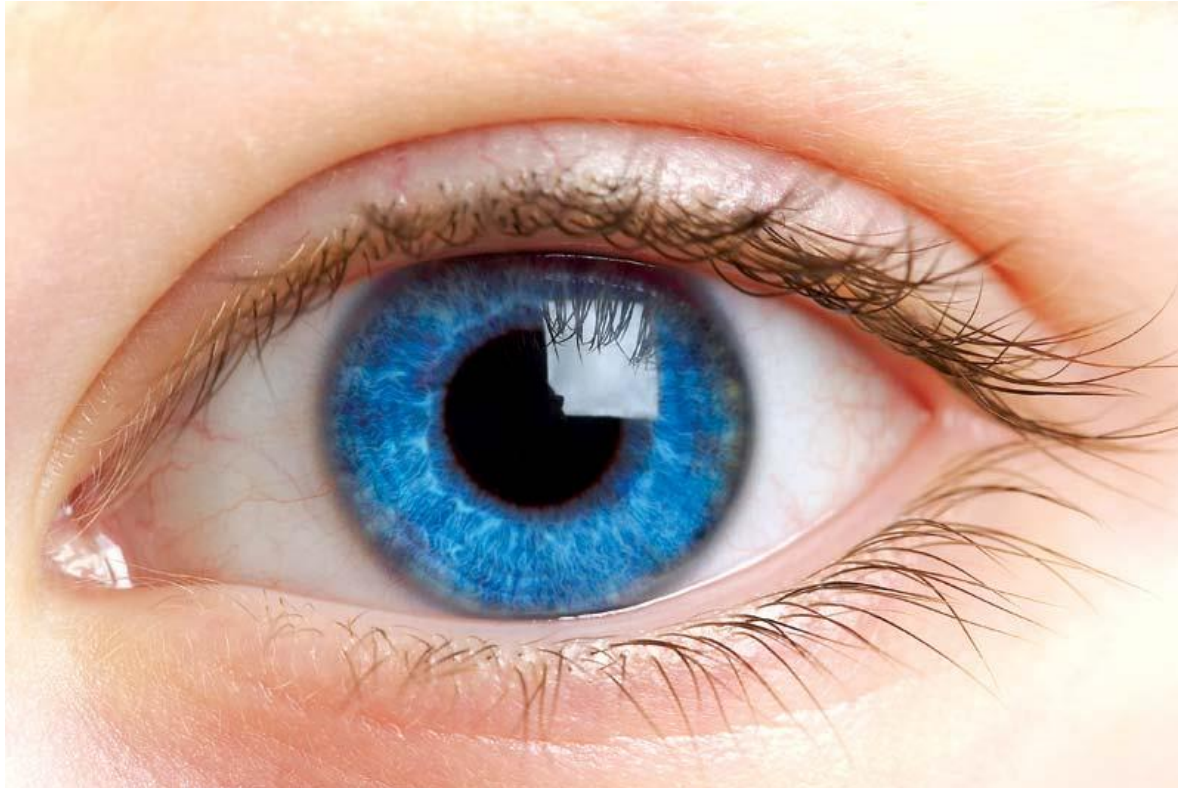
- determines the existence of a disability and the nature and extent of the student's educational needs
- may include information from a physician, however no single measure can be used to determine if the child is a child with a disability or what the appropriate educational programming for that child may be

So evaluation information should be considered **not to determine whether the child has a condition that makes the eligible**, but to determine if they have a visual condition and if that vision condition adversely affects the child's educational performance.

