

Date: September 2017

To: District Administrators, CESA Administrators, CCDEB Administrators, Directors of Special Education and Pupil Services, and Other Interested Parties

From: Carolyn Stanford-Taylor, Assistant State Superintendent, Division for Learning Support 

Subject: Eligibility Determinations for Children Suspected of Having a Visual Impairment

On May 22, 2017, the Office of Special Education Programs (OSEP) issued a memorandum to State Directors of Special Education on the subject of eligibility determinations for children suspected of having a visual impairment including blindness under the Individuals with Disabilities Education Act (IDEA).¹ In an effort to ensure broad dissemination of their guidance, the following memorandum highlights key points in relation to Wisconsin statutes and rules, provides additional guidance and shares information about resources related to this topic.

A child is identified as having a disability if the individualized education program (IEP) team determines from an appropriate, comprehensive evaluation conducted pursuant to s. 115.782, Stats., that the child 1) has an impairment under s. PI 11.36 that adversely affects the child's educational performance, and 2) as a result, needs special education and related services. The child must be assessed in all areas related to the suspected disability. No single measure or assessment may be used as the sole criterion for determining whether the child is a child with a disability. For instance, a child cannot be excluded from or found eligible for special education based solely on a medical diagnosis. In addition, a child's current vision status should not necessarily determine whether or not a child needs special education and related services (e.g., a student's degenerative condition may need to be addressed early).²

Visual impairment includes any impairment in vision, regardless of significance or severity, even with correction, that adversely affects a child's educational performance, such as the ability to read and write and be involved in the general education curriculum. Conditions that may result in visual impairment include, but are not limited to, blindness, homonymous hemianopsia, severe nystagmus, and convergence insufficiency when the condition adversely affects a child's educational performance. State criteria for eligibility cannot be applied in a way that would prevent a student with a visual impairment from meeting the eligibility criteria if that impairment, even with correction, adversely affected the student's educational performance. For more information, please refer to our Eligibility Criteria for Visual Impairment Evaluation Guide.

Eligibility for special education does not determine what special education services a child will receive. Identification of special education services is an IEP team decision based on the child's unique disability-related needs. The department recommends a 5-step process for developing an IEP to address the disability-related needs of a child.³

The department is developing additional resources to assist IEP teams with eligibility determinations for children suspected of having a visual impairment including blindness. Please visit the special education team's website.

¹ See OSEP memo to State directors at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/letter-on-visual-impairment-5-22-17.pdf>

² See OSEP Dear Colleague letter at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/dearcolleague06192013brailleiep2q2013.pdf>

³ See College and Career Ready IEP resources at <https://dpi.wi.gov/sped/college-and-career-ready-ieps/resources>