

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

A GUIDE FOR
DECISION-MAKING TEAMS

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).
- Additionally, IDEA requires the consideration of Assistive Technology for every student with an IEP. Assistive Technology is often required for effective use of AIM.

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 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.

ESTABLISHING NEED

Not all students with disabilities will need AIM. If the student is able to gain meaning from conventional print-based materials for educational participation and achievement, he/she does not need a specialized format. If not, the Decision-Making Team should review the student's evaluation information (including standardized and authentic assessments) and present level of academic achievement and functional performance to determine whether the student has a print disability and, if so, what the cause may be. Considerations should include:

- Does the student have difficulty seeing the material? (Blindness or low vision)
- Does the student have difficulty physically manipulating the material? (orthopedic impairment)
- Does the student have the physical abilities/stamina necessary to use conventional print-based materials?
- Does the student have difficulty decoding text/recognizing words?
- Does the student have difficulty with fluency?
- What is the student's reading comprehension level vs. listening comprehension level?

OTHER CONSIDERATIONS REGARDING NEED

Is the student a proficient English language speaker?

Has the student received appropriate instruction in reading and math?

If the answer to either of these questions is "no", the provision of AIM may not lower barriers to participation and achievement. Other supports, such as focused instruction, must be considered.

ENVIRONMENT AND TASKS

In order to receive a free and appropriate public education (FAPE), the Educational Team should consider the environments in which the student interacts.

- Core academic classes
- Community-based programs
- Home

Consider the tasks the student is required to do and determine the appropriate format to accomplish the task.

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 students IEP or Section 504 Plan:

Additional supports will likely be necessary for the implementation of accessible instructional materials, including assistive technology and appropriate training for staff, student, and family. IEP Teams must consider assistive technology for all students with an IEP.

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.

ACQUISITION OPTIONS

Once it has been determined that a student requires a specialized format, the team must determine where and how to acquire the materials. Options include:

- Publishers
- Iowa Department for the Blind
- Bookshare.org
- Other Commercial Options

Not all materials will be available in the specialized format required. In such cases, districts may need to create the materials. Districts are encouraged to seek advice from their legal counsel if this is necessary to ensure compliance with copyright obligations.

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

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ADDITIONAL RESOURCES

Iowa's True AIM:

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

NIMAS Technical Assistance:

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>