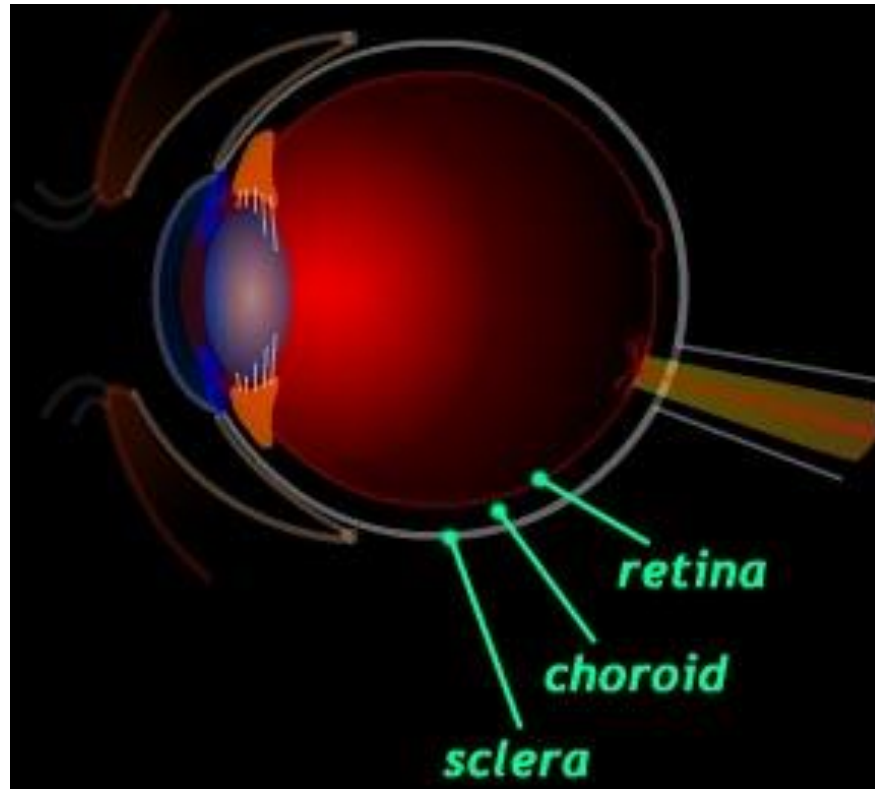
What does this mean for us?

- Visual impairment must be considered outside the parameters we have applied in the past.
- We need to look at all vision conditions and whether they adversely affect the educational performance of the individual child.
- However, the two prong eligibility requirement for IDEA still apply.
 - Having a disabling condition
 - Needing specialized instruction

