



## Accessible Instructional Materials (AIM): A GUIDE FOR ADMINISTRATORS

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### Legal Obligations:

Several federal mandates require local education agencies 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.

#### American's 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 of text such as audio, digital, Braille, and large print. 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.

### 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 are limited to five per state, AIM-VA is the authorized user for VA.

NIMAS files are not intended to be student ready and require conversion to the desired specialized format. Accessible media producers (AMPs) create student ready specialized formats.

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

A print disability is generally considered to be a condition related to blindness, visual impairment, specific learning disability or other physical condition 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, more information can be found on the AIM-VA website, [www.aimva.org](http://www.aimva.org).

## **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 thus require advanced planning and ongoing communication between service providers to prevent unnecessary delays.

## **DECISION-MAKING TEAM CONSIDERATIONS**

### **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, audio, large print, digital text etc.)
- The services and/or assistive technology the student needs to use the specialized format
- The individual or individuals responsible for providing the specialized format, and
- 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 educational 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. Local Education Agencies 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 regardless of whether they would be beneficial. Additional information regarding copyright can be obtained at: <http://www.loc.gov/nls/eligible.html>

## PURCHASING TEXTBOOKS

If publishers produce materials that are accessible and can be purchased for use by any student, local education agencies are encouraged to purchase them.

To increase the availability of AIM, local education agencies are encouraged to add specific language to contracts with publishers. There is no inherent obligation for publishers to provide a digital text file (NIMAS) file to the national repository (NIMAC). Local Education Agencies must embed specific language in contracts or purchase orders with publishers that obligate them to do so.

## SAMPLE LANGUAGE FOR CONTRACTS WITH PUBLISHERS

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.

## RESOURCES FOR AIM

In Virginia, VDOE has developed a system of providing accessible materials to students who meet the federal requirements for print disabilities and who have a need in their individual IEPs. This system is called Accessible Instructional Materials – Virginia (AIM-VA). AIM-VA will provide required accessible materials to students at no cost to Local Education Agencies in a timely fashion. AIM-VA partners with the Virginia Department for the Blind and Vision Impaired and national organizations such as Learning Ally and Bookshare to provide accessible materials in several formats. For more information, visit AIM-VA's website [www.aimva.org](http://www.aimva.org).

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