

May 8, 2020

The Honorable Lamar Alexander
Chair, U.S. Senate Committee on Health,
Education, Labor and Pensions
455 Dirksen Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member, U.S. Senate Committee
on Health, Education, Labor and Pensions
154 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Bobby Scott
Chair, U.S. House Committee on Education
and Labor
1201 Longworth House Office Building
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member, U.S. House Committee on
Education and Labor
2462 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Scott and Alexander, Ranking Members Foxx and Murray:

The undersigned organizations are national nonprofits, consumer membership organizations, professional associations, and schools that serve and represent people who are blind or have low vision. These organizations consist of individuals, professionals, schools and providers who are managing and monitoring the daily impact of educational changes required by the COVID-19 pandemic. Together, we urge Congress to protect the rights and services that students who are blind or have low vision deserve to receive a quality education during the pandemic.

Specifically, we ask you to continue supporting children who are blind or have low vision by opposing waivers that would affect the services that children receive and by providing additional IDEA funding to support students' access to their education.

More than 28,000 public school students who have a visual impairment, including deaf-blindness, are served under the Individuals with Disabilities Education Act (IDEA), Part B.¹ Additional students receive services through Part C during early childhood, Section 504 of the Rehabilitation Act of 1973, or have a visual impairment but primarily receive IDEA services for a different disability. Each of these students depends heavily on the services and rights afforded by IDEA and Section 504. Some such services include braille education which promotes literacy and effective communications; assistive technology which enables access to instructional

¹ National Center for Education Statistics (2019). Children 3 to 21 years old served under Individuals with Disabilities Education Act (IDEA), Part B, by age group and sex, race/ethnicity, and type of disability: 2018-19. *Digest of Education Statistics*. Accessed on May 1, 2020: https://nces.ed.gov/programs/digest/d19/tables/dt19_204.50.asp

materials and information; orientation and mobility (O&M) instruction which enhances student independence and safety; and instruction in sign language for students who are deafblind.²

Many teachers nationwide, including teachers of students with visual impairments (TVIs), are rising to the challenge of creatively and effectively using alternative strategies and technology to meet their students' needs. One student in New Hampshire has shared how she benefits from her TVI's help determining whether electronic assignments are accessible and assistance producing materials in braille. Her TVI advises classroom teachers on best practices for electronic accessibility while the student is learning self-advocacy through email, a new skill for a student used to face-to-face self-advocacy in the classroom before her school closed.³ Self-advocacy, braille, and assistive technology are important components of the Expanded Core Curriculum (ECC), a framework of skills unique to the success of students with visual impairments. Meanwhile, a TVI and O&M instructor in North Dakota has spent her time connecting with children and families via phone calls and Zoom. Though some of her lessons cannot be delivered remotely, she has successfully provided some lessons through calls and offers reinforcement through videos. However, she has noted that the resources available in the home directly affect her ability to serve her students.⁴ If a student lacks devices and assistive software, the online curriculum is inaccessible, or the student has not received assistive technology training, the student's education becomes significantly more challenging. Stories like these demonstrate that education of students with visual impairments can and does continue in the current environment, but teachers and families need resources and assistance to fully meet their students' needs.

Educators' documented successes in continuing education during the pandemic demonstrates that IDEA and Section 504 generally should not be waived. As required by the CARES Act, the Secretary of Education recently released her report recommending a narrow set of waivers. We applaud the Secretary for recognizing that "schools can, and must, provide education to all students, including children with disabilities;" that "the needs and best interests of the individual student, not any system, should guide decisions;" and that the individual and their family should be involved in decisions related to their education and services.⁵ While we

² Department of Education (2000). Educating Blind and Visually Impaired Students; Policy Guidance. 65 Federal Register 36585-36594. Accessed on May 1, 2020: <https://www.federalregister.gov/documents/2000/06/08/00-14485/educating-blind-and-visually-impaired-students-policy-guidance>

³ Rosenblum, L.P. (April 9, 2020). How TVIs and O&M Instructors are Handling the Challenges of Distance Learning, Part 1. *AFB Blog*. American Foundation for the Blind. Accessed on May 1, 2020:

<https://www.afb.org/blog/entry/how-tvis-and-om-instructors-are-handling-distance-learning-1>

⁴ Rosenblum, L.P. (April 9, 2020). How TVIs and O&M Instructors are Handling the Challenges of Distance Learning, Part 2. *AFB Blog*. American Foundation for the Blind. Accessed on May 1, 2020:

<https://www.afb.org/blog/entry/how-tvis-and-om-instructors-are-handling-distance-learning-2>

⁵ DeVos, B. (April 27, 2020). Report to Congress of U.S. Secretary of Education Betsy DeVos: Recommended Waiver Authority Under Section 3511(d)(4) of Division A of the Coronavirus Aid, Relief, and Economic Security Act ('CARES Act'). Department of Education. Accessed on May 1, 2020: <https://www2.ed.gov/documents/coronavirus/cares-waiver-report.pdf>

generally oppose special education waivers, we were pleased to see that the Secretary only asked for narrow waiver authority and for flexibility to prevent the loss of services in the interim. We acknowledge that deferring work requirements for personnel development scholarships may be necessary, particularly if certain service providers, such as O&M contractors, are not able to work or be paid in the current remote environment.

If Congress chooses to enact IDEA waivers that the Secretary has recommended, we strongly urge Congress to clarify that any waiver must have an end date that is specific and short and that funding must be authorized to allow available services to continue in the interim. Specifically, for any waiver of IDEA Part C to B transition timeline, Congress must specify a narrow, short timeline directly connected to resumption of other school services and require flexibility for stimulus or other Federal education funds to be used to continue Part C services past a child's third birthday. **We urge Congress to adopt the same principles as the Department of Education in its decision making; to keep any waiver narrow, specific, and time-limited; to ensure that services continue in the interim; and to elevate the interests of students above those of systems. Likewise, we urge Congress to reject any waiver proposal that does not meet these criteria.**

Recognizing that the current educational environment presents challenges – as well as opportunities – to both teachers and students, we encourage Congress to consider other solutions. **Specifically, we encourage Congress to increase funding for IDEA and technical assistance.** Dedicating relief funds specifically for IDEA will support districts and schools in meeting any additional needs that their students may face, including additional personnel or compensatory services, expanded access to accessible and assistive technology, and immediate technical assistance. Because assistive technology, such as refreshable braille displays, screen readers, and magnification software, provides instruction access for students who are blind in a virtual educational environment, an equitable classroom necessitates providing students assistive technology to access the same educational platforms as their peers. Moreover, technical assistance targeted to meet the unique educational needs of students with disabilities would empower teachers and school districts to provide innovative services in remote environments and support the identification of promising and best practices and standards.

The undersigned organizations appreciate your consideration of the needs and interest of students who are blind and have low vision. Together, we can ensure that schools and teachers have the resources they need to serve each child and provide equitable opportunities to all. If you have any questions, please reach out to Stacy Cervenka, American Foundation for the Blind, at scervenka@afb.org, and Claire Stanley, American Council of the Blind, at cstanley@acb.org.

Sincerely,

American Council of the Blind

American Foundation for the Blind
Association for Education and Rehabilitation of the Blind and Visually Impaired
American Printing House for the Blind
Council for Exceptional Children, Division of Visual Impairments and Deafblindness
Council of Schools and Services for the Blind
DeafBlind Citizens in Action
National Organization for Albinism and Hypopigmentation
Perkins School for the Blind
Vision Serve Alliance