

**Attention:** Kim Hopko  
Interim Director, Compliance Support Services  
LACOE

**Date:** January 23, 2015

**RE:** Uniform Complaint Procedure - Violation of Federal Law (IDEA) for Students Receiving Special Education Services; Specifically Students with Visual Impairments receiving the Designated Instructional Service: Orientation & Mobility

Dear Ms. Hopko:

It is my understanding that you are already aware of the concerns that will be raised in this complaint, as a letter was written, attention to you, from the California Association of Orientation and Mobility (CAOMS), dated November 13, 2013 – addressing these concerns in detail. I am bringing this to your attention again as I learned at a recent statewide CAOMS conference (November 2014), that there has been *no resolution* – a full year after the initial concerns were raised!

The decision of the Los Angeles County Office of Education to not allow Orientation & Mobility (O&M) Specialists to transport students for instruction within community and home settings has seriously violated the civil rights of dozens of blind and visually impaired students within your district. Many districts throughout the country allow O&M Specialists to use their personal vehicles with demonstration of appropriate insurance coverage. Other LEAs obtain district vehicles for O&M specialists to transport students, some hire taxis, and some have even used school buses with drivers to transport O&M specialists and their students. Those districts that claim concerns relating to an O&M specialist being alone in a personal vehicle with a student have addressed this in a variety of ways as well (e.g. having an aide attend). At the statewide CAOMS conference in November, 2014, we were made aware that *no alternative means of transport* has been provided for Orientation & Mobility instruction within LACOE. This has resulted in students with visual impairments being prevented from free and appropriate public education (FAPE), and is unacceptable and must be resolved.

If O&M Specialists cannot transport students into the community for instruction, they are prevented from provided training in the critical skills necessary for independent travel. School-aged students who are blind or visually impaired require systematic instruction in a variety of settings to gain the skills and confidence to travel safely and independently. It is impossible to replicate or simulate the wide variety of experiences that students with visual impairments need to be exposed to so that they can learn to be competent travelers in their communities. Without regular training in the community, students with visual impairments will not learn how to safely navigate basic environments that others take for granted. How will they ascend an escalator if they don't have the concept of moving stairs or learn the skills to board safely without falling? How will they learn to cross streets if they don't have the opportunity to learn how to listen to and analyze traffic patterns and traffic controls such as stop signs, and traffic lights? How will they learn how to cross streets with multiple lanes of traffic and maintain a straight line of travel? How can an O&M specialist teach the complexities of bus travel with drivers, other passengers, fares, time, and routes without providing these experiences in the actual

environment? These questions barely touch upon the vast curriculum that Orientation & Mobility instruction covers – and these experiences can't be taught to children and youth with visual impairments without years of systematic instruction in the actual community!

The decision your district has made has prevented O&M specialists from providing instruction in the community for over a year. This has resulted in a clear violation of the civil rights of many students who are blind and visually impaired within your district. If you are not clear on which federal regulations, or which state guidelines your district is in violation of – I'm addressing them in the attached addenda. When you understand the scope and nature of Orientation and Mobility instruction, you will comprehend why instruction must take place in a variety of community environments over the course of years.

As a professional and advocate with over 30 years of experience in this field, I'd like to hear that this matter is resolved immediately. I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Brenda J. Naimy". The signature is written in a cursive, flowing style.

Brenda J. Naimy, MA, COMS

cc: The Honorable Eric Garcetti, Mayor of Los Angeles  
Superintendent of Public Instruction, the Honorable Tom Torlakson

## **Addendum A: Federal Regulations (IDEA) relating to O&M service provision in the community**

### **IDEA Regs on O&M**

- 1) The definition of O&M explicitly identifies training *in the community* as follows:

**Regulations: Part 300 / A / 300.34 / c / 7**

**(7) Orientation and mobility services--**

- (i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and
- (ii) Includes teaching children the following, as appropriate:
  - (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
  - (B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
  - (C) To understand and use remaining vision and distance low vision aids; and
  - (D) Other concepts, techniques, and tools.

- a. The description of O&M as a related service:

**Regulations: Part 300 / A / 300.34 / a**

(a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

## **Addendum B – California Guidelines for Programs Serving Students with Visual Impairments – 2014 REV Edition**

To review the full document: [http://www.csb-cde.ca.gov/Documents/VI%20Guidelines/VI\\_Guidelines\\_110314.pdf](http://www.csb-cde.ca.gov/Documents/VI%20Guidelines/VI_Guidelines_110314.pdf)

These guidelines are developed in response to the mandate in the California Education Code *EC 56136 - Guidelines for Low Incidence Disability Areas*

**56136.** The superintendent shall develop guidelines for each low incidence disability area and provide technical assistance to parents, teachers, and administrators regarding the implementation of the guidelines. The guidelines shall clarify the identification, assessment, planning of, and the provision of, specialized services to pupils with low incidence disabilities. The superintendent shall consider the guidelines when monitoring programs serving pupils with low incidence disabilities pursuant to subdivision (a) of Section 56836.04. The adopted guidelines shall be promulgated for the purpose of establishing recommended guidelines and shall not operate to impose minimum state requirements.

Since the last update of the guidelines in 1997, many important changes have occurred in laws and regulations related to the education of students with visual impairments. Some of the changes have occurred due to both the reauthorizations of the Individuals with Disabilities Education Act (IDEA) in 2004 and the Elementary and Secondary Education Act which was reauthorized in 2002 and was named No Child Left Behind (NCLB). Additionally, laws related to assistive technology have been passed since the last update of the guidelines. Equally important was the adoption of the Braille Reading and Math Standards by the State Board of Education in 2006.

