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The National Instructional Materials Accessibility Standard (NIMAS): State Implementation Update

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INTRODUCTION

The National Instructional Materials Accessibility Standard (NIMAS) was added to the Individuals with Disabilities Act in 2004. The purpose of this standard is to provide guidance to schools to ensure that students with print disabilities have access to the general education curriculum through specially adapted print materials. In 2007, Project Forum surveyed states to determine how states were implementing these standards. The current document is an update of that information. Project Forum at the National Association of State Directors of Special Education (NASDSE) completed this document as part of its cooperative agreement with the U.S. Department of Education, Office of Special Education Programs (OSEP).

DATA COLLECTION

Project Forum conducted a survey of states in June and July 2009 in order to update information about how states are implementing the NIMAS requirements. Survey responses were analyzed and findings are reported in the following section. For more detailed descriptions of any state's implementation of NIMAS, visit <http://nimas.cast.org/about/resources/statesdoesurvey> where you can find updated NIMAS-related information by state and a list of pertinent state website links.

FINDINGS

Dedicated Staff

Of the 49 responding state education agencies (SEAs), all reported having a designated state-level NIMAS coordinator and information on the full-time equivalent (FTE) dedicated to the position. One SEA reported that 3.7 FTE was dedicated to the position; two SEAs reported that 1.0 FTE was dedicated to the position; 19 SEAs reported that less than 1.0 FTE but more than .10 FTE was dedicated to the position; and 27 reported that .10 FTE or less was dedicated to the position.

Most commonly, SEAs reported that NIMAS coordinators' roles and responsibilities include:

- responding to inquiries from local education agencies (LEAs) and schools (46 SEAs);
- providing LEAs and schools with federal information on NIMAS and the National Instructional Materials Accessibility Center (NIMAC) (43 SEAs);
- collaborating/coordinating with NIMAC (40 SEAs);
- developing statewide policies and procedures pertaining to NIMAS (e.g., publisher requirements) (39 SEAs);
- planning/coordinating/providing professional development and technical assistance to LEAs and schools (31 SEAs);
- developing handbooks, guidelines or other publications for use by local special education administrators, principals, and/or teachers (28 SEAs);
- collecting NIMAS-related data (e.g., number of students receiving materials under NIMAS, etc.) (27 SEAs); and
- managing a website pertaining to NIMAS (15 SEAs).

Some SEAs also described additional responsibilities such as ensuring that the activities cited above are completed using contracted providers and agency staff, downloading files from NIMAC, working with the NIMAS Development and Technical Assistance Centers at CAST and Accessible Media Producers (AMP) to provide the best means to convert NIMAS files to viable student-ready material, training on how to convert and use the files, coordinating with the Accessible Instructional Materials (AIM) consortium¹ and developing webinars for districts.

Coordination with NIMAC

Forty-seven of the 49 SEAs have signed and returned to the NIMAC a limitation-of-use agreement, the legal agreement between authorized users and the NIMAC ensuring that NIMAS file sets will be converted for the exclusive purpose of producing accessible instructional materials for blind or other persons with print disabilities in elementary and secondary schools, as defined in Section 674(e)(3) of IDEA.²

These SEAs also reported the number of authorized users in their state. Ten SEAs have one authorized user; 16 SEAs have two authorized users; 11 SEAs have three authorized users; five SEAs have four authorized users; three SEAs have five authorized users; and two SEAs have eight authorized users. Nineteen SEAs have named Recording for the Blind and Dyslexic (RFB&D), Bookshare.org or American Printing House for the Blind as authorized users.

Guidelines, Publication Requirements and/or Legislation/Regulations

Thirty-nine SEAs have generated guidelines for LEAs describing what needs to be included in their purchase orders or contracts with publishers.

Five SEAs reported having developed publisher requirements that call for multiple files in addition to what is required by NIMAS. *California* noted that they request publishers to

¹ The AIM Consortium is made up of 15 states: Delaware, Georgia, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, New York, Pennsylvania, Utah, Vermont, Wisconsin and Wyoming.

² For the most up-to-date information on states that have signed a limitation-of-use agreement, please go to <http://nimas.cast.org/about/resources/statesdoesurvey>.

provide NIMAS files so they can use available software (usually TechAdapt) to convert them to rich text files (rtf) and blr files. The state then sends all three files to transcribers/tactile generators. Louisiana's contract language says, "The publisher may provide or make available for purchase, in addition to or in lieu of the printed textbook, other accessible versions (e.g., rtf, unlocked pdf, DAISY) for eligible students who have print disabilities and are unable to access printed text."

Twenty-two SEAs have passed legislation and/or regulations relating to NIMAS, which tend to reflect federal language. Some also refer to pertinent earlier state education regulations such as online learning, universal design and allowance of access to students with disabilities.

