

Visual Impairment Eligibility: Adverse Effect and Specially Designed Instruction

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State Board of Education
Department of Public Instruction

Objectives

- ▶ Review the OSEP memo.
- ▶ Discuss the newly defined VI eligibility definition.
- ▶ Identify outcomes of the newly defined VI eligibility definition.

Federal Regulation

(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.

(Authority: 20 U.S.C. 1401(3); 1401(30))

NC 1500-2.4 Child with a Disability

Out with the old...

- ▶ 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. A visual impairment is the result of a diagnosed ocular or cortical pathology.

In with the new...

- ▶ 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.

A medical diagnosis alone does not meet the 3-prong requirement for eligibility.

The Catalyst



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES

November 12, 2014

Michelle Kotler
Law Offices of Michelle Kotler, P.C.
5257 Buckeystown Pike #269
Frederick, Maryland 21704

Dear Ms. Kotler:

This is in response to your letter to the Office of Special Education Programs (OSEP) regarding the criteria used by some States to identify children with “visual impairments or blindness,” as that term is defined under Part B of the Individuals with Disabilities Education Act (IDEA). In your letter, you provide, as an example, the criteria used by the District of Columbia Public Schools (DCPS) to determine eligibility for special education and related services under Part B of the IDEA based on visual impairment or blindness.¹ You indicate that the criteria are inconsistent with Federal regulations because they exclude children whose vision problems affect their ability to read and write. Furthermore, you indicate that an example of a vision condition that severely impairs learning is “convergence insufficiency” and that some States’ definitions of “visual impairment” exclude children with such a condition.

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. OSEP understands that convergence insufficiency results when a person’s eyes do not properly turn inward to focus and provide binocular vision and a single image, which could affect a child’s ability to read, and therefore, the child’s educational performance.

While States may establish standards for eligibility for special education and related services, and are not required to use the precise definition of disability terms in the IDEA, these State-established standards must not narrow the definition in the IDEA. It is important to note that States define or adopt common definitions of certain ambiguous modifiers to guide evaluators in making individualized determinations of eligibility. For example, where the definition of

<http://fw.esc18.net/FrameworkAuthoringSystem/Documents/AdditionalResources/OSEP%20Ltr%20to%20Kotler%2011.12.14.pdf>



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

May 22, 2017

Contact Person
Name: Lisa Pagano
Telephone: (202) 245-7413

OSEP 17-05

MEMORANDUM

TO: State Directors of Special Education, Preschool/619 State Coordinators

FROM: Ruth E. Ryder
Acting Director
Office of Special Education Programs

SUBJECT: Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness under the Individuals with Disabilities Education Act

On November 12, 2014, the Office of Special Education Programs (OSEP) issued a response to an inquiry for policy clarification addressing whether a State educational agency (SEA) and/or local educational agency (LEA) is permitted to establish procedures that further define the disability category, “visual impairment including blindness,” under the Individuals with Disabilities Education Act (IDEA).¹ Since that time, OSEP has received a request for written guidance to assist SEAs in supporting their LEAs in reaching appropriate eligibility determinations for children with this disability. The purpose of this memorandum is to ensure broad dissemination of the key points made in our November 12, 2014 letter, provide the additional guidance requested on this important issue, and share information about outside resources that may be helpful as you examine your State’s procedures related to the identification and evaluation of children suspected of having a visual impairment including blindness.

<https://sites.ed.gov/idea/files/letter-on-visual-impairment-5-22-17.pdf>

Of Significant Importance

OSEP November 12, 2014

While States may establish standards for eligibility for special education and related services, and are not required to use the precise definition of disability terms in the IDEA, these State-established standards must not narrow the definition in the IDEA.

OSEP May 22, 2017

In contrast, in the definition of “visual impairment including blindness,” the regulations do not contain a modifier; therefore any impairment in vision, regardless of significance or severity, must be included in a State’s definition, provided that such impairment, even with correction, adversely affects a child’s educational performance.

The Outcome

... State eligibility guidelines and definitions for “visual impairment including blindness” may not exclude a child with convergence insufficiency or other visual impairment from meeting the IDEA’s definition... if that condition, even with correction, adversely affects that child’s educational performance (e.g., the child’s ability to read and write.)

OSEP May 22, 2017

Technical Change to NC's VI Eligibility Policy

Before November 2017

- i. To be determined eligible... a child must have:
 - a) A visual acuity between 20/70 and 20/200 in the better eye after correction...
 - b) A visual acuity of 20/200 or less in the better eye after correction or a peripheral field... no greater than 20 degrees...
- ii. The disability must:
 - a) Have an adverse effect
 - b) Require specially designed instruction

After November 2017

The disability must:

- a) Have an adverse effect on educational performance
- b) Require specially designed instruction

What Hasn't Changed in Teacher Preparation Programs?

