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***The National Instructional
Materials Accessibility Standard
(NIMAS)***

and

***The National Instructional
Materials Accessibility Center
(NIMAC)***

North Dakota Department of Public Instruction-Office of Special Education
Requirements for K-12 textbook accessibility under
The Individuals with Disabilities Education Improvement Act of 2004
Adapted, with permission, from NIMAC FAQ document dated, March 24, 2006

November 30, 2006

A persistent problem for many students with disabilities, especially those who are blind, is that the textbooks for their classes have not been available in accessible formats at the same time as their non-disabled peers. This led to the collaborative effort between the U.S. Congress and the U.S Department of Education to work toward developing a system that would yield improved access to K-12 textbooks and related educational materials. The result of this work was made official through the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA). The standard to which all publishers must now adhere for these books and materials is called the National Instructional Materials Accessibility Standard (NIMAS). Information about the NIMAS provision was shared with the ND Special Education Unit Directors during training on IDEA 04 at the 2006 Fall Leadership conference sponsored by the Department of Public Instruction.

What is the NIMAS?

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 04) requires states to address the critical difficulty in obtaining accessible textbooks for students with disabilities by adopting a new file format, the National Instructional Accessibility Standard (NIMAS). The NIMAS requires state education agencies (SEAs) and local education agencies (LEAs) to adhere to the standard if they choose to opt in. If the SEA or LEA chooses not to opt in, they must still ensure that they will provide textbooks in accessible formats at the same time their non-disabled peers receive them. Like nearly all other states, the North Dakota Department of Public Instruction has chosen to "opt-in".

What is the NIMAC and what will it do?

The NIMAC is a central national repository established at the American Printing House for the Blind (APH) that will contain NIMAS file sets. It will feature an automated system for allowing publishers to deposit NIMAS files within the repository. The files will be checked to confirm that they are valid NIMAS files, and the files will be cataloged in a web-based database. Those who have been authorized for access will have user identifications and passwords. These authorized users will be able to search the NIMAC database and download directly the file(s) they need to convert to accessible instructional materials for those students who are in elementary and secondary schools and have qualifying disabilities.

Why are the NIMAS and the NIMAC necessary?

Having consistent and high-quality source files available from a central repository will improve the quality and timely delivery of these materials to qualified students.

What are the NIMAS and NIMAC highlights within IDEA-2004?

- If the state education agency opts in, the state must adopt the NIMAS by 12/3/06.
- State education agencies will collaborate with state agencies responsible for AT programs.
- The National Instructional Materials Accessibility Center (NIMAC) will develop procedures for downloading publisher-provided files by agencies authorized to develop specialized formats.
- State and local education agencies will opt in or out of the NIMAC.
- State and local education agencies that opt in will require that publishers to submit NIMAS-conforming file sets to the NIMAC.
- State and local education agencies that opt out will still be responsible for ensuring that blind and other persons with print disabilities receive specialized versions of print materials in a timely manner.
- Copyright protections are provided to publishers when submitting electronic files to the NIMAC and when a publisher may lack electronic rights but possess print rights. Large print has been added to the list of qualifying student-ready versions covered under the Chafee copyright exemption for the development and delivery of accessible instructional materials to students with print disabilities. The other versions are Braille, audio, and digital formats.

What are NIMAS-conformant files?

The NIMAS outlines a set of consistent and valid XML-based source files created by K–12 curriculum publishers or other content producers. These well-structured source files can be used to create accessible specialized formats (i.e., braille, audio, digital, large-print, etc.) of print instructional materials.

What are the advantages of opting in to the NIMAC?

Coordinating with the NIMAC will—

- Provide instructional materials options beyond those currently available: a larger selection of options to choose from and a wide range of alternate formats;
- Maximize the availability and effectiveness of student-ready versions created by authorized entities;
- Support copyright indemnification for publishers and schools;
- Result in higher quality content (since source files will be provided by publishers);

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- Eliminate duplication of efforts by providing access to a centralized database;
- Facilitate the development of a national database of student-ready accessible versions created by authorized entities; and
- Provide these benefits without interrupting existing systems that already serve students. *The statute does not indicate that opting in is an exclusive choice that would change current best practices for a limited number of large adoption states. Over time, these systems are likely to merge in ways that improve the production and delivery of accessible materials.*

How will the SEA and the LEAs in ND work with the NIMAC?

