Accessible Instructional Materials 101: What Teachers, Local Education Agencies and Families Need to Know about NIMAS

In this session, we will:
- Introduce the legal mandate to ensure provision of accessible instructional materials and define terms
- Illustrate how the NIMAS works
- Discuss various ways to acquire specialized formats
- Define the decision-making role of the IEP team and the legal issues that impact acquisition
- Share available national and state supports and resources

Legal and Pedagogical Issues
Accessible Instructional Materials: The Legal Connection
Provisions within the Individuals with Disabilities Education Improvement Act of 2004 require State and Local Education Agencies to ensure that textbooks and related core instructional materials are provided to students with print disabilities in specialized formats in a timely manner.

Section 300.172, Final Regulations of IDEA 2004

State and Local Education Agencies must also: “Adopt the NIMAS”
- SEAs and LEAs must include the requirement to produce a NIMAS file and deposit it in the NIMAC in all purchasing contracts. There is no statutory requirement placed on publishers.

State and Local Education Agencies must also: Decide whether to “coordinate with the NIMAC”
- All 50 states have opted to coordinate with the NIMAC as a means for providing specialized formats in a timely manner to qualified students.

Frequently Asked Questions
What are “Related Core Materials?”
Printed textbooks and related printed core materials published with the texts...
- Written and published primarily for use in elementary and secondary school instruction
- Required by state education agency or local education agency for use by students on the classroom

What might “timely manner” mean?
- Must be defined by states as mandated in Section 300.172 of the Final Regulations of IDEA 2004
- Generally means “at the same time as other students receive their core instructional materials in print format.

“Which Textbooks and Related Core Materials”
Printed textbooks and related printed core materials published with the texts “published after July 19, 2006”
- OSEP has interpreted “published” to mean “available for purchase”

What is a print disability?
It depends...

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 to gain the information they need to complete tasks, master IEP goals, and reach curricular standards

S. Marfilius Consultant AIMS Consortium marfilius@mac.com
Principles of UDL
Universal Design for Learning calls for ...

- Multiple means of representation, to give learners various ways of acquiring information and knowledge
- Multiple means of expression, to provide learners alternatives for demonstrating what they know
- Multiple means of engagement, to tap into learners' interests, offer appropriate challenges, and increase motivation.

Materials

- UDL places emphasis on using digital technology and other strategies and materials to support diverse learners
- All digital materials are NOT accessible!

What are “Specialized Formats”?

- Braille (Some states include other Braille-related formats in this definition)
- Large print
- Audio
- Digital text
  - XML Files that are developed to the National Instructional Materials Accessibility Standard (NIMAS) can be readily transformed into student-ready specialized formats.
  - Digital Media can be “tagged” for semantics (meaning)

Sources of Accessible Instructional Materials

The National Instructional Materials Access Center (NIMAC)
Accessible Media Producers (AMPs)
Commercial Sources
Make Your Own:
Other Sources

Decision-Making - Needs, Formats, and Eligibility

IEP Teams have the responsibilities related to the selection, acquisition and use of accessible instructional materials.

Responsibilities of Decision-Making Teams

1. Establish need for instructional materials in specialized formats
2. Select specialized format(s) needed by the student for educational participation and achievement
3. Determine supports needed for effective use of specialized formats
4. Commence SEA and/or LEA-defined acquisition steps that ensure provision of needed formats in a timely manner

Key Questions to Guide Decision-making about Accessible Instructional Materials

- Does this STUDENT need instructional materials in specialized formats to access the curriculum and receive a free, appropriate, public education?
- In which ENVIRONMENTS will specialized materials be used?
- For which TASKS will the student require materials in which specialized format?
- What TOOLS will the student and others need?

Establishing Need

- The Students - Students who have difficulty using text to the extent of being print disabled
- 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
- Is the student able to use standard print materials for educational participation and achievement?
IF YES… YOU ARE DONE  IF NO… The team explores the cause of the difficulty
• 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 stamina necessary? (e.g. sitting upright, alertness) (other health impairments)
• Does the student have difficulty decoding text/recognizing words?
• Does the student have difficulty with fluency?
• Do students lose their place while reading/tracking?
• Does the student have difficulty with comprehension skills?

