



March 2022

Frequently Asked Questions: Blind and Visually Impaired Administrative Rule Change (Effective August 1, 2021)

Overview

The following questions are some of the most frequently asked from professionals in the field regarding the administrative rule change that went into effect August 1, 2021, regarding the disability category criteria for blind and visually impaired.

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Disability Category Criteria

1. Is it correct to think that the biggest change in the rule is the requirement for an orientation and mobility specialist that must now be included in the evaluation for every student and no longer allows only having a teacher of the blind and visually impaired to conduct needed assessments?

Yes. Per P.I. 11.36(3), an orientation and mobility specialist licensed under s. PI 34.089 must evaluate the child to determine if there are related orientation and mobility needs in home, school, or community environments.

A teacher of the blind and visually impaired could refer a child for an orientation and mobility assessment, and could be a person who provides input as part of a comprehensive special education evaluation, but would not assess orientation and mobility needs of the student unless the teacher also held an orientation and mobility specialist certification.

2. Please explain the last line of the disability category criteria documentation form, referencing reevaluation, “A student is not required to meet initial identification criteria”.

IEP teams do not need to complete any of the initial criteria components, including a functional vision assessment or an orientation and mobility assessment when completing a reevaluation. The IEP team may choose to review and update information related to the initial criteria, but the student does not need to meet initial criteria during a reevaluation in order to continue receiving special education. However, the student still needs to require specially designed instruction (SDI), and the IEP team must document data or evidence to support this need.

3. Where can information about the new disability category of Deafblind be found?

Please visit the Wisconsin Deafblind Technical Assistance Project (WDBTAP): <https://wesp-dhh.wi.gov/wdbtap/> or Wisconsin DPI Deafblind web page: <https://dpi.wi.gov/sped/program/deafblind>.



4. Is there a difference between being eligible for the American Printing House for the Blind Federal Quota Program and eligible as a student who is identified under the disability category of blind and visually impaired?

Yes, there is a difference between being eligible as a student who is identified blind and visually impaired for special education in Wisconsin and being eligible for the American Printing House for the Blind (APH) Federal Quota Program. Each state develops criteria for disability categories based on IDEA requirements. In Wisconsin, the disability category criteria for blind and visually impaired is in Wisconsin state rule ([PI 11.36\(3\)](#)). A student identified under the disability category criteria blind and visually impaired, per Wisconsin state administrative [rule](#), may or may not be eligible for the APH Federal Quota Program. For information regarding the APH Federal Quota Eligibility requirements, please view the [2022 APH Federal Quota Definition and Eligibility Criteria Definitions \(wcbvi.k12.wi.us\)](#).

5. Please explain, “adversely affects” in this sentence on the disability category criteria documentation form: The student’s visual functioning adversely affects educational performance.

“Adversely affects” means it has a negative impact. Adverse educational impact includes adverse impact on a student’s access, engagement or progress in age or grade level general education curriculum, instruction, environment, or activities. Impact is evident when a student’s disability negatively impacts their:

- Involvement and advancement in the general education program; the student is performing below grade-level standards (academic impact);
- Education and participation with students without disabilities; the student is performing below grade-level expectations (social or behavioral impact).
- Participation in extracurricular and other non-academic activities (vocational or functional impact).

A comprehensive special education evaluation should identify any adverse effects on academic or functional skills such as achievement in content areas,



social/emotional learning, physical/health, independence/self-determination, communication, or cognitive learning.

For examples related to students who are blind and visually impaired, please review [Required Documentation of Criteria for Blind and Visually Impaired](#), Section 1.

Ocular and Medical Report

6. Can any other medical professionals besides an ophthalmologist or optometrist give information for review of medical information in the functional vision assessment (FVA) the Section 1 part of determining whether the student meets the criteria for blind and visually impaired?

