



# **Illinois State Board of Education**

## **Special Education Department**

# **NIMAS/NIMAC Guidance: Obtaining Accessible Instructional Materials**

**This document is intended to provide non-regulatory guidance on the subject matter listed above.  
For specific questions, please contact the Illinois State Board of Education.**

**Dr. Carmen I. Ayala, State Superintendent**

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# NIMAS/NIMAC Guidance: Obtaining Accessible Instructional Materials

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## Introduction

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Since the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004, there have been many questions about the National Instructional Materials Accessibility Standard (NIMAS) provision found in 34 CFR 300.172 which states the following:

- (c) *Preparation and delivery of files.* If an SEA chooses to coordinate with the NIMAC (National Instructional Materials Access Center), 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 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 deliver 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.

Additional resources are located at the following websites:

- <https://sites.ed.gov/idea/files/nimas-qa-08-2010.pdf>,
- <https://sites.ed.gov/idea/topic-areas/#Accessibility-Instructional-Materials>
- <http://aem.cast.org/policies/nimas-aim-idea.html#.XSes0ehKjIU>.

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

## A. Definitions

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**Question A-1: What is NIMAS?**

**Answer:** The National Instructional Materials Accessibility Standard (NIMAS) is “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. ‘Specialized formats’ (a) means braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities; and (b) with respect to print instructional materials, includes large print formats when such materials are distributed exclusively for use by blind or other persons with disabilities” ([U. S. Department of Education](#)).

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**Question A-2: What is NIMAC?**

**Answer:** The National Instructional Materials Access Center (NIMAC) is a federally funded online repository of K-12 instructional/educational materials created using NIMAS. NIMAC serves as a database of materials and provides for a streamlined process through which LEAs can obtain accessible instructional materials (AIM) for students with blindness, visual impairments, and print disabilities. Publishers send NIMAS files to NIMAC when requested to do so through a purchasing contract with a school district. The NIMAS files are then used to produce specialized formats, including braille, large print, digital text, and audiobooks, for qualifying students with disabilities.

More information about NIMAC is available at <https://www.nimac.us/>.

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**Question A-3: What definition of “print instructional materials” is included in IDEA?**

**Answer:** IDEA 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 educational agency or local educational agency for use by students in the classroom” ([IDEA Part D, 674 \[e\]\[3\]\[C\]](#)).

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**Question A-4: What are “accessible instructional materials”?**

**Answer:** Accessible instructional materials (AIM) are materials produced in specialized formats such as braille, large print, digital text, or audio. These materials are also sometimes referred to as accessible educational materials (AEM), though AIM is the term used by NIMAC. All printed instructional materials in specialized formats should be provided to qualifying students in a timely manner.

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**Question A-5: What is considered “a timely manner”?**

**Answer:** The IDEA dictates that it is up to the state to determine what constitutes a timely manner in the provision of accessible materials. In Illinois, timely manner is defined as providing accessible materials at the time students without disabilities receive printed instructional materials. For example, if students normally receive text books the first week of the semester, students receiving texts in alternate formats should receive their materials the first week of the semester.

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**Question A-6: Who is an “authorized user”?**

**Answer:** Each participating state assigns up to five authorized users (AUs) who have exclusive access to the NIMAC repository and serve as contact points for LEAs seeking to obtain accessible materials for students with disabilities.

The authorized users in Illinois are identified in the response to question B-4 below.

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**Question A-7: What is an “accessible media producer”?**

**Answer:** Authorized users sometimes coordinate with secondary entities referred to as accessible media producers (AMPs) to convert NIMAS files into accessible instructional materials, but these entities do not have direct authorization to access files in NIMAC. Files must be retrieved by an authorized user and then can be assigned to an accessible media producer to convert the materials into the appropriate format.

## B. General Questions

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**Question B-1:**           **Are all educational materials available in NIMAS format?**

**Answer:**               No. NIMAS files are available for K-12 curricular materials created after 2006. NIMAS files are generally not available for materials created before 2006, trade publications, college-level texts, or reference materials.

Students who are dually enrolled in high school and college classes may be able to obtain college-level materials converted to accessible formats through the college's or university's disability services office. These offices often link to networks that specifically provide college-level texts in accessible formats or work directly with publishers to obtain accessible materials for their students. If the college coursework counts as part of a student's high school curriculum or his or her IEP, the school district is responsible for ensuring that the student has appropriate materials in accessible formats for these classes.

Information regarding accessible materials for individuals in early intervention, post-secondary, or workforce development programs is available through the National Center on Accessible Educational Materials at CAST, Inc. at <http://aem.cast.org/supporting>.

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**Question B-2:**           **Who is eligible for NIMAS materials and who determines eligibility?**

**Answer:**               The IDEA addresses accommodations and services for students with IEPs who may or may not qualify for materials produced from NIMAS files. LEAs are responsible for ensuring that students who may not qualify for materials produced from NIMAS files still receive appropriate instructional materials in the accessible formats they require in a timely manner.

