

NIMAS OBLIGATIONS

There is no inherent obligation for publishers to provide a NIMAS file to the NIMAC. Districts must embed specific language in contracts or purchase orders with publishers that obligate them to do so. Language has been suggested in the NIMAS Frequently Asked Questions on the AIM center site, but local educational agencies are free to modify it to suit their needs. A sample statement that could be included in a contract or purchase order follows:

SAMPLE NIMAS PUBLISHER CONTRACT LANGUAGE

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 (insert date), a NIMAS file set to the NIMAC that complies with the terms and procedures set forth by the NIMAC. 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 DASII/NIMAS Structure Guidelines as posted and maintained at the DASII consortium website (<http://www.daisy.org/z3986/structure/SG-DASII3/index.html>). Should the vendor be a distributor of the materials and not the publisher, the distributor agrees to immediately notify the publisher 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.

INCREASING AVAILABILITY OF AIM

If publishers produce digital materials that are accessible and can be purchased for use by any student, Local Education Agencies are encouraged to purchase them because such an action:

- ◆ Aligns with existing educational initiatives, including Differentiated Instruction and Universal Design for Learning (UDL).
- ◆ Allows teachers to spend their time on instruction versus creating accessible materials.

ADDITIONAL INFORMATION AND RESOURCES

NIMAS/NIMAC Technical Assistance: <http://www.nimac.us>
National Center on AIM: <http://aim.cast.org>
Nevada Special Education Technology Assistance Project (NSETAP) email: nsetap@aol.com
<http://www.nsetap.com>

Created in collaboration with the



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STATEMENT OF COMPLIANCE WITH FEDERAL LAW

The Nevada Department of Education complies with all federal laws and regulations prohibiting discrimination and with all requirements of the U.S. Department of Education.



**Nevada
Department
of
Education**



What You Need to Know About

National Instructional Materials Accessibility Standard (NIMAS) and Accessible Instructional Materials (AIM)

A GUIDE FOR

ADMINISTRATORS

WHAT ARE ACCESSIBLE INSTRUCTIONAL MATERIALS (AIM)?

AIM refers to fully accessible, print instructional materials that have been transformed into specialized formats such as audio, digital, Braille, and large print. Fully accessible means all text is digital and can be read with text-to-speech software; modified with regard to font size; and navigated by unit, chapter, section, page number, etc. Other considerations for fully accessible text include:

- ◆ Images, that when appropriate, include alternative text and long descriptions .
- ◆ Math equations provided as images with text descriptions.
- ◆ Order of content, levels and headings that are appropriately formatted.

WHAT IS A PRINT DISABILITY?

A print disability is generally considered to be a condition related to blindness, visual impairment, specific learning disability or other physical condition in which the student requires an alternative or specialized format (i.e., Braille, Large Print, Audio, Digital text) in order to access the grade level content. While this defines a print disability, not all students with disabilities will require AIM.

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LEGAL OBLIGATIONS

Several federal mandates require Local Education Agencies to provide AIM to eligible students with disabilities:

Individuals with Disabilities Education Act (IDEA) of 2004

- ◆ Ensures students with disabilities have access to the general education curriculum and receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE).
- ◆ Ensures students with disabilities who need instructional materials in accessible formats receive those materials in a timely manner, regardless of eligibility under the Copyright Act of 1931 as amended.
- ◆ Adopts the National Instructional Materials Accessibility Standard (NIMAS).

Section 504 of the Rehabilitation Act

- ◆ Protects the civil rights of individuals with disabilities in any program or activity receiving federal funds.

Americans with Disabilities Act (ADA)

- ◆ Protects civil rights and serves as a national mandate to fully integrate individuals with disabilities into the mainstream.

WHAT IS THE NATIONAL MATERIALS ACCESSIBILITY STANDARD (NIMAS) ?

NIMAS refers to the standard established by the Secretary of Education to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats for students with visual impairments or print disabilities.

WHAT IS THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER (NIMAC)?

The NIMAC is the U.S. Office of Special Education Programs (OSEP) funded national repository that houses NIMAS files. Anyone can search the NIMAC, but only an authorized user can download or assign a NIMAS source file to be converted to a student ready file. Authorized users are limited to five per state. Please contact :

- ◆ Nevada Special Education Technology Assistance Project - All rural school districts and charter schools
Liz Isaacs nsetap@aol.com
- ◆ Clark County School District Vision Services
Carey Walker cjenkins@interact.ccsd.net
- ◆ Washoe County School District Assistive Technology Services
Rebecca Engh reng@washoeschools.net
- ◆ Washoe County School District Vision Services
Joan Valencia jtreptow@washoeschools.net

Other routes to acquisition include the following:

- ◆ **Purchase Directly From Publishers or Other Commercial Options**
(students do not need to meet criteria for copyright exemption)
- ◆ **Accessible Media Producers**
(students must meet criteria for copyright exemption)

TIMELY MANNER

Local Education Agencies (LEAs) will provide print instructional materials in accessible formats (e.g., Braille, audio, digital, large print) to children who are blind or have other print disabilities in a timely manner. LEA's must ensure that children with print disabilities have access to specialized instructional formats at the same time students without print disabilities receive their instructional materials. In cases when a student with a print disability is newly identified, transfers schools, or in instances that are beyond the LEAs control, temporary accommodations must be provided while accessible specialized formats are acquired.

MULTI-DISCIPLINARY TEAM CONSIDERATIONS

Considerations in the decision making process for the provision of AIM.

The decision-making team should document the following:

- ◆ Establish need for instructional materials in specialized formats
- ◆ Select specialized format(s) needed by the student for access to the curriculum
- ◆ Initiate steps State Educational Agency and/or Local Education Agency defined steps to acquire needed formats in a timely manner
- ◆ Determine supports needed for effective use for educational participation and achievement

The need for AIM should be documented in the student's Individual Education Plan (IEP), 504 Plan or other educational records. Additional supports will likely be necessary for the implementation of accessible instructional materials, including assistive technology and appropriate training for staff, student, and family. IEP teams must consider assistive technology for all students with an IEP.

COPYRIGHT

Not all students will meet criteria under the Copyright Act of 1931 as amended. This does not; however, negate the school's obligation to provide the accessible materials. Documentation is essential to ensure compliance with copyright laws. Districts are encouraged to develop procedures to track distribution and use of accessible instructional materials. Specialized formats are intended for eligible students. It is illegal to distribute these formats to students who are not eligible without publisher permission, regardless of whether they would be beneficial.

Additional information regarding copyright law can be obtained at www.loc.gov/nls/eligible/html.

Districts are advised to seek advice from their legal counsel regarding copyright law and student eligibility.