- Only an ophthalmologist or optometrist may provide medical information which can be used for determination of Wisconsin's disability category criteria.
- A teacher of the blind and visually impaired licensed under s. PI 34.051 conducts a functional vision evaluation as part of the special education evaluation which includes a review of medical information from an ophthalmologist or optometrist, formal and informal tests of visual functioning, and a determination of the implications of the blindness or visual impairment on the educational and curricular needs of the child.
- While the American Printing House for the Blind (APH) Federal Quota program may allow medical reports from Neurologists or Pediatricians, this is separate from Wisconsin's disability category criteria.

7. How old can an ocular report be for use in an evaluation or reevaluation when considering the disability category of blind and visually impaired?

There is no legal requirement as to how current the ocular report, titled [PI 2015 OCULAR REPORT FOR CHILDREN WITH A KNOWN OR SUSPECTED VISUAL IMPAIRMENT](#), needs to be for an initial evaluation. It is best practice to have a current ocular report, within 3 years, for the most recent medical information and



to monitor for changes in ocular health. The [PI 2015 ocular form](#) is a worksheet for sharing medical information used to inform the team's assessments and is completed by the doctor. If it is an initial evaluation, the school district must pay for the cost of the medical appointment. However, if this is a reevaluation, IEP teams do not need to complete any of the initial criteria components, including an updated ocular report. If the team needs more information regarding the student's vision, the team may acquire a new report, at the cost of the local educational agency (LEA).

8. If the IEP team determines an ocular report is necessary for a comprehensive special education evaluation, does the district have to pay for the eye exam?

Yes, the examination by an ophthalmologist or optometrist must be conducted at public expense, meaning the LEA must pay for the evaluation, including the transportation to and from the provider's office. A teacher of the blind and visually impaired must conduct a functional vision assessment as part of the special education evaluation that includes a review of medical information from an ophthalmologist or optometrist. If a student has not had a recent examination conducted by an ophthalmologist or optometrist, then the district must cover the costs.

9. Will [PI-2015 Ocular Report Form](#) be updated, too?

DPI is aware of updates that need to be made to [PI-2015 Ocular Report Form](#) and is in the process of gathering input for possible changes. To provide input please send an email to: wcbvi.outreach@wcbvi.k12.wi.us Subject line: Ocular Form by September 1, 2022.

Orientation and Mobility

10. What if the district does not have an orientation and mobility specialist to complete an evaluation? Can the Wisconsin Center for the Blind and Visually Impaired (WCBVI) complete evaluations due to the shortage of orientation and mobility specialists in our state?



- No, WCBVI cannot conduct orientation and mobility assessments as part of a special education evaluation for a district. The WCBVI Outreach team offers its services to Wisconsin stakeholders through the consultative model. Per [DPI Bulletin 11.01](#), members of the outreach team do not evaluate students to determine eligibility for special education and do not serve as required members of the IEP team. Wis. Stat. §§ 115.78(1m). Districts may contract with other districts or Cooperative Educational Service Agencies (CESAs) to conduct an orientation and mobility assessment as part of a special education evaluation by an orientation and mobility specialist.
- Note: orientation and mobility specialists do not fall under the provisional license tier (formerly emergency license). This is important when discussing recruitment. An orientation and mobility specialist needs to have completed a program, including the internship before working directly with students.

11. What is DPI doing to recruit teachers of the visually impaired and orientation and mobility specialists?

Wisconsin is a local control state and LEAs, CESAs and agencies are responsible for recruiting their own service providers. Wisconsin Center for the Blind and Visually Impaired (WCBVI), an integral part of Wisconsin DPI, promotes the professions of teachers of the blind and visually impaired and orientation and mobility specialists on their website, [Become a Teacher of the Blind and Visually Impaired or Orientation & Mobility Specialist](#).

WCBVI supports and encourages retention of teachers of the blind and visually impaired and orientation and mobility specialists by offering a [mentoring program](#), free of charge.

In addition, the Wisconsin State Superintendent's Advisory Council on Blindness and Visual Impairment Education formed a subcommittee to address orientation and mobility shortages.