- Students who meet the following criteria may be eligible to use materials produced from NIMAS files as per [36 CFR 701.6 \(b\)\(1\)](#):
  - “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 degree
  - Persons whose visual disability, with correction and regardless of optical measurement, is certified by

- competent authority as preventing the reading of standard printed material
  - 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 having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner”
- A competent authority, as defined in [36 CFR 701.6 \(b\)\(2\)](#), must certify the student’s eligibility. In cases of blindness, visual disability, or physical limitations, competent authority includes “doctors of medicine or osteopathy, ophthalmologists, optometrists, registered nurses, therapists, and professional staff of hospitals, institutions, and public or private welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents).”

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.”

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**Question B-3:           What steps do LEAs need to take when ordering new printed instructional materials from publishers to ensure accessible versions are available to their students with print disabilities?**

**Answer:**               Textbook publishers are only required to produce printed instructional materials per the NIMAS standard when requested. In order to ensure that the NIMAC will have a NIMAS version of a specific item, the LEA must require the publisher to provide a NIMAS version to the NIMAC when purchasing printed educational materials for the classroom. The purchase agreement should include the following language:

“By agreeing to deliver the materials marked with ‘NIMAS’ on the contract or purchase order, on or before DATE, 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.”

Once the NIMAC has a NIMAS version of the specific item, it will be available for retrieval by one of Illinois’ authorized users listed in #4 below.

A visual of the process is found at <https://www.nimac.us/teachers-parents-students/> on NIMAC’s site.

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**Question B-4: Who are Illinois’ authorized users (AUs)?**

**Answer:** Each of the four entities below has an individual who has legal authorization to access NIMAS files via NIMAC on behalf of LEAs. In order to make NIMAS requests for K-12 students, please select the appropriate entity below, and contact the specific individual listed as the contact for that entity.

- [Bookshare®](#) is an online library of digital books for people with print disabilities. It operates under an exception to U. S. copyright law which allows copyrighted digital books to be made available to people with qualifying disabilities. In addition, many publishers and authors have volunteered to provide Bookshare access to their works. By requiring individuals to register as members and provide a proof of disability, Bookshare ensures that only qualified individuals use the service.

Contact: Jennifer Ofiana at [nimas@bookshare.org](mailto:nimas@bookshare.org) or (650)644-3400.  
Bookshare  
480 South California Avenue, Suite 201, Palo Alto, California 94306

- [Illinois Assistive Technology Program](#) (IATP) is a nonprofit organization that partners with agencies such as the Illinois Department of Human Services’ Division of Rehabilitation Services and the Illinois State Board of Education’s Special Education Services Department to ensure access to assistive technology to persons with disabilities in Illinois. One function of the program is to provide access to materials in alternate formats, and one avenue by which such materials are accessed is via NIMAC.

Contact: Lynette Strode at [lstrode@iltech.org](mailto:lstrode@iltech.org) or (217) 522-7985



Illinois Assistive Technology Program  
1020 South Spring Street, Springfield, Illinois 62704

- [Illinois Instructional Materials Center](#) serves Illinois' elementary, secondary, and postsecondary students with visual impairments through the purchase and distribution of braille and large-print books, adapted materials, and assistive technology equipment.

Contact: Greg Polman at [Greg.Polman@chicagolighthouse.org](mailto:Greg.Polman@chicagolighthouse.org) or (312) 997-3699

The Chicago Lighthouse  
1850 West Roosevelt, Chicago, Illinois 60608

- [Infinitec](#) is affiliated with United Cerebral Palsy (UCP) Seguin of Greater Chicago and offers opportunities to enhance the education and increase the potential of people with disabilities through technology. Additionally, Infinitec administers [InfiniTEXT](#), a repository of electronic versions of textbooks and other instructional materials for students with print disabilities.

Contact: Steve Clements at [sclements@ucpnet.org](mailto:sclements@ucpnet.org) or (708) 444 8460  
United Cerebral Palsy – Seguin of Greater Chicago  
7550 West 183rd Street, Tinley Park, Illinois 60477

**NOTE:** LEAs should be aware that once a NIMAS file is retrieved from the NIMAC repository by one of the authorized users above, it may be necessary to render the file into the requested format (e.g., braille, audio, digital/electronic, large print, etc.). This process may entail costs that will be passed to the LEA making the request.

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**Question B-5: Are there alternatives for LEAs when making purchase agreements to allow for more flexibility in obtaining accessible instructional materials?**

**Answer:** Yes. LEAs are increasingly able to meet their IDEA requirements to provide accessible instructional materials by dealing directly with curriculum publishers to obtain accessible, student-ready versions of printed instructional materials. This “market model” is gaining momentum, as publishers are producing more printed instructional materials in

differentiated formats or platforms to address the diverse strengths and accommodation needs among the students who are the consumers.

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Please contact Illinois' NIMAC State Coordinator, Lori Clampitt, at [lclampit@isbe.net](mailto:lclampit@isbe.net) if you have further questions about the process of obtaining materials in specialized formats produced from NIMAS files.