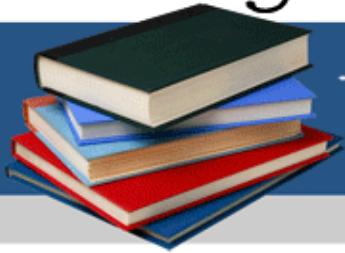


OSEP Part B Regulations Regional Implementation Meetings



Building the Legacy: IDEA 2004



NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD (NIMAS)



*U.S. Department of Education
Office of Special Education Programs*



Overview of Session

- Framing the need for NIMAS
- Efforts to address the need
- Definitions
- The NIMAS system—big picture
- NIMAS regulations and Q & A
- Classroom scenarios—Putting it Together

Key Issue

...Timely access to appropriate and accessible instructional materials inherent in a public agency's obligation under IDEA to ensure that a free appropriate public education (FAPE) is available to all children with disabilities to enable them to participate in the general curriculum consistent with their individualized education programs (IEPs)

Need for NIMAS

- Children who need instructional materials in “specialized formats” may not get them on time
- Children also may not receive instructional materials in accessible formats of consistent quality (currently quality is variable)
- Many files types are produced by publishers to meet state educational agency (SEA) and local educational agency (LEA) specifications, contributing to lengthy production time and costs
- A fragmented system with a wide range of conversion houses converts diverse file types to specialized formats

Background

- 2002** – National File Format (NFF) Technical Panel established
- 2003** – NFF Technical Panel Report defined NIMAS
- 2004** – NIMAS announced as voluntary standard
- 2004** – IDEA named NIMAS mandatory standard
- 2005** – NIMAC established by 12/2005
- 2006** – NIMAS published as final rule 7/19/2006
- 2006** – NIMAC operational by 12/2006

Key Definitions

NIMAS National Instructional Materials Accessibility Standard

NIMAC National Instructional Materials Access Center

**Print
Instructional
Materials**

Printed textbooks and related printed core materials... primarily for elementary and secondary school instruction... and required by SEA or LEA... for use by students in the classroom

Key Definitions

**Specialized
Formats**

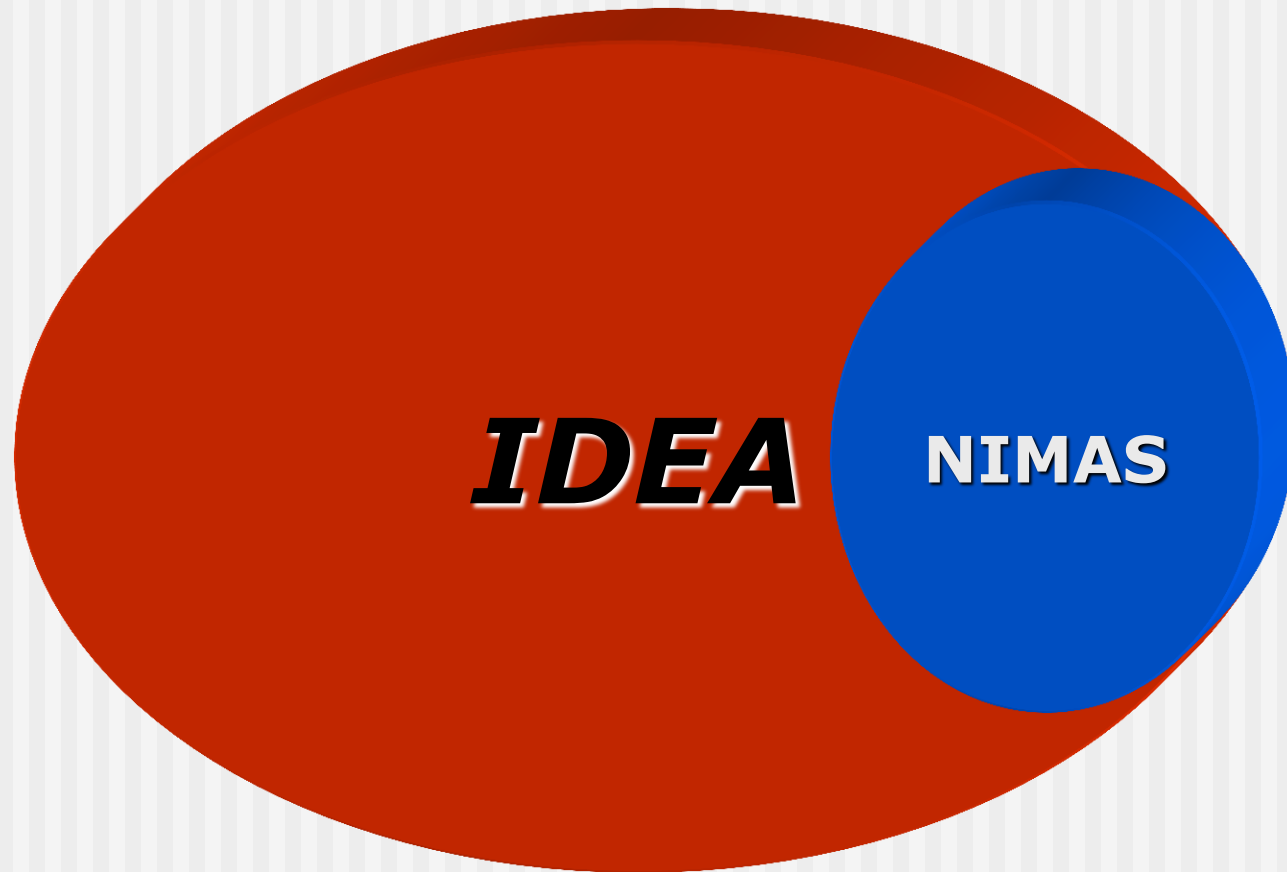
Braille, audio, digital text, and large print

