



# Students with Visual Impairments: Eligibility for Special Education



**Texas Sensory  
Support  
Network**

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# Students with Visual Impairments: Eligibility for Special Education



34 Code of Federal Regulations (CFR), §300.8 indicates two components that must be considered when determining if a student has a disability and is eligible for special education and related services:

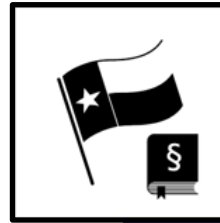
- 1) the child has one or more of the disabilities specified in 34 CFR, §300.8; AND
- 2) the disability creates a need for special education and related services.

## Component One: Determining a Visual Impairment



Code of Federal Regulations  
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.



Texas Administrative Code  
TAC § 89.1040(c)(12)(A)

- A student with a *visual impairment* is one who has been determined to meet the criteria for visual impairment as stated in 34 CFR, 300.8(c)(13).

*"Information from a variety of sources must be considered by the multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on visual impairment in order to determine the need for specially designed instruction as stated in 34 CFR, §300.39(b)(3), and must include..." (TAC §89.1040(c)(12))*



Eye Medical Report



Functional Vision  
Evaluation (FVE)



Learning Media  
Assessment (LMA)



Orientation and Mobility  
(O&M) Evaluation

# Eye Medical Report



“...a medical report by a **licensed ophthalmologist or optometrist** that:

- indicates the visual loss stated in exact measures of visual field and corrected visual acuity, at a distance and at near range, in each eye. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates.
- The report should also include a diagnosis and prognosis whenever possible and whether the student has:
  - (I) no vision or visual loss after correction; or
  - (II) a progressive medical condition that will result in no vision or a visual loss after correction” ([TAC §89.1040\(c\)\(12\)](#))



## Chapter 89 Update

Adopted revisions to Chapter 89 regarding the criteria for determining eligibility as a student with a visual impairment went into effect on March 14, 2021. The Texas Register October 16, 2020 (45 TexReg 7363), summarized the following regarding the updates to code.

[The previous] definition in [TAC] §89.1040(c)(12) may have had the effect of narrowing the Individuals with Disabilities Education Act (IDEA) definition in 34 Code of Federal Regulations [CFR], §300.8(c)(13), of “visual impairment including blindness.” As noted by the May 22, 2017 Letter to State Directors of Special Education, Preschool/619 State Coordinators from the U.S. Department of Education, Office of Special Education Programs, because the IDEA definition of “visual impairment including blindness” does not contain a modifier to allow states to define a precise level of impairment, **“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.” (emphasis in original)

The amendment aligns the rule with federal guidance by removing the modifier **serious** from TAC §89.1040(c)(12).



## Must an eye medical report be obtained before the teacher of students with visual impairments (TVI) can begin evaluations?

The eye medical report is one of the four required evaluations to determine eligibility as a student with a visual impairment. **It is best practice "for the functional vision evaluation (FVE), learning media assessment (LMA), and orientation and mobility (O&M) evaluations to be conducted after the eye medical exam** because medical corrections, such as prescribed glasses, may influence a student's performance on other components of the assessment process" (Texas Action Committee for the Education of Students with Visual Impairments 2020, 11).

"There is not a legal requirement for a specific sequence of the visual impairment evaluations. Federal law states that 'each public agency must conduct a full and individual evaluation, in accordance with 34 CFR, §§300.304-300.306, before the initial provision of special education and related services to a child with a disability 34 CFR, §300.301(a)' (OSEP 2017, 3), and no component of that evaluation may be used as a single determining factor for eligibility (OSEP 2017). Therefore, other assessments may be conducted prior to the completion of the medical exam to avoid an unnecessarily lengthy process. **After the eye medical report is acquired, the visual impairment evaluations may need to be reexamined based upon the medical information**" (Texas Action Committee for the Education of Students with Visual Impairments 2020, 11).



## Who pays for the eye exam and any fees associated with obtaining the State of Texas Interagency Eye Examination Report form?

The eye medical report is one of the four required evaluations to determine eligibility as a student with a visual impairment. It is the responsibility of the local education agency (LEA) to obtain eye medical information "at public expense and at no cost to the parents" (OSEP 2017, 4) The LEA may need to assist the family with the cost of travel, the eye exam, and any fees associated with obtaining documentation from the eye care professional.