**The California Guidelines for Programs Serving Students with Visual Impairments note the need for Orientation & Mobility assessment and instruction in community environments throughout the document. Here are two explicit examples:**

**1) Under Assessment Modes and ECC (Expanded Core Curriculum), pg. 23:**

<b>Orientation and Mobility</b>	<p>The O &amp; M specialist will assess this area, including sensory/motor skills, concept development and independent travel skills, during on-going observation and using informal checklists. An assessment should address how the visual impairment affects the student's:</p> <ul style="list-style-type: none"><li>• Understanding of the physical environment and space</li><li>• Orientation to different school and community environments</li><li>• Ability to travel in school and community environments</li><li>• Opportunities for unrestricted independent movement and play</li></ul>
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**2) Orientation and mobility instruction in home and community environments is clearly described in the California Guidelines for Programs Serving Students with Visual Impairments. See heading “Orientation and mobility needs that should be addressed include the following:” (pp. 39 -41)**

- Enveloping a conceptual understanding of: Body image; e.g., planes, parts, laterality, and directionality in relation to objects and environmental features.
- Developing an understanding of concrete environmental concepts; e.g., grass, lawn, cement, wood, carpet, tile, tree, bush, and street.
- Developing spatial and positional concepts; e.g., far, near, close, high, low, above, below, facing, in front of, behind, beside, away from, next to, forward, backward, sideways, and 90°, 180°, and 360° turns.
- Learning compass direction concepts; e.g., north, south, east, and west relationships, sides of streets, names of corners, and relationships among changes in direction.
- Learning about traffic and traffic control concepts; e.g., fast, slow, parallel, perpendicular, same direction, opposite direction, near side, and far side.
- Learning to travel independently at home and at various school settings throughout one’s school career.
- Learning appropriate non-cane techniques including such things as trailing, direction-taking, seating, and protective techniques and techniques for locating objects to facilitate independent orientation and mobility at home and school.
- Learning to use appropriate human guide skills in all travel situations when needed, such as traveling in normal situations; going through narrow passages; ascending and descending stairways; using escalators and elevators; switching sides; seating oneself in chairs, in sofas, and at tables; and establishing and maintaining control of the human guide situation with familiar and unfamiliar guides.
- Learning to use remaining vision and distance low vision aids, as appropriate, to the maximum extent possible for independent, safe orientation and mobility.
- Learning to use the long cane appropriately to supplement or replace visual travel skills (Skills to be acquired including touch technique; negotiating closed doorways and stairs and in congested areas and in social situations; trailing techniques; and modified touch technique for location of drop-offs such as curbs or down staircases, cane storage).
- Developing an understanding of the importance, dangers, responsibilities, and behavior appropriate for independent travel in increasingly complex settings.
- Learning to become oriented and travel independently in residential and rural areas (Examples of skills are– traveling along a residential sidewalk; traveling past driveways and walkways; locating curbs and wheelchair ramps; recovering from veering; crossing residential streets; recognizing and recovering from a change in direction on street crossings; using environmental tactile, auditory, proprioceptive, kinesthetic, or olfactory cues, compass directions and other orientation systems, maps, and spatial relationships for orientation and safe mobility in familiar rural or residential areas; and becoming independently oriented to an unfamiliar area.)
- Developing an understanding of the services various business establishments

provide; e.g., grocery stores, department stores, banks, post offices, and shopping malls.

- Learning the skills necessary to become oriented and to travel independently in light and major metropolitan business areas.
- Using traffic sounds to establish, maintain, or regain orientation and line of travel.
- Traveling safely and appropriately on increasingly busy business area sidewalk.
- Crossing independently intersections of four lanes or more controlled by traffic light.
- Exhibiting appropriate verbal and physical public behaviors.
- Developing the ability to seek out and interact appropriately with the public for assistance in orientation or mobility as needed.
- Learning to use address systems as an aid to orientation.
- Carrying identification and emergency funds when traveling.
- Knowing whom to contact in case of emergency or disorientation.
- Knowing how to locate and use a pay phone (dial or push-button).
- Learning to locate independently various destinations in business areas.
- Learning to travel safely in various retail and service establishments, including independent travel on escalators and elevators.
- Learning to carry out increasingly complex personal business transactions independently.
- Using transportation systems including: buses, subway, and light-rail (including use of lifts, if necessary). Learning proper techniques for entering and exiting an automobile.
- Learning to acquire information regarding products, services, or location of various stores and businesses by using the telephone, including recording this information for later referral.
- Being able to recognize and safely travel past areas of road construction.
- Being able to negotiate railroad track crossings independently.
- Being able to travel independently within light or major metropolitan business areas at a level sufficient to a signal APS.
- If nonverbal, developing a feasible communication system for acquiring information and communicating needs.
- Learning to use adaptive mobility skills as necessary for use with ambulatory aids, such as wheelchairs, walkers, crutches, orthopedic canes and braces, and prostheses to provide for maximum independent mobility.
- Using alternative mobility devices when appropriate.
- Being able to develop and travel specific routes in limited areas to care for basic needs, as well as alternative routes if necessary.
- Being able to problem solve and reorient oneself if necessary.
- Being able to solicit assistance and to decline unwanted assistance using correct procedures.
- Using technology including such things as environmental sensors, global positioning systems, mapping and information gathering systems.