IDEA 2004 and the National Instructional Materials Accessibility Standard (NIMAS)

The reauthorized *Individuals with Disabilities Education Act* (IDEA) was signed into law on December 3, 2004. Some of the significant changes in IDEA, 2004 include:

- **Adding definitions related to NIMAS;**
- **Establishing the basis for adoption of NIMAS;**
- **Mandating access to instructional materials in a timely manner;**
- **Mandating collaboration with assistive technology programs;**
- **Establishing a deadline regarding coordination with NIMAC; and**
- **Establishing the duties of NIMAC.**

This document addresses the changes to the provisions of IDEA regarding the **National Instructional Materials Accessibility Standard (NIMAS)** and how those changes impact Ohio's public schools.

NIMAS is the standard established by the secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats (braille, large print, audio or digital text), which is exclusively for use by **blind or other persons with print disabilities**. "Blind persons or other persons with print disabilities" means children served under Part 300 who may qualify to receive books and other publications produced in specialized formats in accordance with the Act entitled "An Act to Provide Books for the Adult Blind," approved March 3, 1931, 2 U.S.C. 135a.

The Library of Congress regulations (36 CFR 701.6(b)(1)) related to the Act to Provide Books for the Adult Blind provided that blind persons or other persons with print disabilities include:

(i) Blind persons whose visual acuity, as determined by 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 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.

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, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case 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.

The NIMAC, or National Instructional Materials Access Center, is a repository for the NIMAS-conformant files. It is located at the American Printing House for the Blind, Inc. in Louisville, Kentucky. The NIMAC receives the NIMAS files from publishers. These files, which are not student-ready, are downloaded by the Center for Instructional Supports and Accessible Materials (CISAM) at the Ohio State School for the Blind to be converted to the required student-ready format.

The Ohio Department of Education (ODE) has chosen to coordinate with the NIMAC. As part of Ohio's textbook adoption process, ODE's Communication Department's Letter of Agreement with the publishers of print instructional materials requires the publishers to prepare and provide NIMAS-conformant files to the NIMAC at the same time as delivery of the print instructional materials to the district. This applies to all printed textbooks and related printed core materials that are written and published primarily for use in elementary and secondary school instruction, published after **August 18, 2006.** Establishment of a timeline which ensures delivery of the NIMAS files at the same time as delivery of the print resources satisfies IDEA's mandate of provision of alternate formats in a timely manner by allowing time for conversion to student-ready formats.

Districts needing textbooks and related materials in digital or audio format for students who qualify may request assistance in accessing these files and in contacting Accessible Media Producers from CISAM. Districts needing braille or large print materials will continue to request those through CISAM. CISAM will produce some of the formatted texts, but will also assist districts in locating and working with other Accessible Media Producers (i.e. Recordings for the Blind and Dyslexic, the Grafton Braille Service Center, private certified braille transcribers, etc.)

Responsibilities of Local Education Agencies (LEA)

LEAs also have responsibilities related to the NIMAS mandate. In order to ensure that audio, digital, braille or large print materials are available for qualifying students at the start of the school year, schools must inform CISAM of their needs for alternate formats in a timely manner. This should occur as soon as the purchase plan has been determined. For more information on this

process, contact your District Textbook Coordinator or CISAM (800-310-3317, 614-644-8378 or khouston@cisamoh.org).

Resources

NIMAS:	http://nimas.cast.org
NIMAC:	http://nimac.us
CISAM:	cboley@ossb.oh.gov
	pmauro@cisamoh.org