To coordinate with the national repository:

- NDDPI has officially chosen to act as a coordinating agency with the NIMAC;
- North Dakota school districts will need to include language in future contracts with publishers (effective 12/3/06) directing them to send NIMAS files of elementary and secondary school textbooks and related core print instructional materials to the NIMAC;
- NDDPI will register with the NIMAC and identify authorized users who may obtain files directly from the NIMAC;
- School districts must arrange to have files converted to accessible textbooks by using their own resources or contracting with others; and
- Authorized users, such as the ND Vision Services/School for the Blind, will serve as a conduit between the school districts and the NIMAC.

Will schools, classrooms, and students use NIMAS-conformant source files directly?

That outcome is not intended. In the majority of circumstances, NIMAS-conformant source files will not be distributed at the classroom, school, or even district level, since these files require additional enhancements to make them appropriate for student use.

What curriculum materials are covered by the NIMAS?

IDEA-2004 indicates that the term "print instructional materials" includes 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 the school for use by students in the classroom.

What will be required of state and local education agencies?

In addition to ensuring that all print-disabled students receive appropriate accessible versions of core curriculum materials in a timely manner, North Dakota school districts will play an important role in obligating publishers to

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submit essential source materials to the NIMAC. This will be accomplished by contract or by including appropriate language in purchase orders that require publishers to submit NIMAS-conformant files to the NIMAC, or provide assurances that they have already done so, for a specific title and version that is to be purchased. A sample statement that could be included in a contract or purchase order follows:

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 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.

Why does the Association of American Publishers support NIMAS?

When NIMAS file sets are provided to the NIMAC by publishers and then used for the preparation of accessible student-ready versions, the need to create multiple digital formats of each textbook and deliver them to various agencies will be significantly reduced. Publishers will produce each text in a single file format and deliver it to one location—the NIMAC—for distribution to authorized entities and for further enhancement by authorized users.

Are there other options available to SEAs and LEAs?

In keeping with existing practice, some state and local education agencies may meet NIMAS-related requirements contained in IDEA-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.

What disabilities qualify a student to be served with NIMAS-derived accessible textbooks?

IDEA 2004 includes a definition of students who may be provided with accessible textbooks created with NIMAS files from the NIMAC. That definition, used within the legislation, is "blind or other persons with print disabilities." "Blind or other persons with print disabilities" means children served under IDEA who may qualify in accordance with the act entitled, "An Act to provide books for the adult blind," approved March 31, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats [674(e)(3)(A)].

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Who will create accessible "student-ready" versions of textbooks from NIMAS-conformant files?

Under contract with coordinating agencies, accessible, student-ready versions of textbooks will be created from NIMAS-conformant files by—

- National third-party authorized entities such as Recording for the Blind & Dyslexic, American Printing House for the Blind, Bookshare.org, and Talking Tapes, etc.;
- Regional or state conversion organizations such as Texas Region IV ESC Braille Services, the California Department of Education Clearinghouse for Specialized Media and Technology (CSMT), the Kentucky Accessible Materials Consortium, and other state instructional materials resource centers, etc.;
- Software developers and file conversion services;
- K–12 curriculum publishers may produce accessible alternate-format versions for direct sale to states and school districts. ("market model"); and
- Accessible media producers such as braille transcribers.

How will students receive accessible materials?

The delivery systems that already exist will remain available. It is hoped that improved production systems will make a more timely delivery of appropriate materials possible.

How can I obtain more information on the NIMAS and NIMAC?

<http://nimas.cast.org>

<http://www.nimac.us>

For additional information on the acquisition of alternate format learning materials in the classroom go to:

http://nimas.cast.org/about/resources/accessible_textbooks.html