Categories of visual impairment:

1. Ocular visual impairment (involving the eye, optic nerve, and optic chiasm)
2. Cerebral/Cortical visual impairment (involving damage or disorder of the visual pathways behind the optic chiasm)
3. Visual difficulties related to ocular motor dysfunction (visual fixation or tracking problems, ocular misalignment, and impairment of accommodation)

Kran & Mayer 2015

What Hasn't Changed Serving Students?

- ▶ Teachers of Students with Visual Impairment continue to meet student unique needs through accommodations, modifications, and/or Specially Designed Instruction following a comprehensive evaluation process.
 - ▶ Functional Vision Assessment
 - ▶ Learning Media Assessment
 - ▶ Expanded Core Curriculum Assessment

What Has Changed?

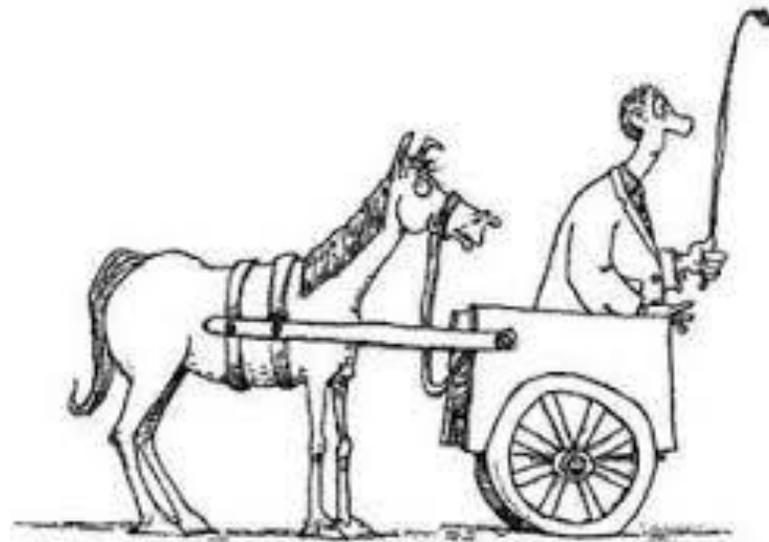
- ▶ A student with a visual impairment who has visual acuities better than 20/70 may be eligible in the disability category of Visual Impairment, including blindness
- ▶ A student with an eye movement visual impairment (e.g., strabismus, convergence insufficiency, nystagmus) with 20/20 vision may be eligible in the disability category of Visual Impairment, including blindness

A Moment of Silence to...



Breathe

Picture caption: The word *breathe* written in script letters.



Picture caption: Putting the cart before the horse.

All Roads Begin with Evaluation

- ▶ When Visual Impairment is a suspected disability the VI Eligibility Worksheet is completed
 1. Hearing screening
 2. Summary of conference
 3. Social Developmental History
 4. Educational Evaluation
 5. Ophthalmological or Optometric Evaluation
 6. Observation across settings (address the ECC)
 7. Learning Media Assessment
 8. Functional Vision Assessment

Caution

**DIAGNOSIS ALONE DOES
NOT DETERMINE
ELIGIBILITY**



Beginning with Evaluation

- ▶ **Functional Vision Assessment**: Not a specific diagnostic tool or instrument, but rather an evaluation process, which measures the extent to which the visual impairment adversely impacts student learning.
- ▶ **Learning Media Assessment**: Not a specific diagnostic tool or instrument, but rather an evaluation process, which identifies sensory preferences and general learning media.
- ▶ **Expanded Core Curriculum Assessment**: Not specific lessons or academic content, but rather a set of incidentally learned skills that must be taught sequentially and systematically to students with visual impairment.

Possible Adverse Effects for Visual Impairment

- ▶ Decreased visual acuity
- ▶ Contrast sensitivity
- ▶ Photophobia
- ▶ Issues with glare
- ▶ Visual field loss
- ▶ Depth perception difficulties
- ▶ Visual fatigue
- ▶ Difficulty tracking lines of print
- ▶ Absence of visual guided movement
- ▶ Difficulties with visual complexity
- ▶ Need for light
- ▶ Color preference
- ▶ Double vision
- ▶ Headaches

**not an exhaustive list

Accommodations That May Address Adverse Effect

- ▶ Visual breaks
- ▶ Use of slant board
- ▶ Well spaced materials (double-spaced)
- ▶ Use of reading marker
- ▶ Sans serif font
- ▶ Minimize visual clutter on a page
- ▶ Large print

**not an exhaustive list

What Happens When Adverse Effect Does not Require Specially Designed Instruction?