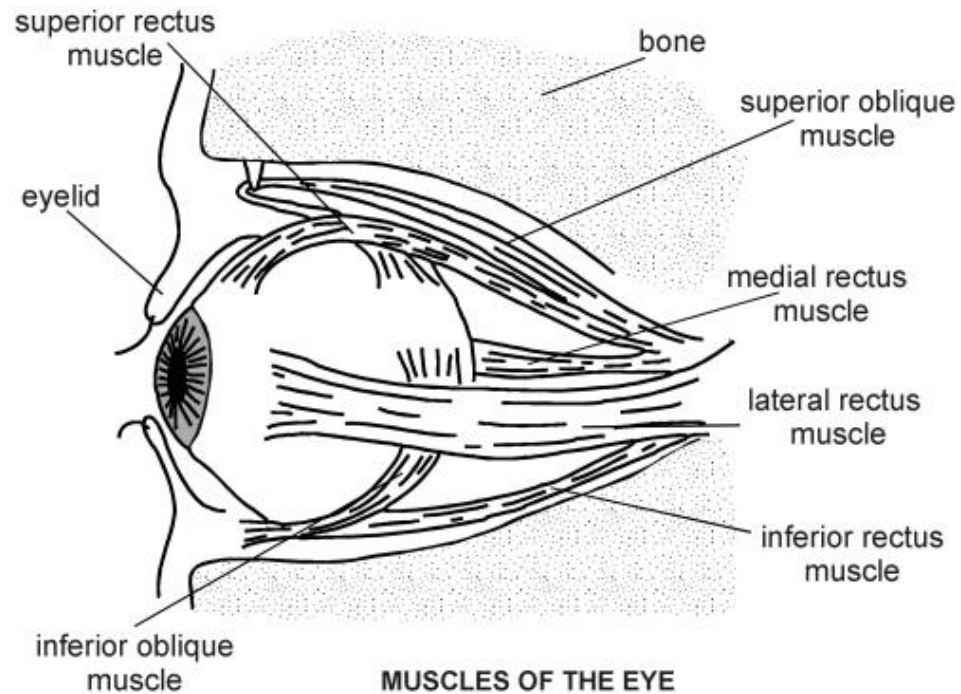
Visual System



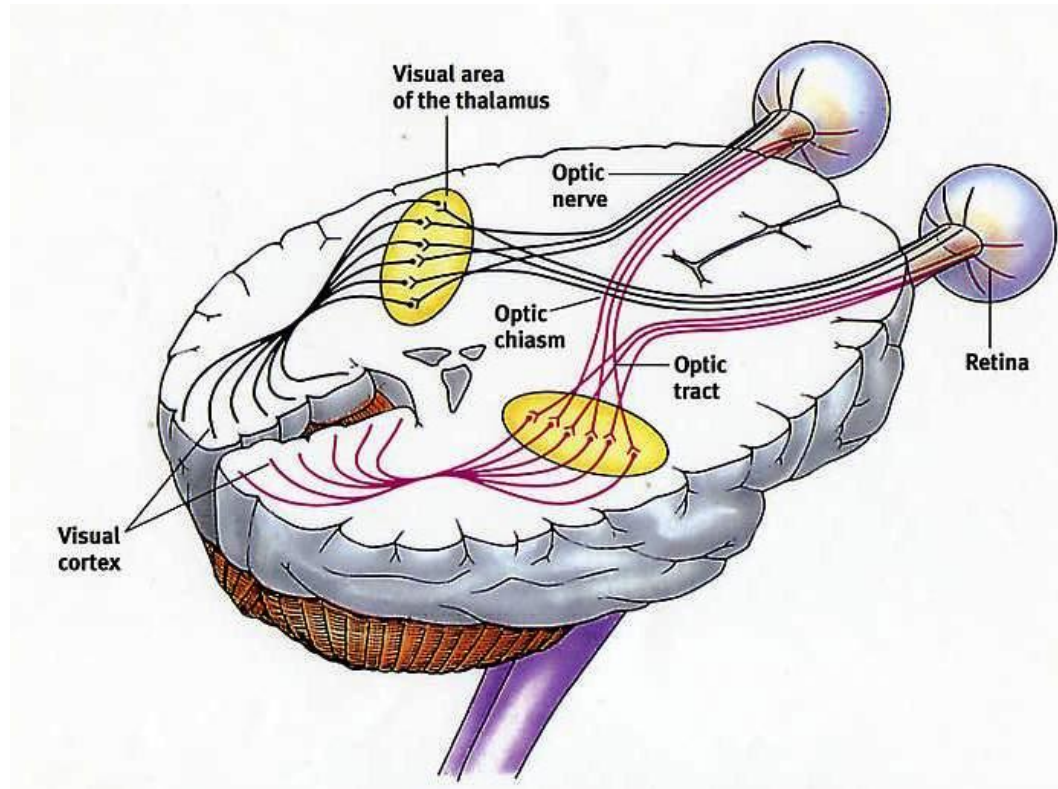
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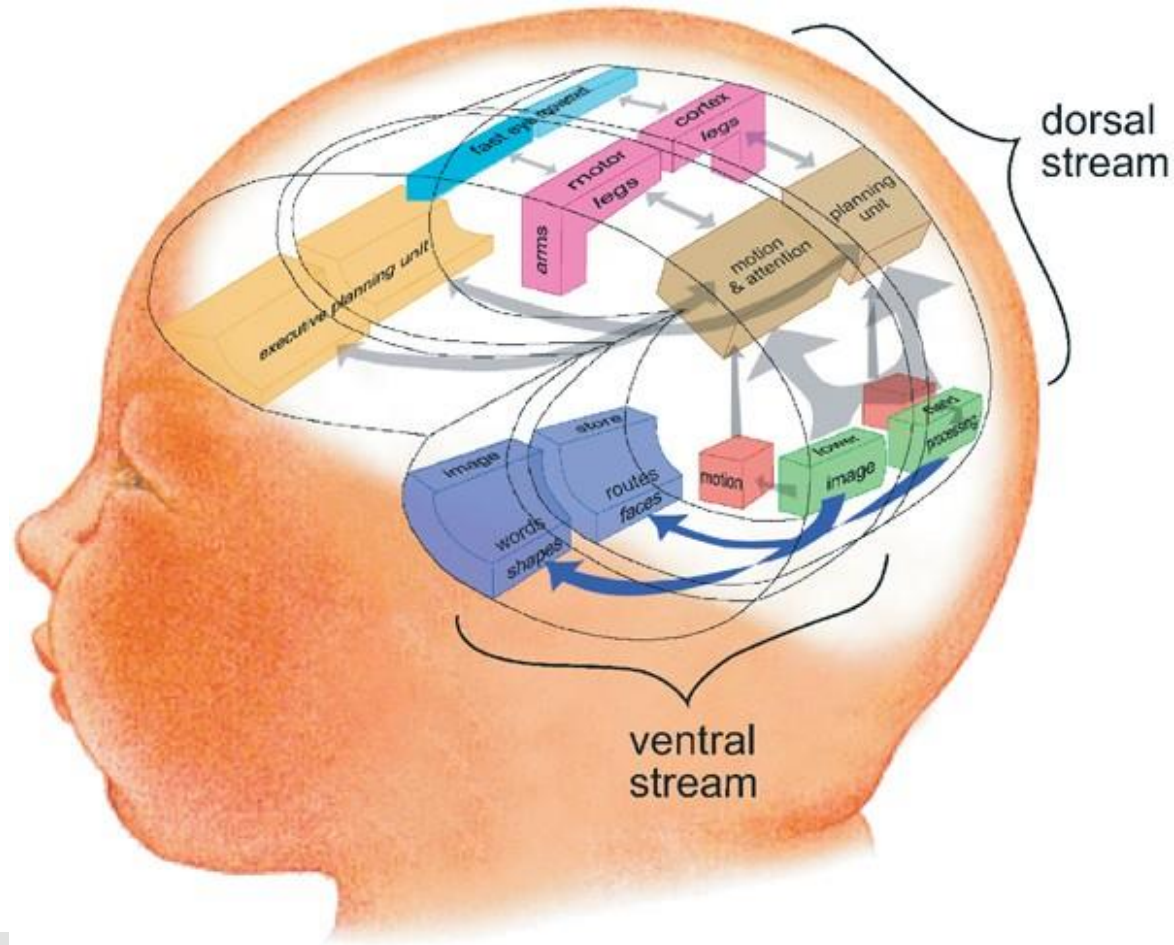
Visual System



