



WESP-DHH
**Wisconsin Deafblind
 Technical Assistance Project**
 WDBTAP



SPECIAL EDUCATION

FAQ

Deafblind Disability Criteria Frequently Asked Questions

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Overview

The following questions are some of the most frequently asked from professionals in the field regarding the administrative rule change that went into effect August 1, 2021, regarding the deafblind disability category criteria.

The [ER-1 DB Form](#) is provided to assist individualized education program (IEP) teams as one part of a comprehensive special education evaluation to document if a student meets the disability category criteria under [Chapter 115, Wis. Stats.](#), and [PI 11.36, Wis. Admin. Code](#).

Criteria for Disability Category Deafblind

1. **What is meant by “concomitantly” deaf or hard of hearing and blind or visually impaired”?**

"Concomitantly" means that the student has some degree of both hearing loss and vision loss at the same time.

2. **What is meant by “causes severe communication and other developmental and educational needs”?**

Typically, learning and development take place as an individual uses their vision and hearing, or their “distance senses,” to interact with others and with their surroundings. The ability to fully see and hear what is in the environment naturally enhances an individual’s ability and eagerness to engage with the world. Deafblindness limits an individual's access to others and to their environment and impacts the amount of information they are able to learn from those experiences and interactions. Typically developing sighted-hearing individuals also learn most information, including language, incidentally, by watching others, observing objects and actions, and listening to voices and other sounds. A student who has combined vision and hearing loss, however, does not have access to incidental learning. Students can only benefit from the incidental learning opportunities in their environment if they are aware of the world around them.

A student who is deafblind often needs direct teaching and learning, through specific and targeted instruction and real-world experiences to develop an understanding of their environment. Without appropriate intervention, that student will have limited access to the world around them, causing isolation and confusion, which will affect overall learning, communication, and development.

3. **Does a student have to be completely blind and completely deaf to be considered deafblind?**

No, only 1% of individuals who are deafblind are completely blind and deaf and have no access at all to auditory and visual information. Most individuals who are deafblind have some usable hearing or some usable vision, however any amount of loss in both senses can have an impact on learning and interactions. Individuals with hearing loss alone rely on their remaining hearing and vision to access information. Individuals with vision loss alone rely on their remaining vision and hearing to access information. Individuals with both hearing and vision loss, however, do not have enough usable hearing to make up for their lack of vision and they don’t have enough vision to make up for their lack of hearing. Thus, individuals with

any amount of both vision and hearing loss are unable to rely on those senses to help access information and should be considered “deafblind.”

Section I. Vision and Hearing Evaluation

1. Are both the blind and visually impaired and deaf and hard of hearing disability category criteria forms required as part of the deafblind criteria disability category determination?

Yes, the disability criteria forms for both blind and visually impaired and deaf and hard of hearing must be discussed and completed when considering whether a student meets the deafblind criteria. A student must meet at least one of the criteria for either blind and visually impaired **OR** deaf and hard of hearing to meet the deafblind criteria. The student may meet the criteria for both categories.

- If a student meets the blind or visually impaired criteria and there are concerns about their hearing, but they don't meet the criteria for deaf and hard of hearing, the deafblind criteria should still be reviewed and considered.
- If a student meets the deaf or hard of hearing criteria and there are concerns about their vision, but they don't meet the criteria for blind and visually impaired, the deafblind criteria should still be reviewed and considered.

2. Does a teacher of the deaf or hard of hearing and a teacher of the blind and visually impaired have to be part of the special education evaluation process?

Yes, a licensed teacher of the deaf or hard of hearing and teacher of the blind and visually impaired must be part of an initial special education evaluation. An orientation and mobility specialist is also required to be part of an initial evaluation for deafblindness.

3. Is an Orientation and Mobility (O&M) assessment required as part of the deafblind disability criteria?

Yes, a licensed orientation and mobility specialist must conduct an orientation and mobility assessment as part of an initial special education evaluation to determine if a student meets the disability category criteria of blind and visually Impaired. A teacher of the blind and visually impaired can provide input as part of the special education evaluation but would not conduct an orientation and mobility assessment unless they also held an orientation and mobility specialist certification.

4. Who is responsible for filling out the deafblind criteria form since currently there is not a license for teachers of the deafblind in Wisconsin?

