

## TOPIC BRIEF

### Accessible Educational Materials and the National Instructional Materials Accessibility Standard/National Instructional Materials Access Center – Additional Assurances Required for Individuals with Disabilities Education Improvement Act Part B Grant

The Individuals with Disabilities Education Improvement Act (IDEA) Section 300.172 addresses access to instructional and educational materials in a timely manner by individuals who are blind or have other print-related disabilities through the establishment of the National Instructional Materials Access Center (NIMAC) and the adoption of the National Instructional Materials Accessibility Standard (NIMAS).

Connecticut has adopted the NIMAS standard, which outlines a set of consistent and valid document source files created by K-12 curriculum publishers or other content producers that allows the creation of accessible specialized formats of print instructional materials. Curriculum materials covered by the NIMAS include printed textbooks and printed core materials that are written and published primarily for use in elementary and secondary school instruction.

In order to ensure that educational materials in accessible formats are provided in a timely manner in Connecticut, all reasonable efforts will be made by the local education agency (LEA) to ensure that accessible educational materials (AEM) are provided to children with disabilities who need accessible formats of educational materials at the same time as other children receiving their educational materials.

Connecticut has provided to the Office of Special Education Programs an assurance that the state will participate in the NIMAC. Without this participation, the state would not have access to the national repository of converted textbook files. The NIMAC utilizes authorized users who can access a national repository of curriculum materials converted into accessible formats for individuals who are blind or individuals with other print-related disabilities.

Under the IDEA, blind persons or other persons with print disabilities may qualify to receive books and other publications produced in specialized formats in accordance with “An Act to provide books for adult blind,” approved March 3, 1931, 2 United States Code 135a:

- a) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.
- (b) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
- (c) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- (d) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.
  - (i) In cases of blindness, visual disability or physical limitations: doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists and professional staff of hospitals, institutions and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers and superintendents).

- (ii) In the case of a reading disability from organic dysfunction: doctors of medicine who may consult with colleagues in associated disciplines (36 Code of Federal Regulations 701.6(b) (1) (2)).

It should be noted that the above section refers to an outdated medical perspective when “organic” referred to biological impairments in the central nervous system that was not the result of emotional or non-organic factors and relies on a medical model to be a “competent authority” to determine a certification. The outdated terminology and medical model does not align with the educational perspective. The IDEA does not require documentation by medical personnel to identify a child/student as having a disability and a need for specialized instruction and related services. In Connecticut, the planning and placement team (PPT) participate equally in the decision-making process to determine the specific educational needs of a child with a disability and develop an individualized education program (IEP) for the child (Section 10-76a-1(14)).

The PPT, cooperating with other qualified professionals as needed, is responsible for the identification of children requiring special education and related services based on the results of an evaluation, sufficiently comprehensive to identify all of the child’s special education and related service needs. If a student is identified as having a print-related disability (e.g., blindness, visual impairment, physical limitations and specific learning disability in reading), which impacts the student’s ability to access the general curriculum, then the PPT may determine, as the competent authority, that the student qualifies to receive AEM produced in specialized formats as delineated on the IEP through an accessible media producer and/or the NIMAC.

As part of the IDEA Part B 611/619 grant application, annual assurances related to the coordination of efforts between the LEA and the NIMAC are required. Therefore, any print instructional materials adoption process, procurement contract or other practice, or instrument used for the purchase of print instructional/educational materials with the LEA when entering into a written contract with the publisher of the print instructional materials will:

- a) Purchase instructional/educational materials from the publisher that are produced in, or may be rendered in, accessible specialized formats.
- b) Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the NIMAC, electronic files containing the contents of the print instructional materials using the NIMAS standard.

The following is suggested purchase order language to be used by the LEA when purchasing textbooks:

*By agreeing to deliver the materials marked with “NIMAS” on this contract or purchase order, the publisher agrees to prepare and submit, on or before \_\_/\_\_/\_\_, a NIMAS file set to the NIMAC that complies with the terms and procedures set forth by the NIMAC. (IDEA Title I, Part D, Section 674(e)) The publisher also agrees to mark up materials eligible for NIMAS submission that contain mathematical and scientific instructional content by using the MathML3 (refer to latest applicable version) module of the Digital Accessible Information System (DAISY)/NIMAS Structure Guidelines as posted and maintained at the DAISY Consortium Web site ([www.daisyconsortium.org](http://www.daisyconsortium.org)). Should the vendor be a distributor of the materials and not the publisher, the distributor agrees to notify the publisher immediately of its obligation to submit NIMAS filesets of the purchased products to the NIMAC. The files will be used for the production of alternate formats as permitted under the law for students with print disabilities (IDEA Title I, Part B, Sec. 612(a)).*

*This is page \_\_ of \_\_ of this contract or purchase order.*

At the present time, all LEAs in Connecticut have elected to participate in NIMAS/NIMAC. If an LEA, in the future, decides to opt out of participation in NIMAS/NIMAC, the LEA will be unable to access this national clearinghouse and its staff will not receive preferential attendance at NIMAS/NIMAC conferences held by the Bureau of Special Education and/or the State Education Resource Center. In choosing not to participate in NIMAC, each LEA would contract with curriculum publishers directly to purchase accessible, student-ready versions. **However, this does not relieve the LEA of providing curricular materials in specialized formats in a timely manner.** Before federal special education funds are released to the district, a plan must be submitted to, and approved by the Connecticut State Department of Education detailing the process it will use to obtain the following:

How to:

- purchase source files, when and if available directly from publishers, establish a secure access, distribution and tracking system and arrange to use such files to produce student-ready specialized formats;
- purchase student-ready versions, when and if available, directly from publishers; and/or
- establish a workflow for scanning print materials and produce, or otherwise obtain, audio books, Braille, large print and other appropriate specialized formats in a timely manner.

Further information on AEM, the NIMAS/NIMAC and frequently asked questions may be viewed at the following Web sites: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322684>; <http://www.aim.serc.co/> and <http://aim.cast.org/learn/policy/federal/faq>.

If you have any questions about accessible educational materials and the NIMAS/NIMAC, please contact the State Coordinator, Thomas Boudreau at [thomas.boudreau@ct.gov](mailto:thomas.boudreau@ct.gov) or 860-713-6925.