



## Can a TVI observe or screen a student to determine if a referral is necessary?

The IDEA states "the screening of a student by a teacher or specialist to **determine appropriate instructional strategies for curriculum implementation** shall not be considered to be an evaluation for eligibility for special education and related services" ([34 CFR, §300.302](#)).

The IDEA defines evaluation as "procedures used in accordance with [34 CFR,] §§300.304 through 300.311 to **determine whether a child has a disability and the nature and extent of the special education and related services** that the child needs" ([34 CFR, §300.15](#)).

The process of observing a student to determine the presence of a disability constitutes an evaluation and therefore requires parental consent and prior written notice. Alternatively, determining that a child does not have a disability based on an observation or screening would violate [34 CFR, §300.304\(b\)\(2\)](#) that states no "single measure or assessment" may be used "as the sole criterion for determining whether a child is a child with a disability." **If it is suspected that the student has an impairment in vision and needs special education and related services, an FIEE should be initiated**



## May a TVI consult with a 504 committee on a student with a visual impairment?

**Anytime a TVI is asked to consult on a student, parental permission must be obtained.**

IDEA states: "Screening for instructional purposes is not evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services" ([34 CFR, §300.302](#)).

When consulting with a 504 committee, a TVI may not utilize tests or procedures that would be used in their FVE or LMA. They should never be asked to observe with the specific viewpoint of determining a need for services. It is best to approach an observation with the mindset of helping the team to understand possible issues with vision that may be improved with accommodations or instructional strategies. For example, it would be beneficial to help the 504 committee understand the process of patching for amblyopia or to explain how the loss of vision in only one eye could be accommodated.

**There is a limit to a TVI's ability to identify accommodations and instructional strategies without a formal evaluation. If it is suspected that the student has an impairment in vision and needs special education and related services, an FIEE should be initiated.**