Visual System



Visual System



Visual System



Scope of Visual Impairment



Acuity

- Nearsightedness
- Farsightedness
- Astigmatism
- Contrast Sensitivity

Field

- Peripheral
- Central
- Heminopsia
- Lower Field Loss
- Scotomas

Ocular Motor

- Eye alignment
- Tracking
- Movement disorders
- Accommodation

Cerebral Visual Impairment

- Ventral Stream Damage (What)
 - Faces/Facial Expressions
 - Locations
 - Symbols
- Dorsal Stream Damage (Where)
 - Limit in the amount of objects they can see
 - Visual guidance of reach or movement
 - Visual attention

Degenerative Condition

IDEA calls out degenerative conditions

Proactively address educational needs which will arise from a future loss of vision

FAPE

Comprehensive Evaluation

Review and collect data to determine eligibility and educational needs.

IEP Needs

Based on the comprehensive evaluation, what are the educational needs of the student in all areas related to the IDEA disability?

IEP Goals

Does the IEP contain specific, measurable annual goals that address all of the student's educational need? They should be ambitious yet reasonable.

Services

Provide IEP services designed to enable the student to attain annual IEP goals and be involved in the general curriculum.

Educational Benefit

IEP services must be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances, or FAPE.

Comprehensive Evaluation

- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Assessment
- Expanded Core Curriculum for VI
- Optometric or Ophthalmological Information
- Visual Perception
- Ocular Motor

Needs

- Because vision conditions can impact all incidental learning, we need to be sure to look at not just academic needs but educational needs.
- Ensure students have the skills to have access to educational materials and environmental information.
- Students need an understanding of their vision condition and the accommodations they need for success.

Services

- Not all students who have a vision condition will need specialized instruction.
- Because of the broad range of vision conditions students can have a variety of service providers maybe involved in addressing goals (TSVI, COMS, OT, counselors, ATP, etc.)

Impacts of Vision Eligibility Changes

- Students who have struggled with vision conditions which were not considered a visual impairment can now receive specialized instruction.
- We may see more parental request for vision therapy and in some cases our teams may determine it is needed for a student to benefit from their specialized instruction.
- Need for increased TSVI skill in assessment.
- Need for increased collaboration between optometrist, OT, TSVI, COMS in evaluation and service provision.

Questions?

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