

NIMAS/NIMAC

Ensuring Access to Students with Print Disabilities

As a requirement of the Individuals with Disabilities Education Improvement Act (IDEA) 2004, printed textbooks and other core printed materials used in elementary and secondary schools must be available in formats that can be used by all students in the classroom. The National Instructional Materials Access Center (NIMAC) is part of the solution for districts in obtaining these materials in formats that their students can use. In instituting the NIMAC, the federal government created a standard file format, the National Instructional Materials Accessibility Standard (NIMAS) and required the states and local districts to work with textbook publishers to make these file formats available for conversion to systems actually used by children with print disabilities.

How do I get started?

When you file your IDEA grant application, you may choose not to participate in the NIMAC. **We strongly suggest that you do not opt out.** Districts that do not participate are required to submit a detailed plan to the Connecticut State Department of Education indicating how they will establish a workflow for scanning print materials and producing, or otherwise obtaining audio books, Braille, large print and other appropriate specialized formats in a timely manner.

What do I need to do with my textbook orders?

When your district submits its order for textbooks, it is recommended that the following language be included in the contract:

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 specific instructional content by using the MathML3 (refer to latest applicable version) module of the DAISY/NIMAS Structure Guidelines as posted and maintained at the DAISY Consortium Web site. 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 file sets 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, Section 612(a)).

This is page __ of __ of this contract or purchase order.

When your book order includes this statement, the publisher will make a NIMAS file set available to the NIMAC for each textbook ordered.

While having the file sets in the NIMAC will permit your district to access the remainder of this procedure for your students, there is nothing to prevent you from purchasing, directly from the publisher, textbooks in alternate formats for your students. The NIMAC becomes important when those formats are not available directly from the publishers.

Who is eligible to receive alternative texts from the NIMAC?

Unfortunately, NIMAC texts are not available to every student who is struggling with reading. The Library of Congress regulations (36 Code of Federal Regulations [CFR] 701.6(b)(1)) related to the *Act to Provide Books for the Adult Blind* provide that "blind persons or other persons with print disabilities" include:

- (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 if 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.

"Competent authority" is defined in 36 CFR 701.6(b)(2) as follows:

- (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.

So, what is next?

Once you have determined that a student is eligible for NIMAS derived instructional materials based on the definitions above, you will need to decide upon the format that will best meet the student's needs (e.g. braille, large print, audio, digital text). If you need assistance in this decision-making process, please visit [CT AIM \(http://aim.serc.co/\)](http://aim.serc.co/).

When you have identified the necessary format, you will then need to directly contact the appropriate Accessible Media Producers (AMPs) listed below.

Braille and Large Print (Hard Copy)*

Department of Rehabilitation Services
Bureau of Education and Services for the Blind
Nancy Mothersele, Braille Coordinator
nancy.mothersele@ct.gov
860-602-4123

*Districts should be aware that conversion of instructional materials into large print or braille will take longer than other accessible formats. Please make your requests six months in advance to ensure students receive the materials on time.

Digital Textbooks - Bookshare

<http://www.bookshare.org>

Bookshare is an online library of copyrighted content for people with qualifying print disabilities. Schools will need to set up a free account with Bookshare in order to access their NIMAS derived instructional materials.

Audio Textbooks - Learning Ally

www.learningally.org

Learning Ally, formerly known as Recording for the Blind & Dyslexic (RFB&D), is a non-profit organization that provides a library of accessible audiobooks using human narration for people who cannot effectively read standard print. Schools will need to set up an account in order to access NIMAS derived materials.

A few last reminders:

1. The NIMAC applies only to textbooks published after 2006. Publishers do not have to go back and create NIMAS files for older texts. However, the U.S. Department of Education has provided guidance that “published” in this context refers to each sale of print instructional materials. Therefore, the requirement to create NIMAS files is applicable to all new contracts for the sale of print instructional materials since July 19, 2006, regardless of when the materials were first published.
2. Publishers still retain copyright protection for their written material. The law was not intended to circumvent copyright and provide materials to children not covered under the law. It will be your responsibility to ensure that this does not happen in your district.
3. Increasingly, publishers are making their material available in a variety of formats. When you negotiate book orders or, are assessing the value of a new text for your district, it would be prudent to ask about alternate versions of text that you can purchase directly from the publishers with no restrictions on which students may use them.

For further information contact:

State Education Resource Center (SERC)

25 Industrial Park Road
Middletown, CT 06457

ctaim@ctserc.org

860-632-1485

860-632-8870 (Fax)

Smita Worah, Ph.D., Educational Consultant

worah@ctserc.org

860-632-1485 ext. 319

Sean Kavanaugh, Educational Consultant

Kavanaugh@ctserc.org

860-632-1485 ext. 370

CT State Department of Education

Bureau of Special Education

P.O. Box 2219

Hartford, CT 06145-2219

Thomas S. Boudreau, Education Consultant

thomas.boudreau@ct.gov

860-713-6925

860-713-7051 (Fax)