[May 22, 2017, OSEP Policy Letter - Eligibility Determinations for Children Suspected of Having a Visual Impairment](#)

"To ensure [Free and Appropriate Public Education] FAPE, the public agency may use its Part B funds to pay for the service" (e.g., eye medical report) ([34 CFR, §300.154\(f\)](#)).



## Is it required that the eye medical information be reported on the Texas Interagency Eye Report Form?

The [State of Texas Interagency Eye Examination Report](#) was developed by the Texas Education Action Committee for the Education of Students with Visual Impairments in order to facilitate the continuity of services across multiple agencies.

The State of Texas Interagency Eye Examination Report form is not required for recording the information required for eligibility; however, this form is highly recommended. It contains essential information that guides the FVE, LMA, and O&M evaluation.



## Is it required to obtain an updated eye report annually or every three years?

The eye medical report is required to determine the presence of the disability, which occurs during the initial evaluation. The admission, review, and dismissal (ARD) committee does not need to determine the continued presence of the disability unless there have been changes to a student's visual performance that may impact their individualized education program (IEP).

Students who are visually impaired should be encouraged to see an optometrist or ophthalmologist annually to monitor for visual changes and eye health. It is best practice that the LEA obtain updated eye medical information each time a student visits the optometrist or ophthalmologist to monitor for changes in vision that could affect educational programming.

It may be necessary to obtain updated eye medical information to determine if "any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in his or her IEP and to participate, as appropriate, in the general education curriculum" (Texas Education Agency [TEA] 2020, 24). If an ARD committee has determined that an updated eye report is needed, it is the fiscal responsibility of the LEA to obtain the report.



## Do the FVE, LMA, and O&M evaluations need to be completed if the eye care professional did not indicate that the student had a visual loss after correction?

IEP teams may “not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child” ([34 CFR, §300.304\(b\)\(2\)](#)).

OSEP stated in a memo release: “there is nothing in the IDEA or the Part B regulations that would prohibit a State from requiring that a medical diagnosis be obtained for purposes of determining whether a child has a particular disability, provided the medical diagnosis is obtained at public expense and at no cost to the parents, **and is not used as the sole criterion for determining an appropriate educational program for the child**” (OSEP 2017, 3).

According to [TAC §89.1040\(c\)\(12\)](#), the eye medical report is one of the four required evaluations to determine eligibility as a student with a visual impairment. **Determining that a student does not meet eligibility based solely on information from the eye care professional would be inconsistent with [34 CFR, §300.304\(b\)\(2\)](#); therefore, the remaining evaluations should be completed.**



### Important to note!

"While an optometric or ophthalmological exam in an eye doctor's office can yield vital information about the student's eye condition, the results may not be readily transferable to other settings. Unless care is taken to observe the student's visual performance in real-life environments where lighting and contrast cannot always be controlled, a true picture of a student's functional vision cannot be obtained." (Anthony 2000, 32)

It is not unusual for a student's functional vision to differ from the eye medical information. It may be necessary for the TVI to contact the eye care professional, with parental permission, to discuss the results of the FVE if it differs significantly from the eye medical information.



# Functional Vision Evaluation (FVE)



"...a functional vision evaluation by a **certified teacher of students with visual impairments [TVI]** or a **Certified Orientation and Mobility Specialist [COMS]**

The evaluation must include:

- the performance of tasks in a variety of environments requiring the use of both near and distance vision
- and recommendations concerning the need for a clinical low vision evaluation" ([TAC §89.1040\(c\)\(12\)\(ii\)](#))

*"The functional vision evaluation differs from the basic eye examination and the low vision evaluation in that it primarily assesses how the individual applies his or her vision in real-life tasks or environments outside the clinical setting" (Lueck 2004, 14).*

## Best Practice

The best practice is for the TVI and COMS to collaborate on the FVE to ensure that all aspects of the student's functional use of vision are considered.

The FVE and LMA should also reflect and link to the student's assistive-technology evaluation results (Texas Action Committee for the Education of Students with Visual Impairments 2020).



## Important to note!

"Teachers who are trained to work with students who are blind or visually impaired are not trained to diagnose eye diseases; even the most skilled teacher may misinterpret the behaviors he or she observes if an accurate diagnosis is not available" (Liefert 2003, 83).





## Can the FVE be used to identify a vision impairment if the eye medical evaluation is not available?

The eye medical report is one of the four required evaluations according to the [TAC §89.1040\(c\)\(12\)\(A\)\(i\)](#) to determine eligibility as a student with a visual impairment. **Eligibility cannot be established without the required eye medical information.**



## Why would a clinical low vision evaluation (CLVE) be necessary if the student has already seen an optometrist or ophthalmologist?

