Accessible Instructional Materials
Provisions within IDEA 2004 require that textbooks and related core instructional materials be provided to students with print disabilities in specialized formats in a timely manner.
Why are specialized formats needed?

- To provide students who are unable to obtain information through the use of traditional print materials with accessible materials appropriate to their individual needs.
- To enable students with print disabilities to gain the information they need to:
  - complete tasks
  - master IEP goals
  - access the general education curriculum
Definitions

- Textbooks and Core Instructional Materials
- Specialized Formats
- Timely Manner
Textbooks and Core Instructional Materials

- Printed textbooks and related printed core materials
  - Texts are written and published primarily for use in elementary and secondary school instruction
  - Does not include other types of books and trade publications
- Materials required by students for use in the classroom
Specialized Formats

- Braille
- Large Print
- Audio
- Digital Text
Timely Manner

“Delivering those accessible instructional materials at the same time as other children receive instructional materials”

Iowa Rules of Special Education – 41.172 (1) b
Eligible Students

- Students eligible under the Copyright Act as Amended (Chafee Amendment)
  - Students with an IEP

- Students not eligible under the Copyright Act as Amended (Non-Chafee Amendment)
  - Students with an IEP
Eligible Students Under the Copyright Act as Amended
as Determined by Competent Authority

- Students who are **blind**
- Students with **visual impairments**
- Students with **physical limitations** so that they are unable to read or unable to use standard printed material
- Students with a **reading disability resulting from organic dysfunction** and of sufficient severity to prevent their reading printed material in a normal manner
Competent Authorities

- For students who are Chafee Amendment eligible
- For students who are NIMAS eligible
Competent Authorities for Blindness and Physical Disabilities

- In cases of blindness, visual disability, or physical limitations:
  - Doctors of Medicine, Doctors of Osteopathy
  - Ophthalmologists, Optometrists
  - Registered nurses, Therapists
  - Professional staff including social workers, case workers, counselors, teachers, and superintendents

- In cases of a reading disability caused by an organic dysfunction: MDs/DOs who may consult with colleagues in associated disciplines
Do all students who have reading difficulties have print disabilities?

- Not all students with reading difficulties meet the criteria for “print disabilities” under the Copyright Act as Amended.
- Students with “print disabilities” under the Copyright Act as Amended are those who have been **certified by a competent authority** as unable to read printed materials because of visual impairment or blindness, physical limitations, or an organic dysfunction.
Chafee Amendment Summary
(Copyright Act as Amended)

- Creating materials in specialized formats does not require permission from publishers if done by **authorized entities**

- Authorized entities are **nonprofit organizations** or **governmental agencies** that have a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities
How are NIMAS & Copyright Related?

- NIMAS is intended to help expedite the process for providing print instructional materials in the classroom to students who qualify for print instructional materials in specialized formats as set forth under the Copyright Act as Amended.
Supports for Providing Specialized Formats for Students

NIMAS
National Instructional Materials Accessibility Standard
XML file that can be rendered in different specialized formats

NIMAC
National Instructional Materials Accessibility Center
maintains files sent from publishers that can be transformed into specialized formats for use by qualified students
National Instructional Materials Accessibility Standard (NIMAS)

- The standard established by the federal department of education
- To be used by publishers in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats for students with print disabilities
National Instructional Materials Access Center (NIMAC)

- National repository (library) for NIMAS files
- Receives and maintains a catalog of print instructional materials, including textbooks, prepared in NIMAS format
- Provides access to core print instructional materials:
  - in accessible media
  - free of charge
  - to persons who are blind or other persons with print disabilities
  - in elementary and secondary schools
- Maintains procedures to protect against copyright infringement
IEP Team Responsibilities

- If a student meets the qualifications set forth in the Copyright Act as Amended (Chafee), take the required steps to obtain and/or prepare the specialized formats through the Iowa Department for the Blind (IDB)
- The Department of Education has designated the IDB as the authorized user to the NIMAC
- Please go the IDB website for further instructions:

  www.blind.state.ia.us/library/IMC/overviewIMC.htm
Students **Not Eligible** Under the Copyright Act as Amended

What about students who are **not** certified as having a "print disability" under the Copyright Act as Amended, but still have difficulty obtaining and using information from printed materials?
What Federal Regulations Say

- The Final regulations of IDEA 2004 require that state education agencies make provisions for providing accessible instructional materials to students with disabilities
  - Who are not included under the definition of blind or other persons with print disabilities
  - When the materials are not producible from NIMAS files
  - In a timely manner as defined by the state
District Responsibilities for Students Who are Not Eligible

- Identify specialized formats required by the student
- Identify instruction, supports, services, and/or training that will be needed by the student and others to use the materials effectively
- Review what current publisher agreement allows in terms of specialized formats
- Obtain a hard copy book for all students
Not Eligible Under the Copyright Act as Amended (Continued)

- Secure permission from publisher to allow district to develop specialized formats
- Re-negotiate current contract with publisher for specialized formats
- LEAs create specialized formats (care must be taken to adhere to copyright law – assurance that the materials will be used for THAT student and not ALL students)
- Work with AEAs for specialized format assistance
IEP Team Responsibilities

- Related to the selection, acquisition, and use of accessible instructional materials for ALL students
IEP Team Responsibilities
(Continued)

- First, the team determines if the student needs instructional materials in specialized formats...
  - Review the student’s evaluation information and present levels of achievement to determine whether the student has a disability-related difficulty with tasks related to print-based core instructional materials used across the curriculum
  - Determine whether the student needs instructional materials in specialized formats
IEP Team Responsibilities
(Continued)

- Then, if the team determines that the student needs instructional materials in specialized formats, they must...
  - Decide upon the specialized formats needed by the student
  - Identify instruction, supports, services, and/or training will be needed by the student and others to use the materials effectively
  - Determine whether the student can be certified as having a print disability under the Copyright Act as Amended
  - Take steps to obtain and/or prepare specialized formats
Whether or Not the Student is Copyright Exempt, the Team Must…

- Determine the specialized formats needed by the student
- Identify instruction, supports, services, and/or training needed by the student and others to use the materials and formats effectively
- Take steps to obtain and/or prepare specialized formats
Remember... If the Student is not Copyright Exempt

- NIMAS files may **not** be accessed through the NIMAC
- If the IEP team determines that a student needs materials in a specialized format but the student is not copyright exempt the state system must provide guidance on how to acquire the needed specialized formats
- Producing specialized formats yourself does not relieve you of the responsibility to protect copyright
Resources

- http://www.blind.state.ia.us/library/eligible.htm
- http://nimas.cast.org/