



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

SPECIAL EDUCATION POLICY BULLETIN

Eligibility Criteria for Visual Impairment Under IDEA

June 2021

The Office of the State Superintendent of Education (OSSE) provides this guidance on local education agency (LEA) responsibilities under the Individuals with Disabilities Education Act (IDEA) related to eligibility criteria to determine visual impairment. This document generally constitutes nonregulatory guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

On May 22, 2017, the United States Department of Education Office of Special Education and Rehabilitative Services (USED/OSERS) issued a [Memorandum: Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness under the Individuals with Disabilities Education Act](#) which provides that state-established eligibility criteria for visual impairment cannot narrow the federal definition, thereby overly restricting eligibility. Under 34 CFR §300.8(c)(13), “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. The USED clarified that the IDEA definition of “visual impairment including blindness” does not contain any modifier; therefore, any impairment in vision, regardless of significance or severity, must be included in a State’s definition, provided that such impairment, even with correction, adversely affects a child’s educational performance. States may not use criteria or other definitions for “visual impairment including blindness” that result in the exclusion of children who otherwise meet the definition in 34 CFR §300.8(c)(13).

OSSE has determined that the eligibility criteria for visual impairment as established in OSSE’s [IDEA Part B Initial Evaluation/ Reevaluation Policy](#) are more restrictive than the definition provided by IDEA regulation. Although the District has proposed visual impairment eligibility criteria that are consistent with IDEA, as of the date of this policy bulletin, the proposed regulations are not final or effective. Pending final rulemaking, LEAs are directed to make eligibility determinations for visual impairment in accordance with 34 CFR §300.8(c)(13). Eligibility worksheets in the Special Education Data System (SEDS) will be updated to reflect these criteria in July 2021.

Please direct any questions regarding the content of this document to OSSE’s Division of Systems and Supports, K-12 Office of Special Education at OSSE.DSEPolicy@dc.gov.