



Summary of Changes for Blind and Visually Impaired Rule

The following is a summary of the changes to Section 1 PI 11.36 (3) of the Wisconsin Administrative Rule addressing identification of students who are blind and visually impaired. This means Individualized Education Program (IEP) teams must use the new criteria to identify a sensory impairment, including blindness and visual impairment, for referrals for special education dated on or after August 01, 2021. The updated rule may be found at [Wisconsin Legislature: CR 20-072 Rule Text](#).

The Wisconsin Center for the Blind and Visually Impaired (WCBVI) Outreach Program serves as a statewide educational resource relating to visual impairments to benefit all Wisconsin children who are blind or visually impaired. WCBVI can provide testing, evaluation, and assessment services to support local educational agencies, cooperative educational service agencies, and county children with disabilities education boards. We can also provide technical assistance and consultation services to entities such as local educational agencies, cooperative educational service agencies, county children with disabilities education boards, private schools, and tribal schools. To find out more about the purpose, governance, and authorized services of WCBVI, please visit the [Wisconsin State Legislature website](#). To find out more about the current trainings, newsletters, events, and resources go to the [WCBVI web page](#).

Disability Category Terminology

The terminology in s. PI 11.36 (3) was updated from pupils with a “visual impairment” to pupils who are “blind and visually impaired” in order to recognize the difference between blindness and visual impairment.

Disability Category Definition

The language in s. PI 11.36 (3) was revised to reflect the federal definition of visual impairment, “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.” In addition, the following two revisions were made to the assessment requirements that must be met in order for a student to be identified as blind or visually impaired.



Functional Vision Assessment from a Licensed Teacher of the Visually Impaired

A teacher of the visually impaired licensed under s. PI 34.051 conducts a functional vision assessment as part of a comprehensive 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.

Note: *IEP teams no longer have to select one of the following findings by an optometrist or ophthalmologist, as this section has been removed:*

- *Central visual acuity of 20/70 or less in the better eye after conventional correction.*
- *Reduced visual field to 50° or less in the better eye.*
- *Other ocular pathologies that are permanent and irremediable.*
- *Cortical visual impairment.*
- *A degenerative condition that is likely to result in a significant loss of vision in the future.*

Assessment of Needs by Licensed Orientation and Mobility Specialist

An orientation and mobility specialist licensed under s. PI 34.089 evaluates the child to determine if there are related orientation and mobility needs in home, school, or community environments. A child may meet the criteria under this subdivision even if they do not have orientation and mobility needs.

- IDEA defines orientation and mobility 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.” Best practices state an orientation and mobility specialist conducts orientation and mobility assessments. *Therefore, a teacher of the visually impaired may no longer evaluate a child for orientation and mobility needs in conjunction with the orientation and mobility specialist.*

References

- Department of Public Instruction: [Eligibility Determinations for Children Suspected of Having a Visual Impairment](#)
- OSEP Policy Letter: [Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness under the Individuals with Disabilities Education Act](#)



- IDEA Sec. 300.34 (c) (7) (i): <https://sites.ed.gov/idea/regs/b/a/300.34/c/7/i>
- Scope of Practice in Orientation and Mobility by Justin T. Kaiser, Jennifer L. Cmar, Sandra Rosen, Dawn Anderson:
<https://aerbvi.org/about/divisions/orientation-mobility-division/>
- *Position Papers from the Association for the Education and Rehabilitation of the Blind and Visually Impaired:*
 - O&M Specialist Roles, Responsibilities, and Qualifications:
<https://aerbvi.org/resources/publications/position-papers/>
 - 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/>