Double-check these questions to be sure that the student’s difficulty with print related to their disability…
• Is the student a proficient English language speaker?
• Has the student received appropriate instruction in reading and math?

<table>
<thead>
<tr>
<th>Selecting Format(s) and Supports</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Environments and Tasks</strong></td>
</tr>
<tr>
<td>One format does not fit all…</td>
</tr>
<tr>
<td>Different alternate formats may be needed for different tasks in different environments</td>
</tr>
<tr>
<td><strong>The Environments</strong></td>
</tr>
<tr>
<td>When considering alternate formats, include all <strong>Environments</strong> in which making meaning from print is required in order to receive a free, appropriate, public education. For example,</td>
</tr>
<tr>
<td>• Core academic classes</td>
</tr>
<tr>
<td>• Community-based programs</td>
</tr>
<tr>
<td>• Home</td>
</tr>
<tr>
<td><strong>The Tasks</strong></td>
</tr>
<tr>
<td>When considering alternate formats, include any task for which the student is required to gain meaning from print materials to participate and achieve. For example,</td>
</tr>
<tr>
<td>• Gaining information from short text</td>
</tr>
<tr>
<td>• Gaining information from large bodies of text</td>
</tr>
<tr>
<td>• Producing text</td>
</tr>
<tr>
<td>• Learning to use the format effectively (reading?)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Making this work for you…Who? Where? For What?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Commencing SEA and/or LEA-defined acquisition steps that ensure provision of needed formats in a timely manner - Acquiring what the student needs?</td>
</tr>
<tr>
<td>• Eligibility for Sources of Accessible Instructional Materials (What you need to know, but may not want to know about who can get what from where.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Who qualifies for specialized formats?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Under the Copyright Act of 1931 as Amended, students with “print disabilities” are those who have been certified by a competent authority as unable to read printed materials because of:</td>
</tr>
<tr>
<td>o Blindness</td>
</tr>
<tr>
<td>o A visual impairment</td>
</tr>
<tr>
<td>o Physical limitations</td>
</tr>
<tr>
<td>o An organic dysfunction</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Who qualifies for specialized formats rendered from NIMAS XML files?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Students who are eligible under the Copyright Act of 1931 as Amended are those who have been certified by a competent authority as unable to read printed materials because of:</td>
</tr>
<tr>
<td>o Blindness</td>
</tr>
<tr>
<td>o A visual impairment</td>
</tr>
<tr>
<td>o Physical limitations</td>
</tr>
<tr>
<td>o An organic dysfunction</td>
</tr>
<tr>
<td>o Students who qualify as a student with a disability under IDEA 2004</td>
</tr>
</tbody>
</table>
Competent Authorities for Blindness and Physical Disabilities
- 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, teachers, and superintendents)

Organic Dysfunction
- 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 Authorities for Organic Dysfunction
- 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.

Consider these Possibilities…
- “Physical disability” or “organic dysfunction” might include a broader range of students Some interpretations
- In IDEA 2004, Specific learning disability is defined as “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.”
- Using the IDEA 2004 definition of specific learning disability, a strong case could be made that specific learning disabilities have a physical cause

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 of 1931 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?

The Final Regulations of IDEA 2004 require that state education agencies make provisions for providing accessible core instructional materials to students with disabilities (served under the Act)
- 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… “at the same time as other children receive instructional materials” or however “timely manner” is defined by the state

Which leads to more questions…
- What about students who are eligible under the Copyright Act as amended, but not served under IDEA 2004?
- What about students who do not have identified disabilities but who have difficulty gaining meaning from printed materials?

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 an specialized format but the student is not copyright exempt the state system may be able to provide guidance on how to acquire the needed specialized formats if the materials are:
  - Available for purchase
  - Available from other libraries that allow access to students with IEPs who are not copyright exempt
- Producing accessible formats yourself does not relieve you of the responsibility to protect copyright.

