



Illinois State Board of Education

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MEMORANDUM

TO: District Superintendents
Directors of Special Education
Other Interested Parties

FROM: Elizabeth Hanselman
Assistant Superintendent for Special Education & Support Services

DATE: January 25, 2010

RE: NIMAS Guidance

Since the adoption of IDEIA 2004, there have been many questions about the NIMAS provision. The National Instructional Materials Accessibility Standard (NIMAS) can be found in 34 CFR 300.172 and states the following:

(c) *Preparation and delivery of files.* If an SEA chooses to coordinate with the NIMAC, as of December 3, 2006, the SEA must—

- (1) As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, must enter into a written contract with the publisher of the print instructional materials to—
 - (i) Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instructional materials using the NIMAS; or
 - (ii) Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.
- (2) Provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

As Illinois has chosen to participate in this process, the requirements related to the provision of accessible instructional materials (AIM) and the coordination with the National Instructional Materials Access Center (NIMAC) are applicable to all LEAs within Illinois.

What is NIMAS?

The National Instructional Materials Accessibility Standard (NIMAS) is a technical standard that curriculum publishers began using in 2006. NIMAS is designed to make it easier and faster to obtain accessible instructional materials (AIM). Publishers will send NIMAS files to the National Instructional Materials Access Center (NIMAC), when requested to do so through a purchasing contract with a school district. The NIMAS files can then be used to produce specialized formats, including Braille, large print, digital text, and audiobooks, for students with disabilities.

What is NIMAC?

National Instructional Materials Access Center (NIMAC) is a repository of materials created using NIMAS. Publishers supply the NIMAC with NIMAS materials. Districts that purchase textbooks should include language in the purchase order to require the publisher to provide the materials to NIMAC. (See below for recommended language for textbook purchases.)

What is AIM?

Accessible Instructional Materials (AIM) are materials produced in specialized formats. Specialized formats include materials produced in large print, Braille, audio, or digital text. All printed instructional materials should be provided to qualifying students in a timely manner.

What are “Printed Instructional Materials”?

As defined by IDEIA 2004, “printed instructional materials” are defined 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 educational agency or local educational agency for use by students in the classroom. (Part D, 674(e)(3)(C))

What is “timely manner”?

IDEIA 2004 dictates that it is up to the State to determine what is considered “timely manner” to provide accessible materials. For Illinois, as with many states, “timely manner” is described as being the provision of accessible materials at the time students without disabilities receive printed instructional materials.

Who is eligible for NIMAS materials?

IDEIA 2004 mandates that accessible instructional materials be provided to students who are blind or have print disabilities. 36 CFR 701.6(b)(1) states that “blind persons or other persons with print disabilities includes:

- i) 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 if visual field subtends an angular distance no greater than 20 degrees.
- ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
- iii) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- iv) Persons certified by 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.

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.

Who can determine if a student is eligible for AIM?

A competent authority must certify a student as being blind, visually impaired, or having a print disability. A competent authority is defined in 36 CFR 701.6(b)(2) as follows:

- i) In cases of blindness, visual disability, or physical limitations
“competent authority is defined to include doctors of medicine, doctors of osteopathy, ophthalmologist, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, counselors, rehabilitation teachers, and superintendents).
- ii) In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

Who are Authorized Users (AUs) that can access the NIMAC?

AUs serve as contacts for Local Education Agencies (LEAs) to access materials for students who qualify for NIMAS materials. Illinois has two Authorized Users: The Chicago Lighthouse for the Blind and Infnitec.

To request materials for students who are Blind or Visually Impaired LEAs should contact Melanie Hennessey from The Illinois Instructional Materials Center at The Chicago Lighthouse for the Blind located at 1850 West Roosevelt, Chicago, Illinois 60608. Melanie Hennessey can be reached via phone at 312/666-1331 or via email at melanie.hennessey@chicagolighthouse.org.

To request materials for students with a print disability other than vision or blindness, LEAs should contact Steve Clements from Infnitec affiliated with United Cerebral Palsy of Greater Chicago located at 7550 West 183rd Street, Tinley Park, Illinois 60477. Steve Clements can be reached via phone at 708/444-4203 or via email at sclements@ucpnet.org.

In either case, LEAs should be aware that once a file is retrieved from the NIMAC by an AU, the file may need to be rendered in the requested format (e.g., Braille, Audio, Digital or Large Print). The cost for rendering the NIMAC file may be passed onto the requesting LEA. It is recommended that the LEA contact the AU regarding potential costs.

Why is including AIM in purchase agreements necessary?

Textbook publishers are only required to produce materials using the NIMAS standard when requested. Thus, in order to assure that textbooks are available in NIMAC, LEAs making purchases must require publishers to provide a NIMAS version of the printed instructional materials to the NIMAC as part of the purchase agreement.

What language should be used when making purchase agreements?

The following language is recommended when purchasing materials from a publisher:

By agreeing to deliver the materials marked with “NIMAS” on this contract or purchase order, on or before __/__/__, the publisher agrees to prepare and submit files meeting NIMAS requirements to the NIMAC at the American Printing House for the Blind (APH) located in Louisville, Kentucky. 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 the NIMAS file sets of the purchased products to the NIMAC. The files will be used for the production of accessible formats as permitted under the law for students who are blind or have other print disabilities.

Are there other options available to LEAs when making purchase agreements to allow for greater flexibility in obtaining AIM?

In keeping with existing practice, some local education agencies may meet AIM-related requirements contained in IDEIA 2004 by contracting with curriculum publishers directly to purchase accessible, student-ready versions. Some have referred to this approach as the "market model" and expect that at some point accessible instructional materials will be ordered directly from publishers at the same time as print textbooks are ordered.