Everyone on the team should contribute information for the deafblind criteria form. Regardless of who is completing the form, the entire team should review this form and provide input. Each team member has valuable information to share, especially in section 2, when the team needs to consider how the student's combined vision and hearing loss affects their education.

5. If a student is currently identified for the disability category of blind and visually impaired or deaf and hard of hearing, or both, will the student automatically meet the disability category criteria for deafblind?

No, the IEP team needs to hold a reevaluation of the IEP to determine if the student meets the disability category for deafblind. Even if a student is identified as blind and visually impaired or deaf and hard of hearing, or both, the IEP team should review the deafblind criteria during a special education reevaluation to determine if the student meets the deafblind criteria. The special education reevaluation should document any adverse effects deafblindness has on a student's communication, developmental performance, and educational performance in order to determine if the student meets the deafblind criteria.

6. Should IEP teams document that a student meets the criteria for deafblind instead of only documenting the student meets the criteria for blind and visually impaired and deaf and hard of hearing?

Yes, there are many possible reasons IEP teams should document a student meets the deafblind disability category criteria, including:

- **Educational Support:** The provision of appropriate and unique educational supports for a student who is impacted by a concomitant hearing and vision loss (that may be different than the supports needed when considering each of these conditions separately).
- **Consistency of Services:** Because this disability category criteria also aligns with IDEA, a student with deafblindness experiences consistency in services and support when moving schools, districts, or states.
- **Intervener Services:** A student who meets the criteria for deafblindness may benefit from the support of an intervener. An intervener is a related service provider who works one-on-one with a student who is deafblind and helps to provide access in a consistent and intentional way, in order to help the student gather information,

develop and use communication skills, and facilitate interaction with others.

- **Additional Support Services:** Students who are deafblind may be eligible for additional support or services, such as support from Helen Keller National Center, technology through iCanConnect or the Telecommunications Equipment Purchase Program, or other services and supports available to students who are deafblind.
- **Transition to Adult Services:** Adult Service Agencies, such as the Division for Vocational Rehabilitation (DVR), are able to better prepare for transition services when an accurate disability identification has been made.
- **Accurate Data Reporting:** DPI collects information on the main “reporting” disability category for each student found eligible for special education services under the Individuals with Disabilities Education Act (IDEA). It is important to have accurate data for student counts for students with deafblindness to align statewide and regional services.
- **Requirement to Consider all Disability Categories:** In determining if the student meets any disability category criteria, the IEP team should consider all suspected disability categories of concern and using the disability category criteria in section PI 11.36, Wisconsin Administrative Code, to document how the student meets (or does not meet) the criteria.

7. What types of data or evidence should we be using to support documentation of meeting one of the four conditions above?

The information used should help to explain and document the student's needs and how the student's combined vision and hearing loss impact the student's learning and development. Deafblind criteria documentation can include several types of information including but not limited to:

- The criteria form for deaf and hard of hearing
- The criteria form for blind and visually impaired
- Formal and informal assessment data
- Medical documentation
- Anecdotal information

- Observation reports
- Checklists and screeners

8. Does the student have to meet both state criteria for deaf and hard of hearing and blind and visually impaired in order to meet the criteria for deafblind?

No, a student must meet **at least one of the criteria areas** for deaf and hard of hearing OR blind and visually impaired. Both criteria forms need to be reviewed and completed prior to considering the deafblind criteria for an initial evaluation. The four possible ways a student can meet the deafblind criteria.

- Meets the criteria for Deaf and Hard of Hearing specified in PI 11.36 (4) and Blind and Visually Impaired specified in PI 11.36 (3).
- Meets Deaf and Hard of Hearing criteria and has a documented clinical or functional vision loss.
- Meets Blind and Visually Impaired criteria and has a documented clinical or functional hearing loss.
- Has a documented diagnosis of a progressive medical condition that will result in concomitant hearing and vision losses.

9. Does a student who has a syndrome that “might” result in concomitant hearing and vision losses meet the criteria for deafblind?

No, the word “will” from the deafblind criteria does not mean “might.” “Will” implies that there is a high degree of certainty or probability and “might” implies a lower degree of certainty or probability. It is an IEP team decision to determine if the student has a documented diagnosis of a progressive medical condition that “will” result in concomitant hearing and vision loss.

