Thanks for making time to learn about WATR, NIMAS and AIM. My name is John Paul Harris and I coordinate the activities of the NIMAS Clearinghouse for Accessible Media and Materials at the Wyoming Institute for Disabilities (WIND).

Through a contract with the Wyoming Department of Education, Special Services Division, we provide services in the acquisition, appropriate use, and integration of accessible instructional materials (AIM) for students with disabilities. For the past 3 years, we have traveled throughout the state to conduct full-day trainings on identifying, qualifying, and serving students with print disabilities. This year, we are creating “learning capsules” so that educators, parents, and others can access this information when it is needed most.
Both the Elementary and Secondary Education Act (currently called NCLB) and the Individuals with Disabilities Education Improvement Act (IDEA 2004) include compelling requirements for state and local education agencies (SEAs and LEAs) to ensure that all students, including those with disabilities, receive the supports and services they need to access, participate and achieve in the general educational curriculum.
Unfortunately, the printed textbooks and instructional materials used in the general education curriculum are not useful to many students with disabilities. These students require another way to gain the information needed to participate and achieve in the general curriculum. For many students, this need can be addressed by providing the students with the identical information in one or more specialized formats - Braille, large print, audio and/or digital. When specialized formats and supports for use are well-matched to a student's individual needs and abilities, the result can mean the difference between exclusion and achievement.
Recognizing both the statutory and practical importance of ensuring that all students have instructional materials in formats that are useful to them, the Office of Special Education Programs (OSEP) of the United States Department of Education has funded several projects that are designed to help improve the quality, availability and timely delivery of accessible instructional materials to K-12 students with disabilities. This includes the American Printing House for the Blind, Bookshare, Learning Ally, and National Center on Accessible Instructional Materials, or the AIM Center.
The work of the current projects builds on the work begun, lessons learned and products developed by previous federally-funded NIMAS/AIM projects. The work of past projects has been incorporated into the continued work of the National Center for Accessible Instructional Materials (AIM Center). The National Center provides knowledge development, technical assistance and leadership to state and local education agencies, as well as to other stakeholders in the massive collaborative effort involved in getting high quality accessible materials into the hands of students who need them.
The focus of this Part One workshop is on the legal issues and definitions related to accessible instructional materials (AIM). Additional resources and materials will spotlight the array of supports, services and tools that are available to all states and territories, primarily via the AIM Center Web site at http://aim.cast.org, for the selection, acquisition and use of AIM in the classroom.
In the legal context,

IDEA 2004 requires state educational agencies (SEAs) and local education agencies (LEAs) to ensure that textbooks and related printed materials are provided in specialized formats to students with print disabilities, when needed, in a timely manner (C.F.R. Section 300.172).

IDEA 2004 also established the National Instructional Materials Accessibility Standard (NIMAS) and the National Instructional Materials Access Center (NIMAC).

While the intent that all students have instructional materials in formats that are useful to them is clear, educators, families and other stakeholders are often unclear about actions to take and also have questions about what some of the terms mean. In this workshop, frequently asked questions about these requirements will be explored.
IDEA Final Regulations

• Adopt the Standard (NIMAS)
• Establish a state definition of “timely manner”
• Elect to coordinate with the NIMAC Center
• Make sure all reasonable steps are taken to provide accessible materials to eligible children/students

REQUIREMENTS IN THE FINAL REGULATIONS

What do the Final Regulations of IDEA 2004 require SEAs and LEAs to do?

1. Ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to students with disabilities—at the same time as other children receive instructional materials.
2. Adopt the NIMAS (standard) for the purposes of providing instructional materials to persons who are blind or other persons with print disabilities, in a timely manner, beginning on July 19, 2006.
3. Establish a state definition of "timely manner."
4. Choose whether or not to coordinate with the NIMAC.
What does a NIMAS file set look like?

