



November 8, 2017

Dear Directors of Special Education,

The Illinois Vision Leadership Council (IVLC) is sending out this letter in response to a recent May 22, 2017 Office of Special Education Programs (OSEP) Memo. The purpose of this IVLC letter is to increase awareness and provide information to districts and cooperatives to better understand the requirements of this Memo. It is recommended that districts and cooperatives consult with their own legal counsel on how to execute the mandates of the OSEP Memo.

On May 22, 2017, OSEP issued a memo to all State Directors of Special Education and all Preschool/619 State Coordinators in regard to "Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness Under the Individuals with Disabilities Education Act". Attached you will find this Memo, as well as the November 12, 2014 Memo referred to in the 5/22/17 Memorandum. We are sending this email to you to help clarify the impact this memo may have on your district and cooperative procedures.

Two key points to focus on:

1. The federal/state definition of "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.
 - This definition is broad and does not include any modifiers (such as the words "severe" or "significant").
 - States and districts cannot narrow the federal/state definition.
2. Teams can request existing ocular reports/medical reports to gather information about the student's vision status but cannot REQUIRE it in order to consider opening a case study or determining a vision impaired eligibility. If the district requests this information they may need to pay.

What does this mean for you as a district/coop?

Review your vision criteria

- If you find your vision criteria is narrowing the definition, and/or includes exclusionary criteria, other than the 3 “rule out” factors, the form(s) need to be updated to comply with OSEP’s guidance document.
 - There are 3 “rule out” factors for ALL disabilities categories. These are the ONLY ones that apply to “vision impairment”:
 - Lack of appropriate instruction in reading
 - Lack of appropriate instruction in math
 - Limited English proficiency
- District vision criteria and eligibility forms within your district/cooperative may look different.
 - Your criteria should not **require** that an outside source, such as an eye doctor, must confirm a visual diagnosis.
 - If your criteria has “blind” “low vision” “partially sighted” or something similar as options, either consider removing this wording OR adding an “other” option and a line to explain the impairment.
 - If your criteria states specific vision impairment criteria (e.g. 20/70 acuity, visual field less than 20 degrees, etc.) either consider removing this wording, the qualifiers OR adding an “other” option and a line to explain the impairment.
 - If your criteria has modifiers as part of the criteria of a vision impairment (e.g., **significant, substantial, or severe**) these modifiers should be considered to be removed because the definition of “vision impairment including blindness” does not include any modifiers and therefore your criteria is narrowing the definition.
 - You may consider having only two options as part of your criteria:
 - The student has a vision impairment with space to write details
 - The student does not have a vision impairment

NOTE: Once you determine a student has a vision impairment the team must still consider adverse affect and special needs in order to establish a visual impairment eligibility.

Make sure your teams know:

- The team may request already existing information, but they may not delay the evaluation process waiting for the report.
- The team may not require an ocular report to determine whether or not to open a case study or to determine a vision eligibility. If the team feels that an ocular is needed to make an appropriate determination, they can request the parent to pursue an eye examination but it may be at the LEA’s expense.
- Nothing in this memo prevents the LEA from getting a medical diagnosis but if the LEA requests it, they pay for it.

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