



# **VI Policy Spotlight**

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# What are the changes

## NC Policies

- (14) 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.~~

## Federal Regulations

(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 Policies

- ~~(ii) To be determined eligible in the disability category of visual impairment, including blindness, a child must have:~~
  - ~~(A) A visual acuity between 20/70 and 20/200 in the better eye after correction to be considered visually impaired.~~
  - ~~(B) A visual acuity of 20/200 or less in the better eye after correction or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees to be considered legally blind.~~



## OSEP VI Letter: May 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. States may not use criteria or other definitions for “visual impairment including blindness” that result in the exclusion of children who otherwise meet the definition in 34 CFR §300.8(c)(13). For example, 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 of “visual impairment including blindness” if that condition, even with correction, adversely affects that child’s educational performance (e.g., the child’s ability to read and write).



# Question 1

**Do we still need eye reports?**



# Question 1 Answer

**Yes, an ophthalmological or optometric evaluation is still needed when determining eligibility.**



# Question 2

**What is the effective date for the technical correction for visual impairment eligibility?**



# Question 2 Answer

**The State Board of Education approved the technical correction to the VI Policy in November 2017 and the correction took effect immediately.**





# Question 3

**Will the policies be changed to remove the requirement that vision in the better eye after correction be between 20/70 and 20/200? It seems at odds with the guidance in this document.**



# Question 3 Answer

**The NC Policy for Visual Impairment, including blindness, no longer reflects an acuity range as a determinate factor for eligibility. This correction was made in order to comply with regulatory requirements to ensure eligibility determinations are not narrowed beyond the scope of IDEA.**



# Question 4

**Am I correct in thinking the FVA and LMA  
to be the justification for placement and  
non-placement?**



# Question 4 Answer

**IDEA requires multiple sources of data to be used when an IEP Team makes an eligibility determination. An FVA and LMA are a part of the multiple sources of data; however, these two evaluations should never stand alone when determining eligibility for a student.**



# Question 5

**So you have a child who has convergence insufficiency or an eso/exotropia that is affecting his/her reading and writing. They definitely do impact the educational process, but how do you decide 504 or IEP? And then, as a VI Teacher, just what is my responsibility?**



# Question 5 Answer

**Using multiple sources of data, the IEP Team determines whether the disability has an adverse effect on educational performance and requires special education and related services.**

**If a student is not found eligible for special education and related services, school personnel could consider whether determining eligibility under Section 504 is warranted.**



# Question 6

**What about the caseload of an itinerant VI? I would have an additional dozen or so students on a caseload that is already over 30 students.**



# Question 6 Answer

**If there is an increase in the identification of students with Visual Impairments, the LEA will have to staff appropriately to meet the unique needs determined by the IEP Team.**





# Question 7

**Please explain what this change means for the VI referral process. What would a good referral look like? How do we tease out other disabilities besides VI? How do we explain VI to teachers?**



# Question 7 Answer

**If there is a suspicion of a disability or multiple disabilities, a student must be referred for special education. Remember, to be determined eligible as VI, the student must have a visual impairment, the visual impairment is the direct cause or adverse effect to the educational performance, and special education and related services are needed to address the unique needs associated with VI.....**



# **Question 7 Answer continued**

**It is imperative that a Teacher of the Visually Impaired be a member of the team to assist other team members in understanding the student's visual challenges and how it impacts access to the educational and functional environment and making progress in the general curriculum.**



# Question 8

**Should we now be looking towards interventions in the classroom to ensure the deficit is due to vision and not a lack of differentiation within the classroom?**



# Question 8 Answer

**Yes. A student's response to instruction/intervention should be discussed. How a student responds to interventions within the classroom is data that should inform the IEP Team decision when determining eligibility, particularly when determining adverse effect (ruling out lack of instruction in reading and math and English as a second language).**



# Question 9

**Does a child with a visual acuity of 20/40 or 20/60, or intractable diplopia but a visual acuity of 20/30 in each eye individually, and a FVA/LMA that documents that vision issues impact educational functioning/access qualify for VI eligibility? If not, VI, then what?**



# Question 9 Answer

**An FVA and LMA are evaluations that are a part of the multiple sources of data that IEP Teams use to determine eligibility.**

**These two evaluations should never stand alone when determining eligibility for a student.**



# Question 10

**Does a child who does not have an ocular visual impairment/diagnosis but rather has Cortical Vision Impairment along with "normal" visual acuity qualify as a student with visual impairment eligibility?**





# Question 10 Answer

**A student diagnosed with Cortical Visual Impairment (CVI) and has normal visual acuities can be referred for special education if a disability is suspected. A medical diagnosis alone does not establish eligibility or services. The IEP Team must review multiple sources of data to determine whether or not to proceed with further evaluations to determine eligibility and the need for special education and related services.**