- Images
- Package file (.opf)
- xml code
- Cover (.pdf)

What is NIMAS?
The National Instructional Materials Accessibility Standard, or NIMAS, is a standard file format mandated in IDEA 2004 for textbooks and related printed core instructional materials. A NIMAS conformant source file is not student ready but must be converted into one of the specialized formats (i.e., Braille, audio, digital, large print) for student use. This packaged set of files and the Images folder are bundled up and sent to the NIMAC for validation and safe keeping. NO ONE sees these files. Each state has their own NIMAS Coordinator, and that person(s) has the responsibility of accessing and downloading these file sets.
WHAT IS THE NIMAC?
The National Instructional Materials Access Center (NIMAC) is the national repository that validates, stores, and distributes NIMAS-compliant source files of textbooks and related core materials provided by publishers. Once again, source files from the NIMAC are not student-ready, but each single source file can be used to create student-ready materials in all four specialized formats.
Materials created from source files from the NIMAC can only be used by students who are both served as a student with disabilities under IDEA and certified by a competent authority as having a print disability. Unless a student meets BOTH of these criteria, the NIMAC cannot be used as the source of materials that are provided to the student.
Publishers and NIMAC

- Publishers can be asked to prepare and send file sets to the NIMAC, in the purchasing contract/agreement.
- No charge for gaining access to the NIMAC files
  - We can convert NIMAC materials more easily than scanning and editing (c. July 2006 onward)

Additional information on the NIMAC is available on the NIMAC Web site at http://www.nimac.us/

Publishers can be asked to prepare and send file sets to the NIMAC and the request can be included in the purchasing contract.
There is no downside for states that elect to coordinate with the NIMAC, and there are compelling reasons to do so.

- **First**, there is no charge for SEAs and LEAs to coordinate with the NIMAC and no charge for gaining access to the files.
- **Second**, and possibly most important, as the number and quality of source files in the NIMAC increase, there will be a significant reduction in cost to districts.
- **Third**, SEAs and LEAs are always required to provide AIM in a timely manner so why not use the free services of the NIMAC.

There really is no downside for states that are willing to coordinate with the NIMAC, and there are compelling reasons to do so.

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**Third** SEAs and LEAs are always required to provide AIM in a timely manner so why not use the free services of the NIMAC.
WHAT ARE PRINT INSTRUCTIONAL MATERIALS?

The IDEA statute defines "print instructional materials" as printed "textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a state education agency or local education agency for use by students in a classroom."

[20 U.S.C. 1474(e)(3)(C)]
WHAT IS MEANT BY THE TERM "RELATED PRINTED CORE MATERIALS?"

They are generally thought to be the materials that are published and packaged as accompaniments to a textbook (e.g., workbook, reproducible supplementary materials, etc.).
The 1996 Chafee Amendment to the Copyright Law establishes an exception to copyright infringement for the reproduction of works for use by the blind or other persons with print disabilities.

The definition of blind and other persons with print disabilities refers, as does IDEA 2004, to the definition in the An Act to Provide Books for the Adult Blind approved March 3, 1931.

For more detailed information on the Copyright Law and the Chafee Amendment, refer to the National Library Service’s Factsheets at the NLS website: http://www.locgov/nls
What is a “print disability” and who qualifies for this support?

"Blind persons whose visual acuity, as determined by a 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.” (1931)

What is a Print Disability?

The Act to Provide Books for the Adult Blind is the foundation for the Chaffee Amendment to copyright law, allowing production of alternate materials for people who have a print disability. A print disability is defined as:

- "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.”
Who qualifies as having a Print Disability?

"Persons whose visual disability, with correction and regardless of optical measurement, is certified by a competent authority as preventing the reading of standard printed material."

"Persons whose visual disability, with correction, and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material."

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Who qualifies as having a Print Disability?

- "Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations."

"Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations."
Who qualifies as having a Print Disability?

"Persons certified by a 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."
Who is a “Competent Authority?”

• In cases of blindness, visual disability or physical limitations, "competent authority" is defined to include 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). In the absence of any of these, certification may be made by professional librarians or by any persons whose competence under specific circumstances is acceptable to the Library of Congress.