**Blind or other
persons with
print disabilities**

Children served under this Act and who may qualify...to receive books and other publications produced in specialized formats

NIMAS Eligible Students

A Subset of Students who
Receive Special Education Services



Blind or Other Persons With Print Disabilities

- Blind persons whose visual acuity is 20/200 or less
- Persons with visual disability prevents the reading of standard printed material
- Persons as a result of physical limitations
 - are unable to read or
 - use standard printed material
- Persons with a reading disability that
 - results from organic dysfunction and
 - prevents reading printed material in a normal manner.
- For blindness, visual disabilities or physical limitations, competent authority is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies.
- For reading disability from an organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

Related Definitions

Coordinating Agencies

SEAs and LEAs that coordinate with NIMAC

Authorized Users

Defined by NIMAC as those who have access to NIMAC database and NIMAS files

Related Definitions

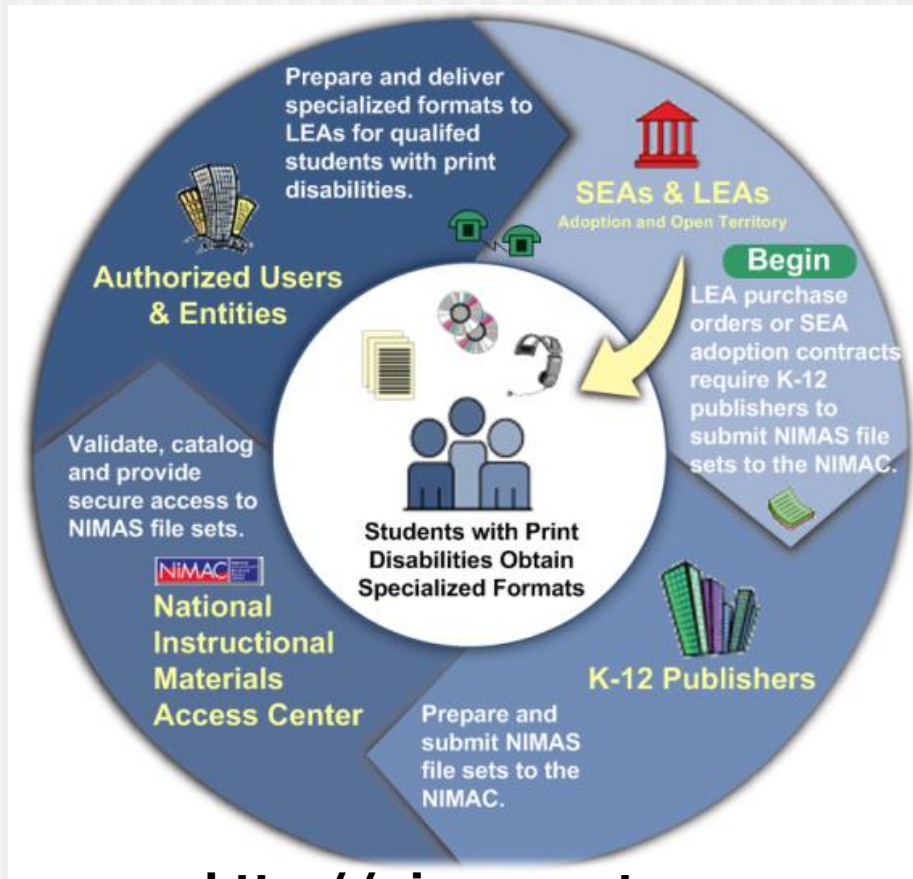
Accessible Media Producers (AMPs) For-profit or non-profit organizations that convert source files into specialized formats