# Question 11

**Who has to document Cortical Vision Impairment? It seems that often ophthalmologists frequently do not write this as a diagnosis. Based on the work of Dr. Roman-Lantzy, a TVI, OT, or SLP could document the presence of Cortical Vision Impairment.**



# Question 11 Answer

**The diagnosis of CVI should come from a medical professional.**



# Question 12

**Which professionals should be serving a child with dyslexia or ocular motor apraxia, both diagnoses that clearly are impacting visual functioning? An LD teacher, a TVI, an OT - or is there some kind of guideline for how these professionals should be working together?**



# Question 12 Answer

**The IEP team, which should be composed of individuals with the appropriate expertise, should determine the specially designed instruction and who should deliver it.**



# Question 13

**Does this mean that we can now see students that are having vision related problems that are blind in one eye and say 20/50 in the other?**



# Question 13 Answer

**Yes, if the IEP Team determines through multiple sources of data that the vision impairment has an adverse effect on educational performance and requires special education and related services.**



# Question 14

**How many times do we have to get an eye report for a student with a permanent eye condition?**





# Question 14 Answer

**An ophthalmological or optometric eye report is a required evaluation during the eligibility process. An IEP Team may determine that an updated eye report is needed when a student is not making progress, or the student's eye condition necessitates it. Any time an eye report is determined necessary by the IEP Team after the initial placement, a reevaluation would be required.**



# Question 15

**The statement was removed: “...as a result of a diagnosed ocular or cortical pathology.” It is understood with regards to the changes in acuity “qualifications”; however, there is great concern for the amount of evaluations that will increase for students with vision therapy. Also understood that it needs to be looked at for specialized instruction, but several have shared that we, as VI professionals, will become the “bad guys” or put in difficult situations with the vision therapy students and their families. Is this going to be looked at with learning disability and guidance provided? Historically we have had that conversation with teams and it is not well received.**



# Question 15 Answer

**Any student suspected of a disability can be referred. The IEP Team will decide if an evaluation is necessary. If an evaluation is conducted, eligibility must be based on multiple sources of data, verify that the child is a child with a disability, and that the disability has an adverse effect and requires special education and related services.**



# Question 16

**What guidance and support from the state with vision therapy and CVI are going to be given? Both are on the front burners for many.**



# Question 16 Answer

**At this point in time, the Exceptional Children Division is providing guidance on a case by case basis. If there are particular recommendations about what resources are needed, please forward them to the Education Consultants for Vision Impairment.**



# Question 17

**How does this impact Vision Therapy referrals?**



# Question 17 Answer

**If a disability is suspected, then a student must be referred for special education.**

**The IEP Team will review multiple sources of data, including data regarding vision therapy, and determine if further evaluation is needed to determine if the student is eligible to receive special education and related services.**



# Question 18

**Will students with C.V.I. qualify as legally blind?**





# **Question 18 Answer**

**Eligibility determinations for students with visual impairments do not require a student to be legally blind.**

**For other purposes, such as the Legally Blind Registry for the American Printing House for the Blind, a student with CVI may meet the definition according to the criteria “Functioning as Legally Blind”.**



# Question 19

**Can the C.V.I. Range be used to identify students with Cortical Visual Impairment, as opposed to a Functional Vision/Learning Media assessment?**



# Question 19 Answer

**No, the CVI Range is not a stand-alone assessment when determining eligibility; however, it can be a relevant source of information in conjunction with the FVA and LMA when considering the student's unique needs.**



# Question 20

**Has NC revised it's criteria within the definition of "visual impairment including blindness"?**



# Question 20 Answer

**Yes, the State Board of Education approved a technical correction to the NC Policy on Visual Impairment in order to reflect IDEA and not narrow the scope of eligibility for this category.**



# Question 21

**In my experience, students diagnosed with "convergence insufficiency" are often provided with accommodations to support them while they are undergoing prescribed vision therapy. Do we now consider Specially Designed Instruction by a TVI, in addition to the vision therapy?**



# Question 21 Answer

**Only an IEP Team can determine if a visual impairment has an adverse on educational performance and requires special education and related services.**



# Technical Assistance Tips

- **VI Worksheet**
  - **An amended worksheet will be posted on the EC website for use between now and the implementation of ECATS.**
  - **For CECAS users, you will fill in the visual acuity as “NA” inside the electronic system in order to close/verify.**
  - **In developing the worksheet for VI inside of ECATS, the policy change has already occurred.**





# Reminders

- **Eligibility decisions are based on multiple sources of data.**
- **When considering the need for special education and related services, the need must be directly related to the Visual Impairment. If there is no direct relationship to the VI, the child is not eligible as VI and it may be necessary to suspect a different disability.**



# Thank You!

**For further questions please contact your  
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