

Final proposed rule language - Incorporating the proposed notice published on March 20th and the notice of change posted April 9th

6A-6.03014 Exceptional Student Education Eligibility and Assessment for Students with Visual Impairments Who Are Visually Impaired.

(1) ~~Definitions. Students who are visually impaired include the following:~~

~~(a) Visual impairment including blindness means any impairment in vision regardless of significance or severity that, even with correction, adversely affects the student's educational performance. The term includes both partial sight and blindness, including ocular, brain-based and neurological disorders.~~

~~(b) Teacher of the visually impaired means an individual who is certified in the area of visually impaired in accordance with Rule 6A-4.0178, Florida Administrative Code (F.A.C.).~~

~~(a) A student who is blind, has no vision, or has little potential for using vision;~~

~~(b) A student who has low vision;~~

~~(c) A student who has a visual impairment after best correction that adversely affects the student's educational performance; and,~~

~~(d) A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.~~

~~(2) Activities Prior to Referral. Prior to referral for evaluation, the requirements in Rule 6A-6.0331, F.A.C., must be met.~~

~~(2) (3) A full and individual evaluation must be conducted by a school district to identify a student with a visual impairment as eligible for exceptional student education and consider the individual needs of a student with a visual impairment when developing, reviewing, or revising an Individual Educational Plan (IEP) in accordance with Rules 6A-1.09401(1)(j), 6A-1.09414, 6A-6.03028, 6A-6.0331, and 6A-6.03411, F.A.C. Procedures for student evaluation.~~

~~(3) Eligibility determination. For a student who has, or who is suspected of having, a visual impairment, evaluation for eligibility must include a medical report and three assessments as described in paragraphs (3)(b)-(d), unless one or more of the assessments is waived as provided in paragraph (3)(e).~~

~~(a) Medical report. A medical report must include a diagnosis or provide information about a student's visual impairment. This medical report must be provided by a licensed ophthalmologist, optometrist, or neurologist. The minimum procedures necessary for determining eligibility shall include:~~

~~1. A medical eye examination describing: etiology, diagnosis, treatment regimen, prognosis, near/distance, corrected/uncorrected acuity measures for left eye, right eye and both eyes, measure of field of vision, and~~

recommendations for lighting levels, physical activity, aids, prescribed low vision aids, or use of glasses or contact lenses, as appropriate. For students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable; and,

2. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:

(b) ~~a.~~ Functional vision assessment. A functional vision assessment considers the student's performance of daily tasks across a variety of natural environments to determine factors that influence visual access. This assessment must be conducted by a teacher of the visually impaired. ~~evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills referenced in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living skills,~~

(c) ~~b.~~ Learning media assessment. A learning media assessment; ~~and,~~ considers and compares learning and literacy media in order to provide recommendations about which visual, tactual, and auditory learning media are appropriate for the student. These recommendations must consider the use of braille in accordance with the requirements of Rule 6A-6.03028(3)(g)8., F.A.C. This assessment must be conducted by a teacher of the visually impaired.

~~e. An orientation and mobility screening.~~

(b) ~~Reevaluation shall occur at least every three (3) years and shall include a minimum of a medical eye examination within the last calendar year; a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.~~

(d) Orientation and mobility screening. The district must conduct an orientation and mobility screening. An orientation and mobility screening considers the travel needs and abilities of the student in a variety of environments. The screening must be conducted by a person who holds an orientation and mobility certification or endorsement.

(e) Assessment waiver. If one of the assessments described in paragraphs (3)(b)-(3)(d) provides sufficient information to determine that a student with a visual impairment is eligible for exceptional student education, the

other assessments must be waived for the purpose of determining eligibility. However, if the assessments were waived because they were not necessary to determine eligibility, the assessments that were waived must be completed during the IEP process.

(4) Reevaluation. Reevaluation of students with visual impairment must comply with Rule 6A-6.0331(7), F.A.C., and, in addition, the reevaluation must include:

(a) A medical report as referenced in paragraph (3)(a), unless a medical report is waived by the student's IEP team if the team finds that there is no suspected change in visual functioning, or if the team is provided a physician's written recommendation to waive the medical report for students with bilateral anophthalmia; and

(b) An evaluation of skills known to be impacted by visual impairment as required for determining initial eligibility.

~~(4) Criteria for eligibility. A student is eligible for special education and related services if the following medical and educational criteria are met:~~

~~(a) Medical. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:~~

- ~~1. A visual acuity of 20/70 or less in the better eye after best possible correction;~~
- ~~2. A peripheral field so constricted that it affects the student's ability to function in an educational setting;~~
- ~~3. A diagnosis of visual impairment after best correction; or~~
- ~~4. A progressive loss of vision that may affect the student's ability to function in an educational setting.~~

~~(b) The student needs special education as defined in Rules 6A-6.0331 and 6A-6.03411, F.A.C.~~

(5) Once a student with a visual impairment is determined eligible for exceptional student education, the district must conduct the assessments and screening as described below.

(a) The district must conduct any assessment waived for the eligibility determination as provided in paragraph (3)(e).

(b) The district must conduct a special skills assessment. A special skills assessment evaluates skills aligned with content knowledge as described in Rule 6A-1.09401(1)(j), F.A.C. This assessment must be conducted by a teacher of the visually impaired.

(6) ~~(5)~~ Supportive services. The district must make available referral forms, links, and technical support contacts for services to students and parents. These resources include:

(a) Critical Initiatives in Visual Impairment Project Florida State University (CIVI-FSU); ~~The district shall make available the professional services needed to support the program. This shall include registration of all students who are visually impaired for services from the Florida Instructional Materials Center for the Visually Impaired.~~

(b) Florida Division of Blind Services (DBS); ~~Other support services may include, but are not limited to:~~

~~1. Provision of specialized textbooks, learning materials, assessment materials, and equipment; and,~~

~~2. Cooperative planning with the Division of Blind Services, including parent involvement activities.~~

(c) Florida Division of Vocational Rehabilitation (VR);

(d) Florida Instructional Materials Center for the Visually Impaired (FIMC-VI);

(e) Florida Low Vision Initiative (FLVI); and

(f) Florida School for the Deaf and the Blind (FSDB).

Rulemaking Authority 1001.02, 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57 FS. Law Implemented 1001.02, 1003.57, 1011.62(1)(c) FS. History—New 7-1-77, Amended 7-13-83, Formerly 6A-6.3014, Amended 2-12-91, 3-1-08, 8-23-17.