

What You Need to Know About  
**National Instructional Materials Accessibility Standard (NIMAS)**  
and  
**Accessible Instructional Materials (AIM)**

**A GUIDE FOR  
ADMINISTRATORS**

**LEGAL OBLIGATIONS**

Several federal mandates require districts to provide accessible instructional materials to eligible students with disabilities, including:

***Individuals with Disabilities Education Act (IDEA) of 2004***

- Ensures students with disabilities have access to the general education curriculum and receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE).
- Ensures students with disabilities who need instructional materials in accessible formats receive those materials in a timely manner, regardless of eligibility under the Copyright Act of 1931 as amended.
- Adopts the National Instructional Materials Accessibility Standard (NIMAS).

**Section 504 of the *Rehabilitation Act***

- Protects the civil rights of people with disabilities in any program or activity receiving federal funds.

***Americans with Disabilities Act (ADA)***

- Protects civil rights and serves as a national mandate to fully integrate individuals with disabilities into the mainstream.

**WHAT ARE ACCESSIBLE INSTRUCTIONAL MATERIALS (AIM)?**

In general, AIM refers to accessible, specialized formats such as Braille, large print, audio, and digital text. In digital form, AIM can be: read with text-to-speech software; modified with regard to font size; navigated by unit, chapter, section, and page number, etc.

- Images include alternative text and long descriptions when appropriate.
- Math equations are provided as images with text descriptions.
- Order of content, levels, and headings are appropriately formatted.

**WHAT IS THE NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD (NIMAS)?**

NIMAS refers to 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 for students who are blind or print disabled.

**WHAT IS THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER (NIMAC)?**

The NIMAC is the OSEP funded national repository that houses NIMAS files. Anyone can search the NIMAC but only an Authorized User can download or assign a NIMAS source file to be converted to a student ready file. Authorized Users for Iowa are:

- Iowa Department for the Blind
- Bookshare

NIMAS files are not intended to be student ready and require conversions to the desired specialized format. Accessible media producers (AMPs) create student ready specialized formats. Other routes to acquisition include the following:

Purchase Directly From Publishers or Other Commercial Options  
**(no eligibility restrictions)**  
Area Education Agencies  
**(eligibility restrictions)**

## **WHAT IS A PRINT DISABILITY?**

A print disability is generally considered to be a condition related to blindness, visual impairment, physical disability or a reading disability based on an organic dysfunction in which the student requires an alternative or specialized format (i.e., Braille, large print, audio, digital text) in order to access the content. While this defines a print disability, it is important to remember that not all students with disabilities will need or qualify for AIM. There are very important distinctions that affect copyright permission and access to the files.

## **TIMELY MANNER**

In general, “timely manner” means students with print disabilities receive instructional materials in specialized formats at the same time that non-disabled peers receive their instructional materials. Appropriate consideration must be given to extenuating circumstances (e.g. purchasing arrangements, students transferring to new school, formatting & production of tactile graphics, intensive editing, etc.) that could delay that access. Agencies should have clearly defined policies and/or procedures to address such delays (e.g. providing an audio book until such time the required format is complete; providing materials in installments until the entire book is complete, etc.). School schedules may change as often as every six weeks and thus require advanced planning and ongoing communication between service providers to prevent unnecessary delays.

## **DECISION-MAKING TEAM CONSIDERATIONS**

Consideration of AIM requires broad perspectives and expertise. Students should be involved in all decisions. Additionally, assistive technology specialists and parents are essential to this process.

### **Decision-Making Teams should consider the following query:**

Does the student require accessible, alternate format versions of printed textbooks and printed core materials that are written and published primarily for use in elementary and secondary school instruction and are required for use by students in the classroom?

### **The Decision-Making Team should specify the following:**

- The specific format(s) to be provided (Braille, large print, audio, and digital text).
- The services and/or assistive technology the student needs to use the specialized format.
- The individual or individuals responsible for providing the specialized format.
- Whether or not the format is required to be used in the student's home or in another setting in order for the student to receive a free appropriate public education.

The need should be documented in the student's IEP or Section 504 Plan.

## **COPYRIGHT**

Not all students will be eligible under the Copyright Act of 1931 as amended. This does not, however, negate the school's obligation to provide the materials. Documentation is essential to ensure compliance with copyright laws. Districts are encouraged to develop policies and/or procedures to track distribution and use of accessible instructional materials. Specialized formats are intended for eligible students and it is illegal to distribute them to students who are not eligible without publisher permission, regardless of whether they would be beneficial. Additional information regarding copyright can be obtained at:

<http://www.loc.gov/nls/eligible.html>

**Districts are advised to seek advice from their legal counsel regarding copyright law and student eligibility.**

## **NIMAS OBLIGATIONS**

There is no inherent obligation for publishers to provide a NIMAS file to the NIMAC. Districts must embed specific language in contracts or purchase orders with publishers that obligate them to do so.

## **SAMPLE NIMAS CONTRACT LANGUAGE**

Local school districts **must** require publishers to send NIMAS files to the NIMAC. Note that there is no additional charge to the local school districts. The following paragraph should be inserted in textbook purchasing contracts.

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 fileset 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 filesets of the purchased products to the NIMAC. The files will be used for the production of specialized formats as permitted under the law for students with print disabilities. Please note that the delivery of print versions should not be delayed in cases where the NIMAS fileset has yet to be validated and catalogued by the NIMAC.

## **INCREASING AVAILABILITY OF AIM**

- If publishers produce digital materials that are accessible and can be purchased for use by any student, districts are encouraged to purchase them.
  - ◊ Aligns with existing educational initiatives, including Differentiated Instruction, and Universal Design for Learning (UDL).
  - ◊ Allows teachers to spend their time on instruction versus creating accessible materials.

## **AFFIRMATIVE ACTION POLICY**

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, telephone number 312-730-1560, fax 312/730-1576, e-mail: OCR.Chicago@ed.gov

## **ADDITIONAL RESOURCES**

**Iowa's True AIM:**

<http://trueaim.iowa.gov/>

**NIMAS Technical Assistance:**

[http://aim.cast.org/learn/policy/federal/what\\_is\\_nimas](http://aim.cast.org/learn/policy/federal/what_is_nimas)

**NIMAC:**

<http://nimac.us/>

**Iowa Department for the Blind:**

<http://www.IDBonline.org>

**Bookshare:**

<http://www.bookshare.org>