• In the case of reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

WHO IS A COMPETENT AUTHORITY?

Based on the Library of Congress regulations (36 CFR 701.10(b)(l)) related to the Act to Provide Books for the Adult Blind (approved March 3, 1931, 2 U.S.C. 135a), a "competent authority" is defined as follows:

• In cases of blindness, visual disability or physical limitations, "competent authority" is defined to include 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). In the absence of any of these, certification may be made by professional librarians or by any persons whose competence under specific circumstances is acceptable to the Library of Congress.

• In the case of reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.
What are “Specialized Formats?”

- Braille
  - Embossed hardcopy or refreshable
- Large Print
  - 18 points or larger
  - Contains the same information
- Audio
  - Rendered using speech to which a student listens
  - Synthesized or human speech
- Digital
  - Electronic text and graphics rendered on a device that accommodates the needs and preferences of the user

What are the Specialized Formats?
There are four specialized formats included in IDEA - Braille, large print, audio and digital - which are described below. These represent the array of student-ready formats that can be produced in several ways, including from a single XML source file that has been developed in accordance with the technical specifications of the NIMAS.

What is Braille?
Braille is a tactile system of reading and writing made up of raised dot patterns for letters, numbers and punctuation marks, used by people with visual impairments. Braille may either be embossed (a permanent printed document) or refreshable (electronically generated and accessed via a Braille display device).

What is Large Print?
Large print is generally defined as print that is larger than the print size commonly used by the general population (8-12 points in size). Some use a guideline for defining large print as 18 points in size or larger. A document rendered in the large print format usually has more white space and may or may not look like the original document but contains the same information. Large print may be printed on pages that are the same size as a standard textbook or on pages of a larger size.

What is Audio?
The audio format renders the content as speech to which the student listens. The audio format includes recorded human speech and synthesized electronic speech.
WHAT IS DIGITAL FORMAT?
The digital format delivers electronic text and graphics that are rendered on a computer or some other device. This format has both visual and audio output that may be displayed individually or together. Electronic text can be changed in many ways (e.g., size, contrast, read aloud, etc.) to accommodate the needs and preferences of the user. How the material is presented to the user depends upon the student's needs and upon the technology being used.
WHAT DOES "IN A TIMELY MANNER" MEAN?

IDEA 2004 requires each state to define what it means in their state. Generally, it means "at the same time" that other students receive their core instructional materials in print format.

The gold standard for timely manner is at the same time that other students receive their print materials. So, if other students get their textbooks the first day of school, then a student using an audio version should get the audio version of the same textbook on the same day.

What many states have done is to include a clause related to extenuating circumstances. For example, if a student moves into the district and needs a Braille textbook, it might not be available. But, any time there is a delay in getting those materials then there would be the understanding that the delay would be addressed so it did not occur on a regular basis.
SO, WHAT DO EDUCATORS AND FAMILIES NEED TO DO?

The most efficient and effective way to consider the needs for assistive technology is through a decision-making process. And really, the same holds true for AIM.

Basically, there are four steps that teams must take in order to ensure that students who need materials in these formats have them when needed for educational participation and achievement. Those steps include:

1. Comprehensive evaluation to identify the needs of each unique child.
2. Select specialized format(s) needed by the student for educational participation and achievement
3. Commence SEA and/or LEA-defined steps to acquire needed formats in a timely manner
4. Determine supports needed for effective use for educational participation and achievement.
The next module will focus on the decision-making process and will look closely at how each of the steps requires good thinking to determine whether or not the student may need AIM.

Then, when they are needed, determining which formats are appropriate and the sources from which to acquire the formats.

Finally, the team will think about the supports and services that will be needed for the student to use the formats effectively.

Included in Module Two will be an introduction to several tools developed by the AIM Consortium that support teams with decision-making at every step of the process.
Thank you for tuning in to AIM Part One: Introduction and Legal Context. We hope to see you for the next module in our training series, “Navigating the Decision-Making Process”.