Additionally, [funding from the Higher Education Aids Board \(HEAB\)](#) is in place to reduce financial burden for individuals seeking to become teachers of the blind and



visually impaired or orientation and mobility specialists in Wisconsin. For more information about the HEAB's financial aid programs, please visit the [financial aid programs portion of the Higher Education Aids Board website](#). Also see the [HEAB's Teacher of the Visually Impaired Loan Program Page](#).

12. Must an orientation and mobility specialist conduct the orientation and mobility assessment whether it is an initial or reevaluation?

Initial: Yes, an orientation and mobility specialist must conduct an orientation and mobility assessment as part of an initial special education evaluation to determine if a student meets the disability category criteria of Blind and Visually Impaired. It is important to note that orientation and mobility specialists have always been required to assess students as part of a comprehensive special education evaluation.

A teacher of the blind and visually impaired can refer a child for an orientation and mobility assessment and could be a person who provides input as part of the special education evaluation but would not conduct an orientation and mobility assessment unless they also held an orientation and mobility specialist certification. For more information on the role and responsibilities of a teacher of the blind and visually impaired, please refer to the Association for Education and Rehabilitation of the Blind and Visually Impaired position paper, "[The Role and Training of Teachers of Students with Visual Impairment \(TSVIs\) as a Special Educator and Why TSVIs Do Not Provide Vision Therapy Services](#)" and DPI's [Roles and Responsibilities of Teachers of the Visually Impaired And Orientation and Mobility Specialists](#).

Reevaluation: An evaluation by an orientation and mobility specialist is not required during a reevaluation unless additional information is needed to determine the student's disability-related needs. The administrative rule change that went into effect August 1, 2021, contains changes related to reevaluation. While orientation and mobility specialists must be a part of all initial evaluations, this is not the case for reevaluations. IEP teams do not need to complete any of the initial criteria during a reevaluation; however, they may choose to do so if they want to update information.



On the [CRITERIA FOR DISABILITY CATEGORY BLIND AND VISUALLY IMPAIRED Form](#), IEP teams will find the statement in Section III: “A student who previously met criteria under the disability category of Blind and Visually Impaired is not required to meet initial identification criteria upon reevaluation. The student’s visual functioning must continue to have an adverse effect on educational performance. Explain or reference data or evidence.”



Resources

1. [Information Update Bulletin 21.01 | Wisconsin Department of Public Instruction](#)
2. [Information Update Bulletin 11.01 | Wisconsin Department of Public Instruction](#)
3. [Comprehensive Special Education Evaluation Website](#)
4. [Roles and Responsibilities TVIs and O&M Specialists](#)
5. [Teacher Tool Kit-Assessment Resources](#)
6. [Blind and Visually Impaired | Wisconsin Department of Public Instruction](#)
7. [Administrative Rules | Wisconsin Department of Public Instruction](#)
8. Department of Public Instruction: [Eligibility Determinations for Children Suspected of Having a Visual Impairment](#)
9. OSEP Policy Letter: [Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness under the Individuals with Disabilities Education Act](#)
10. IDEA Sec. 300.34 (c) (7) (i): <https://sites.ed.gov/idea/regs/b/a/300.34/c/7/i>
11. OSEP DEAR COLLEAGUE LETTER on Braille (June 19, 2013) - [Individuals with Disabilities Education Act](#)
12. Kaiser, J. T., Cmar, J. L., Rosen, S., & Anderson, D. (2018). *Scope of practice in orientation and mobility*. Association for Education and Rehabilitation of the Blind and Visually Impaired O&M Division IX. Alexandria, VA: Association for Education and Rehabilitation of the Blind and Visually Impaired.
13. *Position Papers from the Association for the Education and Rehabilitation of the Blind and Visually Impaired*:
 - a. O&M Specialist Roles, Responsibilities, and Qualifications: <https://aerbvi.org/resources/publications/position-papers/>
 - b. The Role and Training of Teachers of Students with Visual Impairment (TSVIs) as a Special Educator and Why TSVIs Do Not Provide Vision Therapy Services: <https://aerbvi.org/resources/publications/position-papers/>