[TAC §89.1040\(c\)\(12\)\(ii\)](#) requires the FVE to address a student's "need for a clinical low vision evaluation [CLVE]." A CLVE may be warranted if it is necessary to determine "whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum." ([CFR, §300.305\(a\)\(2\)\(iv\)](#))

A clinical low vision specialist is "trained and experienced in low vision rehabilitation to maximize the functional abilities of students with visual impairments to facilitate their success in the classroom and in the community" ([Wilkinson et al. 2014, 2](#)).

"The great majority of students who have a visual impairment (VI) and some functional use of vision should be seen by a clinical low vision specialist ([Doctor of Medicine] MD or [Doctor of Optometry] OD with a specialization in low vision) in a comprehensive clinical low vision evaluation (CLVE) to **determine any appropriate prescriptions, such as optical (magnification) and electronic devices, as well as other recommendations**" ([Bachofer and Lusk, n.d., 1](#)).



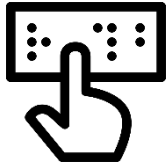
## How often does a student need a CLVE?

It is best practice to request a CLVE "when a student has received a comprehensive eye exam and medical, surgical, or optical treatments but continues to have difficulty performing daily tasks because of his or her vision" (Holbrook, Wright, and Presley 2017, 114).

The low vision specialist will evaluate the need for prescribed optical devices to support access to the general curriculum. Anytime the ARD committee determines that current devices are not meeting the student's visual needs, a new CLVE should be considered. Typically, this consideration would occur when the student's visual needs change, or when there is a change in the learning environment or materials.

"Generally, a CLVE reevaluation is completed every 3 years to address changes in growth and development, new interests, and academic demands. An abbreviated timeframe may be requested due to a change in vision, maturity of the student, a school transition, or another vision-related issue" ([Bachofer and Lusk, n.d.,4](#)).

# Learning Media Assessment (LMA)



"...a learning media assessment by a **certified teacher of students with visual impairments [TVI]**. The learning media assessment must include:

- recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student
- and whether or not there is a need for ongoing evaluation in this area" ([TAC §89.1040\(c\)\(12\)\(iii\)](#))



## Chapter 89 Update

Senate Bill 522, 86th Texas Legislature, Regular Session, 2019, changed Texas Education Code (TEC), Section 30.002. The changes removed the reference to the term "functionally blind."

It is now required that **the individualized education program for any student with a visual impairment must include instruction in and the use of braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student.**

The committee's determination must be based on a thorough evaluation of the student's appropriate literacy media, literacy skills, and current and future instructional needs.

Additional information and resources:

- [34 CFR, 300.324 \(a\) \(2\) \(iii\)](#)
- [OSEP Dear Colleague Letter on Braille, June 19, 2013](#)
- [Benefits of Braille](#)

*"This assessment process guides the educational team in making deliberate and informed decisions on the range of instructional media needed to facilitate learning for students with visual impairments. The LMA provides essential information needed to develop appropriate educational programs for students of all functioning levels" (Cleveland et al. 2018, 217).*

## Best Practice

"Based on the considerations of the law, for some students, literacy decisions may require ongoing diagnostic instruction in a variety of media and careful data collection. There should be adequate exposure to and practice with tactile, visual, and auditory formats in order to meaningfully evaluate the student's strengths and needs. Information from a clinical low vision evaluation is an important component for students with low vision in determining whether there are optical and/or electronic devices that will assist the student in efficiently accessing print" (Texas Action Committee for the Education of Students with Visual Impairments 2020, 13).



## How is it determined whether a student needs instruction or materials presented in braille?

"The evaluation of vision status and the need (or future need) for braille instruction should be **thorough and rigorous; include a data-based media assessment; be based on a range of learning modalities, including auditory, tactile, and visual; and include a functional visual assessment.** An assessment of a child's vision status generally would include the nature and extent of the child's visual impairment and its effect, for example, on the child's ability to learn to read, write, do mathematical calculations, and use computers and assistive technology, as well as [its effect on] the child's ability to be involved in and make progress in the general curriculum offered to nondisabled students. Such an evaluation generally would be closely linked to the assessment of the child's present and future reading and writing objectives, needs, and appropriate reading and writing media" (OSEP 2013, 3).



## When should the benefits of braille be reviewed with the IEP team?

As stated in [TEC §30.002 \(f-1\)](#), "Each person assisting in the development of the individualized education program for a student with a visual impairment shall receive information describing the benefits of braille instruction."

