DEFINITION OF VISUAL IMPAIRMENT

34 Code of Federal Regulations -- §300.7 Child with a disability.

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. (Authority: 20 U.S.C. 1401(3)(A) and (B); 1401(26))

COMMISSIONER’S RULES ON VI ELIGIBILITY

Commissioner’s Rules:§89.1040. Eligibility Criteria.

(1) A student who has a visual impairment is one who:
(A) has been determined by a licensed ophthalmologist or optometrist to have no vision or to have a serious visual loss after correction. The visual loss should be stated in exact measures of visual field and corrected visual acuity at distance and near in each eye. The report should also include prognosis whenever possible. If exact measures cannot be obtained, the eye specialist must so state and give best estimates; and
(B) has been determined by the following assessments to have a need for special services:
(i) a functional vision evaluation by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor. The evaluation must include the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation and an orientation and mobility evaluation; and
(ii) a learning media assessment by a professional certified in the education of students with visual impairments. The assessment must include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or
not there is a need for ongoing assessment in this area.

(2) A student who has a visual impairment is functionally blind if, based on the preceding assessments, the student will use tactual media (which includes Braille) as a primary tool for learning to be able to communicate in both reading and writing at the same level of proficiency as other students of comparable ability.

Source: The provisions of this §89.1040 adopted to be effective September 1, 1996, 21 TexReg 7240.