

Accessible Instructional Materials and the IEP

On July 19, 2006, the National Instructional Materials Accessibility Standard (NIMAS) was published in the Federal Register at the Library of Congress by the U. S. Office of Special Education (OSEP). With this official posting of the NIMAS, accessible instructional materials have become part of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

"The purpose of the NIMAS is to help increase the availability and timely delivery of print instructional materials in accessible formats to blind or other persons with print disabilities in elementary schools and secondary schools" (34 CFR Part 300, National Instructional Materials Accessibility Standard; Final Rule, FR Doc. 06–6340 Filed 7-18-06).

What this means for students, and, in this context, for those who are involved in the provision of IEPs for students, is that effective July 19, 2006, publishers and other producers of print-based educational materials will be required to provide those materials in alternate formats if necessary to meet the needs of individual students. Publishers, for example, will create NIMAS-conformant files of their educational content and deliver those files to the NIMAC, a national file repository. They will then be downloaded and transformed by authorized users into student-ready versions and delivered to students via their school or teacher, etc.

Educators, administrators, and others may well be making use of NIMAS-derived specialized format versions of print instructional materials (Braille, audio, e-text, large print, etc.) for the first time in 2006. With this in mind, guidelines for suggested language for individual students' IEPs is outlined below.

Suggested Accessible Instructional Materials Language in the IEP

State and local education agencies are encouraged to include language relating to a student's need for accessible, alternate format versions of print instructional materials in the IEP in order to ensure—**Access to General Curriculum** (34 CFR 300.138(a) and 300.347 (a)(3)) Students with disabilities are to be provided access to the general curriculum with modifications, accommodations, supplementary aids, and supports in order to make satisfactory educational progress.

"Supplementary aids and services"—the term 'supplementary aids and services' means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5)" (IDEA 97's provision on least restrictive environment).

It is recommended that the IEP include a query such as the following:

Does the student require accessible, alternate format versions of printed textbooks and printed core materials that are written and published primarily for use in elementary and secondary school instruction and are required by a SEA or LEA for use by students in the classroom?

A query of this kind is designed to prompt the IEP team to consider each 'print disabled' student's need for accessible, alternate format versions of print instructional materials.

If a student with a print disability does need a specialized format, the IEP should specify the following:

- the specific format(s) to be provided (Braille, audio, e-text, large print, etc.)
- the services and/or assistive technology the student needs to use the specialized format
- the individual or individuals responsible for providing the specialized format, and
- whether or not the format is required to be used in the student's home or in another setting in order for the student to receive a free appropriate public education.

Local Education Agency Role Critical to Provision of Specialized Formats

Local Education Agencies (LEAs) should be aware of the need to ensure that the NIMAC is adequately populated with materials that will need to be converted for students with print disabilities. The role of LEAs in this is very important.

- In OPEN TERRITORY STATES, LEAs are reminded to include NIMAS language from the NIMAS FAQ or SEA-recommended NIMAS language in or with LEA purchase orders.
- In TEXTBOOK ADOPTION STATES, it is important that LEAs' state-level adoption agreements (contracts) include the requirement that NIMAS filesets be prepared and deposited in the NIMAC. Please be aware that it is not unusual for new textbooks to be under development when adoption specifications are posted and the NIMAC cannot accept versions that are not final. It may be unreasonable to require that NIMAS filesets be deposited in the NIMAC prior to approval of a textbook and related printed core materials under adoption. Many adoption states also allow OFF-LIST PURCHASES and LEAs should be encouraged to include the NIMAS language from the NIMAS FAQ or SEA-recommended NIMAS language in or with LEA purchase orders.

Following is the language that has been suggested in the NIMAS FAQ but LEAs are free to modify it to suit their needs. It is not recommended to require additional formats of publishers since a NIMAS fileset can be used to provide conversions and student-ready versions.

The following suggested language is from <http://nimas.cast.org/about/faq/index.html>:

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 fileset to the NIMAC that complies with the terms and procedures set forth by the NIMAC. 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 filesets of purchased products to the NIMAC. Files will be used for the production of alternate formats as permitted under the law for students with print disabilities.

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