The Texas Action Committee for the Education of Students with Visual Impairments created a sample form to accomplish this task. This document is only a sample because the law does not specify how the information about braille should be conveyed; individual districts can modify this sample or create their own process. [Benefits of Braille, sample document \(PDF\)](#)

# Orientation and Mobility (O&M) Evaluation



"...an orientation and mobility evaluation conducted by a person who is appropriately certified as an **orientation and mobility specialist**.

The evaluation must be conducted:

- in a variety of lighting conditions
- and in a variety of settings, including in the student's
  - home;
  - school; and
  - community; and
  - in settings unfamiliar to the student" ([TAC §89.1040\(c\)\(12\)\(iv\)](#))

## Important to note!



TAC §89.1040(12) states:

- (B) A person who is appropriately certified as an orientation and mobility specialist must participate in any reevaluation as part of the multidisciplinary team, in accordance with 34 CFR, §§300.122 and 300.303-300.311, in evaluating data used to make the determination of the student's need for specially designed instruction.
- (C) A person who is appropriately certified as an orientation and mobility specialist must participate, as part of a multidisciplinary team, in accordance with 34 CFR, §§300.122 and 300.303-300.311, in evaluating data used in making the determination of the student's eligibility as a student with a visual impairment.



## Can an O&M intern complete the orientation and mobility evaluation?

According to [TAC §89.1040\(12\)](#), an O&M evaluation must be completed by a person appropriately certified as an orientation and mobility specialist.

[TAC §89.1131\(e\)](#) clarifies that "orientation and mobility instruction must be provided by a Certified Orientation and Mobility Specialist (COMS) who is certified by the Academy for Certification of Vision Rehabilitation and Education Professionals [ACVREP]."

An O&M intern may assist in completing an evaluation under the direct supervision of their ACVREP certified internship supervisor. The ACVREP code of ethics for COMS states in Principle 4.2. "The COMS will be responsible for O&M services to individuals when any portion of the service is assigned to O&M students, interns or other stakeholders under his or her supervision" (ACVREP, n.d., 2). In line with the ACVREP code of ethics, the evaluation should reflect that it was completed by the intern and the COMS serving as the internship supervisor.



## Can a COMS observe a student before making a recommendation as a multidisciplinary team member if the student is not currently receiving O&M services?

Yes, according to [TAC §89.1040\(12\)\(B\)](#), the COMS is a member of the multidisciplinary team who evaluates data as part of any reevaluation for a student with a visual impairment.

The IDEA clarifies that the review of existing evaluation data (REED) includes "observations by teachers and related service providers" ([34 CFR, §300.305\(a\)\(1\)\(iii\)](#)).

TEA has further clarified that "the LEA is not required to obtain parental consent before reviewing existing data as part of an initial evaluation or a reevaluation" ([TEA, n.d.](#)).

A COMS may observe a student to make an informed decision as a part of the REED.



## How often is the O&M evaluation required?

According to [TAC §89.1040\(12\)\(A\)\(iv\)](#), an O&M evaluation is a required portion of the full individual and initial evaluation (FIE) for a student suspected of having a visual impairment. Beyond the initial evaluation, there is no additional O&M evaluation mandated.

The O&M specialist is also a required member of the multidisciplinary team that determines the need for additional evaluations as a part of any reevaluation for a student with a visual impairment. The REED may indicate a need for an updated O&M evaluation if the team determines it necessary to update educational programming or related service needs.



## Can a student who does not qualify as Visually Impaired receive O&M services through special education?

The IDEA defines O&M services as "services **provided to blind or visually impaired children** by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community" ([34 CFR, §300.34\(c\)\(7\)](#)).

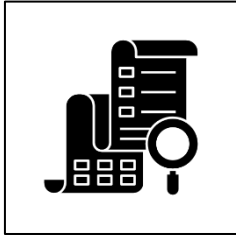
The IDEA further clarifies that if a student has a visual impairment "but only needs a related service and not special education, the child is not a child with a disability under this part" ([34 CFR, §300.8\(a\)\(2\)](#)).

If the ARD committee does not believe that the student needs specially designed instruction as a student with a visual impairment but needs O&M, the related service can be delivered under Section 504 of the Rehabilitation Act of 1973. The ARD committee is encouraged to ensure that a complete evaluation of the expanded core curriculum (ECC) for students with visual impairments has been thoroughly assessed, and that it has been determined that no additional needs in any other area would warrant specially designed instruction. It is uncommon that a student with a visual impairment would only need O&M services.



