

STATE BOARD OF EDUCATION
Consent Item
July 17, 2017

SUBJECT: Approval of Amendment to Rule 6A-6.03014, Exceptional Student Education Eligibility for Students Who Are Visually Impaired

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02, 1001.42(4)(l), 1003.01(3)(a),(b), 1003.57, Florida Statutes

EXECUTIVE SUMMARY

Rule 6A-6.03014, F.A.C., defines visual impairment and identifies the exceptional student education eligibility criteria for students who are visually impaired. Within the current definition section, there is an explicit exclusion of students who have learning problems as a result of visual perceptual or visual motor difficulties. The current rule also sets minimum procedures necessary for determining eligibility that include medical criteria and guidance on minimum requirements for reevaluation.

In response to federal guidance, this amendment removes language explicitly excluding students from eligibility who have a serious visual impairment as a result of visual perceptual or visual motor difficulties that have a demonstrated need for special education as defined in Rules 6A-6.0331 and 6A-6.03411, F.A.C. The proposed rule will add guidance to the current requirement that students who are suspected of having a visual impairment be comprehensively assessed on skills known to be impacted by visual impairment (e.g., functional vision evaluation, learning media assessment, orientation and mobility screening), which is revised in the proposed rule to occur as an explicit part of the minimum procedures necessary for determining eligibility.

Supporting Documentation Included: Proposed Rule 6A-6.03014, F.A.C.

Facilitator: Jacob Oliva, Executive Vice Chancellor, Public Schools

6A-6.03014 Exceptional Student Education Eligibility for Students Who Are Visually Impaired.

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

(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 ~~The term visual impairment does not include students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties.~~

(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) No change.

(3) Procedures for student evaluation.

(a) 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 children birth to five (5) years of age or 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: ~~If a medical criterion listed in paragraph (4)(a) of this rule is met, then in addition to the provisions of Rule 6A-6.0331, F.A.C., a comprehensive assessment of skills known to be impacted by visual impairment, shall include, but is not limited to: functional vision evaluation, learning media assessment, and, if appropriate, orientation and mobility assessment.~~

a. A functional vision 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;

b. A learning media assessment; and

c. 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; functional vision assessment, learning media assessment, 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.

(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 ~~progressive loss of vision which may affect the student's ability to function in an educational setting, not including students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties; or~~
4. A progressive loss of vision that may affect the student's ability to function in an educational setting. ~~For children birth to five (5) years of age or students who are otherwise unable to be assessed, bilateral lack of central, steady, or maintained fixation of vision with an estimated visual acuity of 20/70 or less after best possible correction; bilateral central scotoma involving the perimacula area (20/80 20/200); bilateral grade III, IV, or V Retinopathy of Prematurity (ROP); or documented eye impairment as stated in paragraph (3)(a) of this rule.~~

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

(5) No change.

Rulemaking Authority 1001.02, 1001.42(4)(1)(1), 1003.01(3)(a), (b), ~~1003.55~~, 1003.57 FS. Law Implemented 1001.02, ~~1010.305(2)~~, 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.