

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.

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. 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, districts are encouraged to purchase them because such 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 & RESOURCES

MDE-LIO: www.cenmi.org/mde-lio

NIMAS Technical Assistance: <http://nimas.cast.org>

AIM CONSORTIUM: <http://aimconsortium.cast.org>

For additional information or questions, contact:

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Created in collaboration with the AIM Consortium at the Center for Applied Special Technology (CAST).



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STATEMENT OF COMPLIANCE WITH FEDERAL LAW

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



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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)?

In general, accessible instructional materials (AIM) refers to fully accessible, 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 fully accessible considerations include:

- ✓ Images include alternative text and long descriptions when appropriate.
- ✓ Math equations are provided as images with text descriptions.
- ✓ Sequence of content, levels, and headings 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., audio, digital, Braille, and large print) in order to access the content. Not all students with disabilities will need or qualify for AIM. There are very important distinctions that affect copyright permission and access to AIM files.

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LEGAL OBLIGATIONS

Several federal mandates require districts to provide AIM to eligible students with disabilities, including:

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 people with disabilities in any program or activity receiving federal funds.

American's 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 INSTRUCTIONAL 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 and include staff at:

- Michigan's Integrated Technology Supports (MITS)
- Michigan Department of Education Low-Incidence Outreach (MDE-LIO)

NIMAS files are not intended to be student ready and require conversion to the desired specialized format. Accessible media producers (AMPs) create student ready specialized formats. Other routes to acquisition include the following:

Purchase Directly From Publishers or Other Commercial Options
(no eligibility restrictions)

Bookshare.org, Recording for the Blind & Dyslexic, or MDE Low-Incidence Outreach
(eligibility restrictions)

TIMELY MANNER

In general, "timely manner" means students with print disabilities receive instructional materials in specialized formats at the same time that students without disabilities receive their instructional materials. Appropriate consideration must be given to extenuating circumstances (e.g. purchasing arrangements, a student transferring to a new school, formatting and production of tactile graphics, intensive editing, etc.) that could delay that access. Agencies should have clearly defined policies and/or procedures to address such delays (e.g. providing an audio book until such time the required format is complete; providing materials in installments until the entire book is complete, etc.). School schedules may change as often as every six weeks. Therefore, advanced planning and ongoing communication among service providers is needed to prevent unnecessary delays.

DECISION-MAKING TEAM CONSIDERATIONS

The decision-making teams should consider the following query:

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 for use by students in the classroom?

The decision-making team should specify the following:

- ✓ The specific format(s) to be provided (audio, digital, Braille, and large print, etc.).
- ✓ The services and/or assistive technology the student needs in order to use the specialized format.
- ✓ The individual or individuals responsible for providing the specialized format.
- ✓ 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.

The need should be documented in the student's cumulative record folder (CA-60), Individualized Education Program (IEP), or 504 Plan.

COPYRIGHT

Not all students will be eligible under the *Copyright Act of 1931* as amended. This does not, however, negate the school's obligation to provide the materials. Documentation is essential to ensure compliance with copyright laws. Districts are encouraged to develop policies and/or 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 advise from their legal counsel regarding copyright law and student eligibility.