## Component Two: Determining Educational Need

### Evaluation Procedures



The IDEA requires the LEA to fully evaluate a student in all areas of the suspected disability, and further requires that “the evaluation is sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified” ([34 CFR, §300.304](#)).

#### Best Practice

"The FVE and LMA reports should typically be conducted, and results shared, prior to additional evaluation by other members of the educational team, including school psychologists, educational diagnosticians, counselors, and related service professionals [. This ensures] that tools used, and results found, accurately reflect the child’s aptitude and not the impact of a visual impairment" (Texas Action Committee for the Education of Students with Visual Impairments 2020, 12).



#### Important to note!

A 2010 due process hearing found:

"While the evidence shows the school district engaged in a number of activities and addressed many of the expanded core curriculum skills through some specific IEP goals and objectives, instructional modifications, accommodations, and related services, it did so without clearly communicating what it was doing to student's parents. Student’s educational program does not clearly establish or explain a systematic, well-planned approach for the evaluation of the nine expanded core curriculum skill domains as state law requires. This aspect of student’s program does not meet student’s individualized needs. Tex. Educ. Code §§300.002(c)(e); 19 Tex. Admin. Code §89.1055 (d)" (TEA 2010, 19).





## What functional needs should be assessed for students who are VI?

[TEC §30.002\(c\)\(4\)\(B\)](#) states that "instruction in an expanded core curriculum, which is required for students with visual impairments to succeed in classroom settings and to derive lasting, practical benefits from the education provided by school districts," must include instruction in:

- (i) "compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;
- (ii) orientation and mobility;
- (iii) social interaction skills;
- (iv) career planning;
- (v) assistive technology, including optical devices;
- (vi) independent living skills;
- (vii) recreation and leisure enjoyment;
- (viii) self-determination; and
- (ix) sensory efficiency."



## Whose responsibility is it to assess and instruct in the ECC?

"The expanded core curriculum (ECC) is the body of knowledge and skills that are needed by students with visual impairments due to their unique disability-specific needs. Students with visual impairments need the [ECC] in addition to the core academic curriculum of general education. The ECC should be used as a framework for assessing students, planning individual goals, and providing instruction" (Texas School for the Blind and Visually Impaired [TSBVI] 2019).

As the ECC is a disability-specific curriculum, it is the responsibility of the TVI and COMS to coordinate the assessment and ongoing instruction in the nine ECC areas outlined by [TEC §30.002\(4\)\(B\)](#) as necessary for students with a visual impairment to succeed in the classroom. Collaborative efforts in addressing the ECC by the TVI, COMS, parents, other team members, and related service providers are an effective and encouraged model for many ECC areas.



## Where should the information on the ECC be documented for a student with a visual impairment?

The IDEA requires an FIE to include assessment "in all areas related to the suspected disability" and requires that the assessment be "sufficiently comprehensive to identify all of the child's special education and related services needs" ([34 CFR, §300.304](#)).

[TEC §30.002\(4\)\(B\)](#) clearly outlines the nine areas of the ECC necessary for students with a visual impairment to succeed in the classroom.

The references mentioned above would indicate that information related to a student's abilities and needs in **the ECC should be included in the FIE of a student suspected of having a visual impairment** and utilized in determining the need for specially designed instruction and related services.

[Kirby v. Cabell County Board of Education, 46 IDELR 156 \(S.D. W.V. 2006\)](#), found the following: "If the IEP fails to assess the 'child's present levels of academic achievement and functional performance' the IEP does not comply with [IDEA]. This deficiency goes to the heart of the IEP; the child's level of academic achievement and functional performance is the foundation on which the IEP must be built. Without a clear identification of [the child's] present levels, the IEP cannot set measurable goals, evaluate the child's progress and determine which educational and related services are needed."

It is statutorily required that the ARD committee address the ECC annually for a student with a visual impairment. The best practice is that these individualized needs be documented as part of the **present levels of academic achievement and functional performance (PLAAFP) statement**.

The PLAAFP will drive the development of accommodations, modifications, and goals within the student's IEP. As appropriate, ECC needs should be addressed in the individual goals and objectives of a student with a visual impairment.

# Determining Eligibility for Special Education and Related Services



## Important to note!



Although the FIEE may identify the presence of a disability and the impact of the disability on educational performance, only the ARD committee can determine whether a student requires specially designed instruction that requires special education and related services.



