

## Summary of IDEA 2004 Regarding Accessible Text

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).

300.172 (b)(3) "Nothing in this section relieves an SEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats, but are not included under the definition of blind or other persons with print disabilities in Sec. 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner."

IDEA2004 – from Federal Register (comments): We believe that § 300.210(b)(3) is necessary because timely access to appropriate and accessible instructional materials is an inherent component of an LEA's obligation under the Act to ensure that FAPE is available for all children with disabilities and that children with disabilities participate in the general curriculum as specified in their IEPs. Because the NIMAC is not required to serve all children with disabilities who need accessible materials, we believe it is important that the regulations make clear that 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.

IDEA - 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.

### **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?