S. Marfilius
Consultant AIMS Consortium
marfilius@mac.com
The Tools

Selecting Format(s) and Supports
• Tools that are needed by the student (and others) to do the print-based tasks in the environments where they need to be done

Selecting Alternate Formats
• When the IEP Team has decided that an alternative format is needed, they must decide which format would be most appropriate for the student
  o Braille, Large Print, Audio, Digital

Determining Supports
  Technology, Instruction, Training, Accommodations, Modifications

Braille
• If the student is blind or visually impaired a certified teacher of the visually impaired should be involved in this decision
• Review the results of the student’s functional vision evaluation, learning media assessment, and informal reading assessment to determine the most effective format for the student. Some students who are blind or visually impaired do not need Braille
• Input from an occupational therapist will be important if the student also has physical disabilities
• Instruction - Braille instruction is critical until the student becomes fluent (generally over a period of several years)
• Braille instruction must be provided by a teacher certified in that area
• Supports –
  o Technology needed by the student for written output tasks – (report writing, note-taking, etc)
  o Portability for using text in multiple environments

Large Print
• Review the results of the student’s functional vision evaluation and learning media assessment to determine the most effective format for the student
• Document specifics of large print required
  o Most effective and efficient print size – 18-20 points are typical. Some need larger.
  o Most effective font – APHont or san serif are clearer
  o Level of contrast between print and background
  o Environmental lighting – glare, level of light
• Instruction – probably minimal for this format other than instruction in reading skills similar to that provided to other students at the same level
• Supports -
  o Assistive technology supports such as magnifiers and CCTVs that may be more needed if student needs print considerably larger than “standard” large print
  o Assistive technology may be more effective and efficient than making the print extremely large

Audio
• Consider conducting a listening assessment
• Level of understanding and comprehension when text is read aloud
• Length of time student can listen with understanding
• How student will “take notes” on longer listening assignments
• Instruction - How and by whom use of audio text will be taught
• Supports - The software that will be required to convert NIMAS, the technology needed to play audio files
Digital
- Digital text can simultaneously provide audio, video, and, if needed, large print.
- Provides support for gaining meaning from text AND increasing reading skills
- Flexibility – changes in size, rate, contrast, etc
- Supports - Technology that is required to use the text when and where it is needed – Hardware and software are typically required
- Instruction and ongoing support

The AIM Consortium
CAST, Delaware, Georgia, Iowa, Louisiana, Massachusetts, Maine, Michigan, Minnesota, Missouri, New York, Pennsylvania, Utah, Vermont, Wisconsin, Wyoming

Development at Two Levels
- State and Local Education Agencies
- Student IEP Teams

Three Goals of the AIM Consortium
- Facilitate the development of State systems for increasing the awareness and timely provision of accessible instructional materials via NIMAS/NIMAC for qualifying students and other means for non-qualifying students.
- Ensure that State systems for the identification, acquisition, and use of accessible instructional materials employ high quality procedures and practices
- Produce related products and services scalable and made available to all States, OAs, and FAS, thus contributing to improving outcomes for all students with print disabilities

AIM Consortium Activities in Three Areas
- Coordinated Central Services
- Focused State Activities
- Best Practices Products and Services

Quality Indicators for the Provision of Accessible Instructional Materials
1. The education agency supports the provision of appropriate, high-quality instructional materials in specialized formats to all students with print disabilities who require them.
2. The education agency supports the provision of appropriate specialized formats in a timely manner.
3. The education agency develops and implements written guidelines to define the responsibilities and actions needed for effective and efficient provision of specialized formats.
4. The education agency supports learning opportunities and technical assistance to facilitate the identification of students with print disabilities, as well as the selection, acquisition, and use of appropriate specialized formats.
5. The education agency develops and implements a systematic process to monitor and evaluate the equitable, timely provision of appropriate, high-quality materials in specialized formats.
6. The education agency uses data to guide changes that support continuous improvement in the selection, acquisition, and use of accessible instructional materials.
7. The education agency allocates resources sufficient to ensure the delivery and sustainability of quality services to students with print disabilities.

Learning Supports
PowerPoint used in this Session: http://briefcase.yahoo.com/joyzabala@sbcglobal.net
http://aimcast.blogspot.com
http://aim.cast.org
http://nimas.cast.org
www.learningthroughlistening.com

S. Marfilius Consultant AIMS Consortium marfilius@mac.com