## What does "...adversely affects the child's educational performance" mean?

*"It remains the Department's position that the term 'educational performance' as used in the IDEA and its implementing regulations is not limited to academic performance." Policy Letter to Clarke (OSEP 2007)*

"Each State must ensure that a [free and appropriate public education] FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade" ([34 CFR, §300.101\(c\)\(1\)](#)).

## Additional Questions Related to Visual Impairment Eligibility



### Is it possible for students with visual impairments to have additional disabilities including a specific learning disability (SLD)?

Yes, it is possible for students with visual impairments to have additional disabilities. According to the 2021 Annual Registration of Students with Visual Impairments, 74% of students with visual impairments have additional disabilities.

A student with a visual impairment who receives appropriate accommodations and instruction from a TVI is expected to make sufficient progress in the general education curriculum. When a student is not progressing as expected, additional evaluations may be needed to determine appropriate instructional strategies to support student progress.

It is a common misconception that the IDEA requires a vision impairment to be ruled out to determine the presence of an additional disability. [34 CFR, §300.309\(a\)\(3\)](#), which only applies to SLD, states that the findings are not the "primary result" of the visual impairment. Often visual impairment is the primary disability condition. SLD, including dyslexia, may be a contributing factor. Effective interventions should address any primary and contributing factors. It is not necessary for a student to be identified with SLD to receive the instructional components of dyslexia. Students with visual impairments often benefit from an explicit and systematic approach when learning to read and write.

It is important that the assessment team consider all areas of suspected disability when determining an evaluation plan. Cognitive and achievement testing may be used to support the team in making informed decisions. However, "as with all assessments, no individual intelligence test score should be used alone to determine a student's cognitive abilities, the presence of an additional disability, or eligibility for a special program" ([Goodman, Evans, and Loftin 2011](#)). Assessment personnel should collaborate with the TVI to ensure that all vision concerns are addressed when evaluating a student with a visual impairment for additional disabilities.



## Can a TVI observe or screen a student to determine if a referral is necessary?

The IDEA states "the screening of a student by a teacher or specialist to **determine appropriate instructional strategies for curriculum implementation** shall not be considered to be an evaluation for eligibility for special education and related services" ([34 CFR, §300.302](#)).

The IDEA defines evaluation as "procedures used in accordance with [34 CFR,] §§300.304 through 300.311 to **determine whether a child has a disability and the nature and extent of the special education and related services** that the child needs" ([34 CFR, §300.15](#)).

The process of observing a student to determine the presence of a disability constitutes an evaluation and therefore requires parental consent and prior written notice. Alternatively, determining that a child does not have a disability based on an observation or screening would violate [34 CFR, §300.304\(b\)\(2\)](#) that states no "single measure or assessment" may be used "as the sole criterion for determining whether a child is a child with a disability." **If it is suspected that the student has an impairment in vision and needs special education and related services, an FIE should be initiated**



## May a TVI consult with a 504 committee on a student with a visual impairment?

Anytime a TVI is asked to consult on a student, parental permission must be obtained.

IDEA states: "Screening for instructional purposes is not evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services" ([34 CFR, §300.302](#)).

When consulting with a 504 committee, a TVI may not utilize tests or procedures that would be used in their FVE or LMA. They should never be asked to observe with the specific viewpoint of determining a need for services. It is best to approach an observation with the mindset of helping the team to understand possible issues with vision that may be improved with accommodations or instructional strategies. For example, it would be beneficial to help the 504 committee understand the process of patching for amblyopia or to explain how the loss of vision in only one eye could be accommodated.

There is a limit to a TVI's ability to identify accommodations and instructional strategies without a formal evaluation. **If it is suspected that the student has an impairment in vision and needs special education and related services, an FIE should be initiated.**



## References

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## Additional Resources

- [19 Texas Administrative Code §89.1040. Eligibility Criteria](#)
- [Benefits of Braille, sample document \(PDF\)](#)
- [Child Find, Evaluation and ARD Supports Network](#)
- [Guidelines and Standards for Educating Students with Visual Impairments in Texas](#)
- [Individuals with Disabilities Education Act](#)
- [The Legal Framework for the Child-Centered Special Education Process](#)
- [May 22, 2017, OSEP Policy Letter - Eligibility Determinations for Children Suspected of Having a Visual Impairment](#)
- [OSEP Dear Colleague Letter on Braille, June 19, 2013](#)
- [State of Texas Interagency Eye Examination Report](#)
- [Technical Assistance: Child Find and Evaluation](#)