Section II. Educational Impact

10. What are some examples of adverse effects on communication?

A student who is deafblind cannot rely on their vision to access auditory information and individuals with vision loss cannot rely on their hearing to access visual information. This can affect a student’s access to language, communication, and their access to or awareness of communication partners.

Areas that could be impacted include but are not limited to:

- communicating effectively with peers and adults in a variety of situations
- expressing needs and advocating for self
- understanding the nuances of communication exchange (e.g. tone, body language, facial expressions, context, or other verbal or nonverbal communicative signals)
- applying information learned (e.g. applying what is learned across communication partners and environments)

11. What is developmental performance?

Developmental performance includes the developmental milestones and functional skills that most children achieve by a certain age.

12. What are some examples of adverse effects on developmental performance?

An adverse effect on developmental performance means that a student who is deafblind might have delays or difficulties reaching typical developmental milestones. This can impact several areas, including but not limited to:

- Learning and problem-solving skills
- Concept development and understanding of the environment
- Sensory awareness and self-control
- Fine and gross motor skills

The entire team should collaborate to document any developmental performance skills that are affected by these adverse effects on developmental performance. The team should consider all [Six Areas of Academic and Functional Skill](#) along with the [Social and Emotional Learning Competencies](#).

13. What is educational performance?

Educational performance can include both academic measures (tests, scores, grades) as well as a student's functional performance (how well the student is able to perform tasks or activities that are necessary for daily life).

14. What are some examples of adverse effects on educational performance?

A student who is deafblind may face challenges in both academic achievement and functional performance. Academic achievement includes things like classroom performance, grades, and test scores. Functional performance covers areas like communication, cognitive learning and organization, independence and self-determination, physical and health needs, social and emotional learning.

"Adversely affects" means the disability negatively impacts the student's ability to access, engage with, or make progress in age or grade level general education curriculum, instruction, environments, or activities. This can be observed in several ways including:

- **Academic impact:** Performing below grade level.
- **Social or behavioral impact:** Struggling with interactions or behavior.
- **Vocational or functional impact:** Difficulty in non-academic activities, like extracurriculars or life skills.

A comprehensive special education evaluation helps identify these challenges and their impact on the student's learning and development in areas like academics, social-emotional skills, communication, functional skills and independence.

15. Can a student who is in the general education classroom working at a similar level as their same-age peers (with modifications and specialized instruction) qualify as meeting the deafblind criteria?

A student who has a combined hearing and vision loss, working at a similar level as their same-age peers in the general education classroom, but receiving modifications and specialized instruction, might still qualify for special education services, depending on the student's unique and individual needs. Special education eligibility determinations are made on a case-by-case basis and must involve a comprehensive special evaluation that includes input from teachers, specialists, parents, and other relevant professionals. If the student meets disability category criteria and requires specially designed instruction, the student can be found eligible for special education services through an IEP.

16. What types of data or evidence should we be using to document adverse effects on communication, developmental performance and educational performance?

Documentation of an adverse effect on communication, developmental performance and educational performance may include but is not limited to:

- formal and informal assessment data
- standardized testing
- anecdotal information
- observation reports
- checklists, screeners
- medical reports

Section III. Disability Category Criteria Determination

17. How is the need for specially designed instruction documented for a student who meets the deafblind disability criteria?

A student whose disability has an adverse effect on educational performance must be found to require specially designed instruction in order to be eligible for special education. Document the need for specially designed instruction on the ER-1 form.

18. On the last line of the disability category criteria documentation form, referencing reevaluation it states, “A student previously found eligible for special education, having met the disability category criteria for deafblind, is not required to meet initial identification criteria upon reevaluation” Do the deaf and hard of hearing and blind and visually impaired criteria forms need to be filled out again?

No, IEP teams do not need to complete any of the initial criteria components of the forms, including those for deaf and hard of hearing or blind and visually impaired, when conducting a reevaluation. The IEP team may choose to review and update information related to the initial criteria, but the student does not need to meet the initial criteria during a reevaluation in order to continue receiving special education. The student must still require specially designed instruction, and the IEP team must document data or evidence to support this need.

19. If the IEP team is looking at the deafblind criteria for a student who has previously met criteria for a different disability category, should the team mark initial evaluation or reevaluation under Section 3 on the deafblind disability category criteria worksheet?