- ▶ Is the student already eligible to receive IEP services under a different area of disability?
 - ❑ If yes, then then the student may have accommodations related to the visual impairment written into the IEP.
 - ❑ If no, then the student may be eligible for a 504 Plan.

When Adverse Effect Does Require Specially Designed Instruction

- ▶ Braille instruction to access literacy
- ▶ Training to use low vision devices for visual efficiency
- ▶ Instruction in assistive technology to use magnification &/or screen reading software
- ▶ Cane and street crossing instruction for orientation & mobility
- ▶ Time management, organization, money management, & personal care for independent living skills**
- ▶ Body language and social etiquette instruction for social interactions skills**
- ▶ Learning how to participate in health, fitness, and sports activities for recreation & leisure**
- ▶ Organizational skills and positive work habits for career education**
- ▶ Assertiveness, self-advocacy, & empowerment for self-determination skills**

**not an exhaustive list

Convergence Insufficiency

- ▶ According to the Mayo Clinic, convergence insufficiency is a condition in which your eyes are unable to work together when looking at nearby objects. The misalignment involves the muscles that move the eye.
- ▶ It causes one eye to turn outward instead of inward with the other eye creating double or blurred vision.
- ▶ Visual/reading behaviors may include loss of place when reading, reading slowly, squinting, closing one eye, complaint of headaches.
- ▶ Convergence insufficiency does not cause learning disabilities, but it makes using your eyes difficult and tiring.

Assessment Considerations for Convergence Insufficiency

FVA

- ▶ Stereopsis
- ▶ Near vision acuity as it relates to accommodation
- ▶ Spatial skills as it relates to visual perception
 - ✓ Visual closure
 - ✓ Visual discrimination
 - ✓ Visual memory
 - ✓ Figure Ground
 - ✓ Form consistency

LMA

- ▶ Serif vs. sans-serif fonts
- ▶ Size of print for near acuity tasks
- ▶ Copying, eye-hand coordination
- ▶ Reading stamina
- ▶ Listening skills

**not an exhaustive list

Instructional Considerations for Convergence Insufficiency

- ▶ If a student experiences visual fatigue and has poor eye-hand coordination for writing during copying activities, perhaps the student can gain keyboarding skills
- ▶ If a student has near acuity vision difficulties as it relates to vision accommodation, perhaps the student might benefit from using screen magnification software while on the computer
- ▶ If the student experiences severe visual fatigue when reading, perhaps the student might benefit from learning to access audio accessible materials from Bookshare
- ▶ If the student experiences headaches and visual fatigue during copying activities, perhaps the student benefits from activities in the book *Learning to Listen/Listening to Learn* by Barclay (AFB Press).

Factors that Interfere with Reading

Vision related

- ▶ Visual acuity (blurry)
- ▶ Accommodation (eyes converging to see small print)
- ▶ Motility (eyes fixating, tracking, shifting gaze, converging)

Non-vision related

- ▶ Comprehension
- ▶ Decoding
- ▶ Phonemic awareness
- ▶ Timed vs. untimed reading of connected text and isolated text

Treatment

Vision therapy is a medical treatment that involves neurosensory and neuromuscular activities individually prescribed, monitored, and provided by an eye care professional. Treatment may include:

- ▶ Prescription of lenses, prisms, filters, and/or occluders/eye patches
- ▶ Specialized instruments
- ▶ Visual-motor-sensory integration
- ▶ computer vision therapy programs

American Optometric Association, 2009

Common Practices with Vision Therapy

- ▶ Medical treatment for vision conditions which include: strabismic and non-strabismic binocular disorders, ocular motility dysfunctions, amblyopia, accommodative disorders, visual-motor integration and visual processing disorders, and visual complications post an acquired brain injury
- ▶ Performed in the office of the optometrist under the doctor's supervision
- ▶ Supervised by optometric vision care professionals utilizing many types of specialized and/or medical instruments and equipment
- ▶ Prescribed individualized treatment regimen based upon the results of a comprehensive eye examination
- ▶ Also known and referred to as developmental vision therapy, behavioral vision therapy, and orthoptic vision therapy

American Optometric Association, 2009

TVI Responsibilities

- ▶ Read and interpret medical eye reports
- ▶ Conduct assessments and make recommendations
- ▶ IEP active participant
- ▶ Recommend educational and instructional strategies
- ▶ Communication with caregivers and classroom teachers
- ▶ Direct instruction in the Expanded Core Curriculum
- ▶ Educating team members about the role of a TVI
- ▶ Professional development



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