Authorized Entities Non-profit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities (Chafee Amendment, 1996)

NIMAS Source File

```
</head>
- <book>
  - <bodymatter>
    - <level1 id="L001" class="chapter">
      <h1 id="L001.H01" class="chapter">Chapter 24: The Great Depression</h1>
      <pagenum id="page_1" page="normal">1</pagenum>
    - <level2 id="L001.001" class="mainsection">
      <h2 id="L001.001.H01" class="mainsection">Overview</h2>
      - <p id="L001.001.P001">
        During the 1920s, the United States saw a time of great prosperity. However, that would all change with the stock market crash of 1929. The
      </p>
      - <p id="L001.001.P002">
        Companies were going bankrupt, banks were shutting down, and unemployment was skyrocketing.
      </p>
      - <p id="L001.001.P003">
        One president would ignore the problem, another would radically alter the powers of government to help the nation. People were starving both
      </p>
      - <p id="L001.001.P004">
        Throughout the 1930s and into the 1940s, the people of the United States faced some of its toughest years. Only the Second World War would
      </p>
      <pagenum id="page_2" page="normal">2</pagenum>
    - <imggroup>
      
      - <prodnote id="L001.001.longdesc002-001" imgref="L001.001.P002-001">
```

NIMAS System



<http://nimas.cast.org>

Public Comment

Many commenters recommended continual maintenance and improvement of the NIMAS so that it remains current with technological advances

34 CFR §300.172

Access to Instructional Materials

(a)(1)

- makes clear that states must adopt the NIMAS, published on July 19, 2006 and is also included as Appendix C to these final regulations
- clarifies that a state is required to establish a state definition of “timely manner,” – regardless of whether the state does or does not coordinate with the NIMAC

34 CFR §300.172

Access to Instructional Materials

(b)(4)

- to meet its responsibility to ensure provision of accessible materials in a timely manner, the SEA must ensure that all public agencies take all reasonable steps to provide those materials at the same time as other children receive instructional materials

34 CFR §300.172

Access to Instructional Materials

- (c)** Preparation and delivery of files. If an SEA chooses to coordinate with the NIMAC, as of December 3, 2006, the SEA must--
- (1)** As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, must enter into a written contract with the publisher of the print instructional materials to--

34 CFR §300.172

Access to Instructional Materials

- (i)** Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instructional materials using the NIMAS; or
- (ii)** Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats

Key Issue

Because the NIMAC is not required to serve all children with disabilities who need accessible materials, ... **LEAs are still responsible for ensuring that children with disabilities who need instructional materials in accessible formats**, but who do not fall within the definition of children who are eligible to receive materials produced from NIMAS files obtained through the NIMAC, **receive them in a timely manner**

In the Classroom (1 of 3)

- Ms. Lincoln's Sixth Grade English
 - Four classes: 18–23 students in each
 - Grouped according to ability
 - 1/3 of students in the two lower achievement classes struggle with reading
 - Some students in all classes on IEP's
 - Learning Disabilities, Visual Disabilities
 - How to increase access to the curriculum for "print disabled" students?

In the Classroom (2 of 3)

- Access to Etext versions of textbooks
 - For any “print disabled” student:
 - Contact publisher representative to determine the commercial availability of accessible, Etext versions.
 - Make sure that the available format – HTML, PDF, .lit, DAISY, etc. – is compatible with available supported reading software.
(Consult with assistive technology specialist)



In the Classroom (3 of 3)

- Access to Etext versions of textbooks
 - For children qualified to receive NIMAS-derived specialized format versions:
 - Consult the NIMAC database <http://www.nimac.us/>
 - Contact LEA or SEA assistive technology resource to identify existing contracts with Accessible Media Producers (Bookshare.org, RFB&D, etc.)
 - Contact state department of education to determine which state agencies are coordinating with the NIMAC
 - Contact LEA or SEA assistive technology resource to determine which state agencies are coordinating with the NIMAC

Web Resources

- U. S. Department of Education
 - <http://www.ed.gov/policy/speced/guid/idea/monitor/nimac.html>
 - States that are coordinating with NIMAC
- NIMAC
 - <http://nimac.us>
 - Frequently Asked Questions (Q&A)
- NIMAS Development and TA Centers
 - <http://nimas.cast.org>
 - State Directors of Special Education NIMAS Implementation Checklist
 - Frequently Asked Questions (Q&A)

For More Information

Please go to

<http://sites.ed.gov/idea>

for resources on

IDEA 2004 Final Regulations