Professional Development Activities

Thirty-three SEAs reported providing some type of professional development activities relating to NIMAS. Most commonly, individuals being trained on NIMAS requirements by state-level staff include:

- Instructional Resource Center for the Blind and Visually Impaired staff (26 SEAs);
- LEA special education staff (26 SEAs);
- LEA assistive technology staff (21 SEAs);
- SEA assistive technology staff (20 SEAs);
- special education teachers (21 SEAs);
- SEA special education staff (20 SEAs);
- LEA instructional technology staff (17 SEAs);
- LEA curriculum or textbook coordinators (17 SEAs);
- general education teachers (16 SEAs);
- parents (17 SEAs);
- library media specialists (13 SEAs); and
- regional training center staff (12 SEAs).

Legal Issues

Three SEAs reported that there had been one or more legal issues in their states relating to the availability of textbooks and/or other materials. Rhode Island reported cases regarding lack of materials on opening school day. Arizona reported legal challenges from higher education students.

Data Collection

Thirty-two SEAs plan to collect data regarding the provision of alternate format materials to students with print disabilities. Of these, 28 provided information on the type of data the state plans to collect. Twelve SEAs currently collect data regarding delivery and timeliness of alternate formats, six SEAs collect student eligibility numbers and four collect student demographic information. At least one state plans to collect one or more of the following data:

- time needed to convert files;
- LEA ordering history compared to student count by disability;
- use of services;
- cost; and

- verification of assurances made in LEA grant applications.

Furthermore, Virginia has five research studies underway to determine achievement (disaggregated by disability) of students who use alternate formats.

NIMAS File Conversions

Thirty-five SEAs plan to convert NIMAS files to alternate formats in their states. Of these, 16 states will develop their own conversion services (i.e., at educational resource centers, their Department for the Blind and Visually Impaired, their School for the Deaf and Blind) and 20 will contract with a third party (i.e., RFB&D, Bookshare.org).³ At least one state is training and providing hardware to LEAs to provide their own conversions and at least two states are currently not producing audio files from NIMAS file sets.

Challenges

SEAs identified a wide range of challenges related to the implementation of NIMAS. Most commonly, SEAs reported the following challenges:

- providing accessible materials to students who may not qualify for NIMAS/NIMAC (32 SEAs);
- providing appropriate inservice to LEAs (27 SEAs);
- developing the necessary state infrastructure to meet the NIMAS requirements (23 SEAs);
- addressing issues with the Limitation of Use indemnity clause (7 SEAs); and
- locating Accessible Media Producers (AMPs) to convert NIMAS files (6 SEAs).

SEAs also described facing one or more of the following challenges:

- not receiving requests for anything other than Braille or e-text;
- accessing AIM state materials;
- ensuring LEAs know how to determine who has 'other print disabilities';
- publishers not sending their files to NIMAC even when required to in their contracts;
- ensuring that the LEA actually owns the material they request from NIMAC;
- developing and providing information to the LEAs, including buildings, so they will be aware of and use NIMAC;
- inconsistent quality of files (e.g., lack of images in conversions);
- conflicting legal requirements (federal and state);
- costs to LEAs as the responsible parties for providing alternate formats and to SEAs for training and infrastructure;
- providing materials to students who would benefit, but do not have an organic print disability;
- the variety of capacities and needs of each LEA and the various coordinators of NIMAS at the state level;
- the time-consuming nature of converting files and the long delay before files are in the NIMAC;
- variation in textbook selection policies from school building to school building; and
- ensuring alignment of the data collection requirements with existing data systems.

³ One state will develop their own conversion service and possibly use a third-party vendor as needed.

AIM Consortium Participation

Of the 15 states that make up the AIM Consortium, 14 reported that their participation has been positive (has helped greatly or much). One respondent reported that participation in the AIM Consortium has helped 'some.'

Availability by Publishers

Twenty SEAs reported an increase in the availability of alternate format materials for sale by publishers, 25 did not experience an increase and four did not respond to this question.

Next Steps

Forty-three SEAs described next steps in terms of meeting the requirements of NIMAS and/or coordinating with NIMAC. These steps include:

- update databases to allow identification of students with print disabilities and gather data across databases to track access;
- provide more technical assistance (e.g., brochures, training, guidance, resources on a website, online book repository, etc.);
- publicize the service across the state;
- enter into a contract with a third-party conversion provider;
- update regulations;
- hire additional staff;
- work with publishers to encourage the market model;
- determine a balance of copyright versus special education laws;
- determine a more efficient method of converting NIMAS files;
- continue working with a NIMAS taskforce to guide implementation; and
- facilitate coordination between the various providers (e.g., the school for the blind, the assistive technology project, third-party converters).

Two respondents explained that they are compliant with NIMAS and have no plans for next steps. Four respondents said that they are unsure of next steps, with two of these explaining that, since they are not housed at the state department of education, they would like more guidance and explanation about their responsibilities.

CONCLUSIONS

All reporting states have named a NIMAS coordinator and most have an agreement to work with NIMAC. The vast majority of NIMAS coordinators described actions they are leading within their states to improve access to print materials for students with disabilities through activities such as determining who these students are, making databases compatible to share information and track student access, providing technical assistance and working to update policies. A few NIMAS coordinators who are housed outside of the department of education reported being unsure of their roles and responsibilities regarding implementation of NIMAS.

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