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Ruth E. Ryder

Acting Director

Office of Special Education Programs

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202

Dear Ms. Ryder,

We, the undersigned individuals and organizations, write to thank you and the Office of Special Education Programs for issuing the May 22, 2017, memorandum entitled “Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness under the Individuals with Disabilities Education Act.” We also urge the Department to recognize the expertise of our field and are requesting the Department to actively collaborate with us in future discussions about challenges and solutions in serving students who are blind or visually impaired.

The guidance provided by this memo asserts what professionals in the field of blindness and visual impairments know and have always advocated for – that the federal definition of “students with visual impairment including blindness” in the Individuals with Disabilities Education Act (IDEA) is inclusive of all students with impairments in vision that, even with correction, impact their access and participation in school, including children who need supports related to progressive visual conditions. We are pleased to have access to this memorandum to share its important message with state and local school districts and school administrators. Hopefully, this will lead to greater consistency in eligibility determinations among and between states and school districts.

In reading the memorandum, we are reminded of two basic principles of IDEA:

1. Eligibility for special education is individualized and based on evaluation of educational need, not diagnoses or medical conditions.
2. Services and supports for students in special education are individualized and based on evaluation and assessment, not diagnoses or medical conditions and not the categories or labels used to determine eligibility.

As recommended in this memo, we will continue to support the individualized provision of a range of special education services for children with all types of educationally significant visual conditions, regardless of diagnoses, including children with neurological, cortical, and/or cerebral visual impairments as well as children with issues of binocularity and convergence which, even after correction, adversely impact their access to education.

We support thorough, individualized evaluations using a range of tools to assess eligibility, as well as (often simultaneous) thorough evaluations to determine the best supports and services to be provided to students deemed eligible based on state and federal criteria. Where an evaluation determines that any student – regardless of eligibility category – needs supports and services that fall within the scope of training and expertise of teachers of students with visual impairments (defined differently from state to state but commonly known as TVIs), we know that the professionals in our field stand ready to support and serve these students. TVIs are also prepared to actively collaborate with multidisciplinary special education teams whenever needed, so that if an evaluation determines that a student needs supports or services which are outside the scope of TVI training and expertise, teams can identify and coordinate with the best trained professionals to provide needed services.

We realize that the recent memorandum is likely to generate discussions among states and school districts about students with binocular vision disorders (including convergence insufficiency), and we know that discussions will continue to arise about the provision of vision therapy, a treatment which is sometimes medically prescribed for conditions including binocular vision disorders. As clearly described in a recent position paper[[1]](#footnote-1) from the Association for the Education and Rehabilitation of the Blind and Visually Impaired’s Low Vision Rehabilitation Division, TVIs are educational professionals and not therapists; the provision of vision therapy should be supervised by a doctor and is outside TVIs’ scope of professional practice.

Knowing that eligibility does not determine services, should a student with a binocular vision disorder be evaluated and found eligible for special education, TVIs already provide and will continue to provide important evaluation and supports, including classroom accommodations and direct instruction if necessary. TVIs are often the “vision experts” within a school system, and they will continue to work with the multidisciplinary teams to identify additional experts and professional service providers should information and/or supports be needed which are beyond the TVI’s professional expertise.

The professionals and organizations in the field of blindness and visual impairment are eager and ready to share our knowledge and experience with, and to learn from, the experts and leaders at the Office of Special Education Programs. We were disappointed not to have been consulted in advance of this memorandum, as we are very familiar with the issues discussed and could have provided context and expertise to reduce the potential for confusion from school districts and parents. We encourage the Office to actively involve us as a resource and seek our input as stakeholders in future conversations and considerations related to students who are blind or visually impaired. We know that by working together, we can help to further shape a system of education and special education which will achieve the greatest outcomes and future quality of life for students and families.

Thank you again for your thoughtful guidance and support.

Sincerely,

[organizations and individuals; email [rsheffield@afb.net](mailto:rsheffield@afb.net) to sign on]

1. 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/> [↑](#footnote-ref-1)