When considering a new disability category, the IEP team applies the initial disability category criteria. If the student does not meet the initial criteria for the new disability category, the student may still be eligible for special education services if educational performance has been adversely affected in a previously identified area and if the student continues to need specialized designed instruction. Whenever considering a new disability category, the IEP team must complete the initial criteria checklist to determine whether the student is identified under that category.

Therefore, the IEP team should do the following:

- indicate and check “Reevaluation” (as the evaluation type on the evaluation report) for a student who has already been found to meet the criteria for another disability category,
- conduct a comprehensive special education reevaluation and apply the initial disability category criteria in order to determine if a student meets the criteria for the disability category of deafblind,
- check “Initial Evaluation” for the Disability Category Criteria Determination (on the criteria worksheet).

20. When is it appropriate to waive a three-year reevaluation?

The purpose of the reevaluation is to ensure that the student is still receiving the appropriate services. A three-year reevaluation can be waived when the school and parent agree that they have sufficient current information regarding the student's needs, progress, and performance. This could be because the student's needs have remained consistent, and the team feels that they have adequate information to continue providing appropriate special education services.

If the team feels there is not enough current information about the student's needs, progress, and performance or the student has had significant changes in their academic performance, functional performance, behavior or other needs then a reevaluation should be conducted to determine if IEP services and supports should be adjusted. For more information see [Comprehensive Special Education Evaluation: Why It Matters](#).

21. If the team waives a three-year reevaluation, should the IEP team still fill out the deafblind disability category criteria form to identify a student as deafblind?

- If the team has determined a need to consider the deafblind criteria, then a reevaluation must be held. A new disability category cannot be added without a reevaluation.
- If a student has already met the criteria and has qualified for deafblind, and a team decides to waive the reevaluation, the deafblind disability category criteria form would not need to be completed.

Documenting Students that Meet Multiple Disability Categories

22. If a student identified as deafblind meets more than one disability category criteria, how does the IEP team determine the reporting disability?

When determining the reporting disability, the IEP team needs to consider the data and information they have and make a determination based on that information.

- If the student meets the criteria for blind and visually impaired and deafblind, both category areas should be documented. Deafblind should be the reporting disability.
- If the student meets the criteria for deaf and hard of hearing and deafblind, both category areas should be documented. Deafblind should be the reporting disability.
- If a student meets the criteria for all three category areas (deafblind, deaf and hard of hearing and blind and visually impaired) all three areas should be documented. Deafblind should be the reporting disability.
- If the student meets criteria for another disability category, like other health impairments (OHI), the team should determine which disability has the greatest impact on the student's ability to learn and function in the school environment. The disability that has the most significant impact should be listed as the reporting disability, but all other disabilities should also be documented.

23. If a student was identified as meeting the deafblind disability category criteria, should the IEP team still document that the student meets the disability category criteria for deaf and hard of hearing or blind and visually impaired, or both, or is it assumed that they meet one or both of these criteria when identified as deafblind?

The team should document all disability categories that a student meets criteria. For example, if the student meets the criteria for blind and visually impaired and deafblind, both category areas should be documented. The team should check **all** disability categories that a student meets criteria on the evaluation report in section IV. A. 3.

24. What options do parents and local educational agencies have if there is disagreement with an initial special education evaluation or reevaluation.

Parents, adult students, and schools have different options on how to solve disagreements. The following resources describe the different dispute resolution options. These options include requesting an Independent Educational Evaluation (IEEP), Mediation, IDEA State Complaint, and Due Process Hearing.

- [Dispute Resolution Options Flier](#), Wisconsin DPI
- [Dispute Resolution Options webpage](#), Wisconsin DPI
- [Communication Options for Families](#), Wisconsin DPI

Additional Resources

- [Sensory Disability Frequently Asked Questions \(FAQ\)](#), DPI
- [Guidelines for Discussion on Consideration of Special Factors When a Student is Deafblind](#), DPI
- [Frequently Asked Questions: Blind and Visually Impaired Administrative Rule Change](#), DPI
- [Comprehensive Special Education Evaluations for Students who are Deaf or Hard of Hearing](#), DPI
- [Comprehensive Special Education Evaluation](#), DPI
- [Bulletin 21.01: Special Education Evaluation](#), DPI



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